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To: Holly Folkers
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From: Jeffrey Schnobrich
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Subject: M.S. 14.131 Review of Proposed Revisions to Rules Relating to School Bus Safety; Rules Chapter 7470, Rule Draft 4241

Background

The Minnesota Department of Public Safety (DPS) proposes to amend Minnesota Rules, Chapter 7470, which governs school bus safety. The proposed rules update Minnesota's school bus safety requirements, including requirements for school bus operations, loading and unloading students, transportation of students with disabilities, and school bus drivers and assistants. DPS notes that the state's school bus safety rules have not been substantially revised in more than 30 years and proposes to update them to reflect statutory changes and current school bus safety practices; M.S. 169.449 authorizes DPS to adopt rules governing school bus operation. Pursuant to M.S. 14.131, the commissioner of Minnesota Management and Budget (MMB) has been asked "to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government."

Evaluation

On behalf of the commissioner of Minnesota Management and Budget, I have reviewed the proposed rule changes and a draft of the Statement of Need and Reasonableness (SONAR) to help evaluate the fiscal impact and fiscal benefits these changes may have on local governments. The proposed rules would affect school districts, private school bus operators/contractors, school bus drivers and other transportation personnel, and students and their families; among these affected parties, school districts are governmental entities that may experience fiscal impacts. School districts may be affected directly if they operate their own transportation, or indirectly if private operators/contractors incur costs and then pass them along to districts in the next contract cycle.

The likely benefits of the proposed rules relate primarily to school bus safety and the clarity that will come with updated standards, rather than direct fiscal benefits to school districts.

In terms of fiscal impact, the potential impacts fall into three main categories: compliance costs, training, and route/stop adjustments.

Compliance costs related to transporting students with a disability

The proposal aligns Minnesota Rules with existing special education and student data privacy requirements, and in parts 7470.1600 and 7470.1700 adds specificity for transporting students with disabilities. The rules assign the student's individualized education program (IEP) team decisions on transit time, type of school bus used, whether a school bus assistant is needed, special equipment, and emergency evacuation planning (if necessary), in consultation with the school, parents or guardians, and any school bus contractor. IEP teams already consider transportation needs, and updates can generally be made during regularly scheduled IEP reviews, so the placement of these requirements in rule is not expected to be a significant new cost driver. However, districts may incur marginal costs for added consultation, additional documentation, and plan revisions. These will vary by district and cannot be easily estimated.

Training

The proposal adds or changes several training requirements. Drivers of type III vehicles must complete one hour of training on seat belts and child passenger restraint systems before operating a school bus and document it on a department-prescribed form. (Type III vehicles are passenger cars, vans, or similar vehicles that seat ten or fewer people including the driver, weigh 10,000 pounds or less, and are not marked or equipped as a standard yellow school bus.) DPS notes in the draft SONAR that a free one-hour online course is available; to the extent that the required training cannot be completed during existing annual trainings, new costs may be incurred to pay drivers during this training. In addition, drivers and school bus assistants assigned to students with disabilities must now complete training *before* transporting those students, rather than within one month of assignment. That training now includes student-specific emergency evacuation procedures and confidentiality requirements under certain federal and state laws. The proposal also requires schools to maintain expanded student information and provide it to drivers and assistants before transportation. Much of this is expected to be absorbed by existing practice: M.S. 171.321 already requires school districts, nonpublic schools, and private contractors to provide annual in-service training to each school bus driver, so it is likely that the new content can largely be incorporated into that training. The shift to pre-assignment training, however, could create scheduling and substitute-coverage costs for districts, particularly if staffing is tight. Overall, the costs are expected to be modest, but they will vary by district based on the number of type III drivers, the number of students with disabilities transported, and current training practices.

Route and stop changes

The proposal prohibits loading or unloading a student within 50 feet of an intersection unless the school bus is on a through highway. The existing rule only prohibits loading or unloading within an intersection. This may require districts to review existing routes and stops. The fiscal impact will depend in part on timing: if districts can make changes at the start of a school year, the new requirements can likely be folded into existing route/stop planning processes; however, changes required mid-year could require additional staff time and potentially route redesign or added stops, which could impact vehicle operating costs and driver/assistant hours. For type III vehicles and multifunction school activity buses, the proposed rule removes a "where not possible or impractical" exception to escorting students across the road, so a driver or school bus assistant must always escort. It is possible that this could require re-siting stops or adding staff; costs will vary by district based on the number of affected stops and the extent of type III use.

Taken together, the proposed rules are not expected to result in significant fiscal impacts for an individual school district, because much of the proposal restates statutory requirements or builds on existing obligations and practices. Where new costs may occur, they are expected to vary based on existing district practices, training processes, transportation arrangements, and the number of affected students and routes.

Cc: Ian Lewenstein, Administrative and Legislative Drafting Program Manager (DPS)
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