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SENATE BILL NO. 431

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 25, 2024)

(Patron Prior to Substitute—Senator Suetterlein)

A *BILL to amend and reenact §§ 22.1-176, 22.1-176.1, 22.1-177, and 22.1-178 of the Code of Virginia, relating to school boards; pupil transportation; alternatives; requirements.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-176, 22.1-176.1, 22.1-177, and 22.1-178 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-176. Transportation of pupils authorized; when fee may be charged; contributions; regulations of Board.

A. School boards may provide for the transportation of pupils, but nothing herein contained shall be construed as requiring such transportation except as provided in § 22.1-221.

B. When a school board provides transportation to pupils for extracurricular activities, other than those covered by an activity fund, ~~which~~ *that* are sponsored by the pupils' school apart from the regular instructional program and ~~which~~ *that* the pupils are not required to attend or participate in, the school board may accept contributions for such transportation or charge each pupil utilizing such transportation a reasonable fee not to exceed his pro rata share of the cost of providing such transportation. A school board may waive such fees for any pupil whose parent or guardian is financially unable to pay them.

C. When a school board provides transportation to pupils for field trips ~~which~~ *that* are a part of the program of the pupils' school or are sponsored by such school, the school board may accept contributions for such transportation.

D. *Each school board that chooses to provide for the transportation of pupils pursuant to subsection A, § 22.1-176.1, or subsection B of § 22.1-177 shall report annually to the Department on data relating to pupil transportation for the local school division for the preceding school year, including information relating to route counts, the number of scheduled pupils receiving school transportation in the school division, the percentage of pupils in the school division utilizing school transportation, and the cost of providing such transportation per mile.*

E. The Board of Education shall promulgate such regulations as shall be in the public interest to effect the intent of this section.

§ 22.1-176.1. Agreements to provide transportation for public and nonpublic school pupils.

Local school boards may enter into agreements with *school boards of contiguous school divisions, comprehensive community colleges, or nonpublic schools* within the school division to provide student transportation to and from such schools, *programs providing dual enrollment for secondary school students at comprehensive community colleges, career and technical education programs, joint and regional schools established pursuant to § 22.1-26, college partnership laboratory schools established pursuant to § 22.1-349.3, and school field trips* under such terms and conditions as the local school boards deem appropriate and responsible. Such terms may include arrangements relating to cost-sharing, fees, insurance, and liability.

§ 22.1-177. Regulations.

A. The Board may make regulations relating to the construction, design, operation, equipment, and color of public school buses and shall have the authority to issue an order prohibiting the operation on public streets and highways of any public school bus that does not comply with such regulations. Any such order shall be enforced by the Department of State Police.

B. *Notwithstanding any provision of law or regulation to the contrary, any school board may:*

1. Provide or contract with a privately owned and operated entity to provide for the purpose of transporting pupils to and from school on a regularly scheduled basis a vehicle (i) designed to carry between 11 and 15 passengers, provided that such vehicle meets the federal standards set forth in 49 C.F.R. Part 571 for vehicles approved for transporting students to and from school or school-related activities; (ii) designed as a Type A school bus, Type B school bus, or Type C school bus as defined by Board regulations; or (iii) designed for nine passengers or fewer. Any vehicle provided or contracted for the purpose of pupil transportation under this subdivision shall comply with any applicable state and federal laws and regulations and shall be subject to routine, scheduled inspections and random inspections, as determined by the Department of State Police; and

2. After holding at least one public hearing, adopt a resolution to utilize specialized management companies, transportation network companies, alternative transportation providers, public transportation, carpool coordination services, or private companies to supplement traditional school bus service in order to enhance quality and efficiency.

C. Local school boards may, notwithstanding any regulation to the contrary, display decals depicting the

60 flag of the United States on the sides and rear of school buses as long as any such decal does not obstruct the
 61 name of the school division or the number of the school bus and is no larger than 100 square inches. In
 62 addition, local school boards may, notwithstanding any regulation to the contrary, display decals relating to
 63 school bus safety. Local school divisions shall be responsible for the cost of the decals. Such decal shall not
 64 obstruct the name of the school division or the number of the school bus.

65 ~~C.~~ *D.* No regulation of the Board shall unreasonably limit the authority of any local school division to
 66 purchase and use school buses using compressed natural gas or other alternative fuels or convert its school
 67 buses to use compressed natural gas or other alternative fuels.

68 ~~D.~~ *E.* Any local school board may, notwithstanding any regulation to the contrary, sell or transfer any of
 69 its school buses to another school division or purchase a used school bus from another school division or a
 70 school bus dealer as long as the school bus (i) conforms to the specifications relating to construction and
 71 design effective in the Commonwealth on the date of manufacture; (ii) has a valid Virginia State Police
 72 inspection; and (iii) has not reached the end of its useful life according to the school bus replacement
 73 schedule utilized by the Department of Education as required by the general appropriation act.

74 *F.* Any police report relating to a school transportation-related accident shall include the specific vehicle
 75 type and capacity and whether the vehicle is marked as a school transportation vehicle in accordance with
 76 the Board's regulations, what type of license the driver holds, and whether the accident involved
 77 transportation of pupils to and from school and home or another form of school transportation.

78 **§ 22.1-178. Requirements for persons employed to drive school buses or other vehicles contracted to**
 79 **transport pupils.**

80 A. No school board shall hire, employ, or enter into any agreement with any person for the purposes of
 81 operating a school bus, *as that term is defined in § 46.2-100 and including any vehicle designated as a Type*
 82 *A school bus, Type B school bus, or Type C school bus as defined by the Board's regulations,* transporting
 83 pupils unless the person proposed to so operate such school bus shall:

84 1. Have a physical examination of a scope prescribed by the Board with the advice of the Medical Society
 85 of Virginia and furnish a form prescribed by the Board showing the results of such examination.

86 2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the records
 87 of such Department do not disclose that the person, within the preceding five years, has been convicted upon
 88 a charge of driving under the influence of alcohol or drugs, convicted of a felony or assigned to any alcohol
 89 safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 or, within the
 90 preceding 12 months, has been convicted of two or more moving traffic violations or required to attend a
 91 driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to § 46.2-498.

92 3. Furnish a statement signed by two reputable persons who reside in the school division or in the
 93 applicant's community that the person is of good moral character.

94 4. Exhibit a license showing the person has successfully undertaken the examination prescribed by § 46.2-
 95 339.

96 5. Have reached the age of 18 by the first day of the school year.

97 B. *No school board shall hire, employ, or enter into any agreement with any person for the purposes of*
 98 *operating any vehicle that is designed for nine passengers or fewer to transport pupils unless the person*
 99 *proposed to so operate such vehicle (i) meets the requirements set forth in subdivisions A 1, 2, 3, and 5 and*
 100 *(ii) exhibits a license showing the person has successfully passed the requisite examination and obtained the*
 101 *appropriate license to operate such vehicle.*

102 C. Any school board may require proof of current certification or training in emergency first aid,
 103 cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition to
 104 employment to operate a school bus transporting pupils.

105 ~~C.~~ *D.* School boards may require persons accepting employment as a driver of a school bus transporting
 106 pupils to agree, as a condition of employment, to submit to alcohol and controlled substance testing. Any
 107 such tests shall be conducted in compliance with Board regulations.

108 ~~D.~~ *E.* The documents required pursuant to subdivisions A 1 and 2 shall be furnished annually prior to the
 109 anniversary date of the employment agreement as a condition to continuing employment to operate a school
 110 bus.

111 ~~E.~~ *F.* The documents required pursuant to this section shall be filed with, and made a part of, the records
 112 of the school board employing such person as a school bus operator.

113 ~~F.~~ *G.* The Department shall furnish to the several division superintendents the necessary forms to be used
 114 by applicants in furnishing the information required by this section. Insofar as practicable, such forms shall
 115 be designed to limit paperwork, avoid the possibility of mistake, and furnish all parties involved with a
 116 complete and accurate record of the information required.

117 ~~G.~~ *H.* The physical examination required by subsection A may be performed and the report of the results
 118 signed by a licensed advanced practice registered nurse or physician assistant.