



# Common Sense Initiative

Mike DeWine, Governor  
Jon Husted, Lt. Governor

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## Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Education and Workforce

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Regulation/Package Title (a general description of the rules' substantive content):

Pupil Transportation

Rule Number(s): 3301-83-01, 3301-83-04, 3301-83-05, 3301-83-06, 3301-83-07, 3301-83-08, 3301-83-09, 3301-83-10, 3301-83-11, 3301-83-12, 3301-83-13, 3301-83-14, 3301-83-15, 3301-83-16, 3301-83-17, 3301-83-18, 3301-83-19, 3301-83-20, 3301-83-21, 3301-83-22, 3301-83-24, 3301-83-25

Date of Submission for CSI Review: 08/12/2024

Public Comment Period End Date: 08/19/2024

**Rule Type/Number of Rules:**

New/\_\_\_ rules

No Change/\_\_\_ rules (FYR? \_\_\_)

Amended/ 22 rules (FYR? Yes\*)

Rescinded/\_\_\_ rules (FYR? \_\_\_)

\*The majority of the rules are slated for FYR in 2024, with the exception of 3301-83-05, 06, 07, 08, 10, 11, 13, 20, 25, which the agency is proposing to amend prior to the FYR deadline to reflect legislative changes. This will also add efficiency by placing all of the Chapter 3301-83 on the same FYR schedule.

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common

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**Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.**

### **Reason for Submission**

- 1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

**Which adverse impact(s) to businesses has the agency determined the rule(s) create?**

**The rule(s):**

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☐ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☒ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

### **Regulatory Intent**

- 2. Please briefly describe the draft regulation in plain language.**

**Ohio Administrative Code 3301-83-01** “Calculation of pupil transportation operation requirements,” is currently under five-year rule review. This rule addresses and clarifies how pupil transportation payments to school districts, and community schools that provide pupil transportation, are calculated under R.C. 3317.0212 and R.C. 3317.024. The language in the rule has been revised to reflect SB 9 (134<sup>th</sup> GA)’s requirement that restrictive regulatory language be removed. Other changes are made to remove language that is duplicative with respect to other law or rule, to correct a statutory cross reference in paragraph (A)(3) consistent with changes made by HB 110 (134<sup>th</sup> GA), and to correct the name of the agency consistent with HB 33 (135<sup>th</sup> GA). Paragraph (C) is revised to align with R.C. 3313.62, which defines a “school week” as five days, and to ensure that payments are based on a full school week of ridership data. Language in E)(1)(a) is moved to rule 3301-83-04(A)(5), i.e., “Measurement of distance”. Language in paragraph (E)(8) is relocated from rule 3301-83-17(A)(5).

**Ohio Administrative Code 3301-83-04** “Scope and definition,” is currently under five-year rule review. This rule clarifies that the rules in Chapter 3301-83 OAC are designed to establish minimum standards for a safe pupil transportation program, including management, general operation, maintenance of school buses and other transportation vehicles, training of personnel, pupil management, driver qualifications and emergency procedures. The language in this rule has been updated to reflect SB 9 (134<sup>th</sup> GA)’s requirement to remove restrictive regulatory language. Language is added to reflect HB 33 (135<sup>th</sup> GA)’s expanded authorization for the use of motor vans as referenced in R.C. 4511.76 and R.C. 3327.10, if the vehicles are originally designed for not more than nine passengers, not including the driver. Definitions are added in (B) for clarity.

**Ohio Administrative Code 3301-83-05** “Administration,” is revised due to recent legislation. This rule outlines the responsibility for administration of pupil transportation operation and safety rules. The language in the rule has been revised to reflect SB 9 (134<sup>th</sup> GA)’s requirement that restrictive regulatory language be removed. Language is added consistent with the Ohio School Bus Safety Working Group Report (January 2024), Recommendations #1, 2, and 3. The agency name is updated according to HB 33 (135<sup>th</sup> GA).

**Ohio Administrative Code 3301-83-06** “Personnel Qualifications,” sets forth qualifications for the transportation supervisor/director, school bus driver, maintenance personnel, bus aides, and drivers of other vehicles authorized for student transportation. Language in this rule is revised due to recent legislation. It has been updated according to SB 9 (134<sup>th</sup> GA)’s requirement that restrictive regulatory language be removed, to correct the name of the agency consistent with HB 33 (135<sup>th</sup> GA), and to reflect other changes made by HB 33, including expanded authorization for the use of motor vans as referenced in R.C. 4511.76 and R.C. 3327.10, if the vehicles are originally designed for not more than nine passengers, not including the driver. Language is added to (A)(13) to clarify that districts will implement the same drug and alcohol testing standards for motor van drivers as for bus drivers. Language has also been revised for clarity, to remove duplicative language already set forth in law or other rules, for ease of reference and to correct spelling errors. In (A)(6), the time period is reduced from one year to six months in order to better prioritize student safety. In (A)(7), language is added based on feedback from stakeholders to include a reference to FMCSA training. 49 C.F.R. 382.603 currently requires supervisors of drivers who operate vehicles requiring a CDL to take training to identify circumstances and indicators that may create a reasonable suspicion that a driver is using or under the influence of alcohol or drugs, supporting referral of an employee for testing. In (B), language is updated to reflect the state minimum age set forth in R.C. 3327.10 is age 18, and the age 21 requirement under federal law applies to vehicles operated in interstate commerce. Districts and employers have flexibility to impose more stringent/higher minimum age requirements.

**Ohio Administrative Code 3301-83-07** “School transportation driver physical qualifications rule,” provides standards for school bus or motor van driver physical fitness. Language in this rule is revised due to recent legislation. This rule provides standards for school bus or motor van driver physical fitness. The rule has been updated according to SB 9 (134<sup>th</sup> GA)’s requirement that restrictive regulatory language be removed, to correct the name of the agency consistent with HB 33 (135<sup>th</sup> GA), and to reflect other changes made by HB 33, including the revision of R.C.

4511.76, which authorizes an expanded use of vehicles originally designed for not more than nine passengers for pupil transportation. Language has also been revised for clarity, to remove duplicative language already set forth in law or other rules, for ease of reference, to align language to other law/rules, and to reduce regulatory burden. Paragraph (F) is updated to reflect SMBG's electronically log blood glucose values; the device or printout of the electronically stored logs may be used to document historical blood glucose levels rather than relying on typed or handwritten logs. The rule establishes a three-month historical record as the minimum time period to provide evidence of long-term glycemic control consistent with FMCS Regulations (49 CFR 391.46).

**Ohio Administrative Code 3301-83-08** "Pupil transportation management policies" is revised due to recent legislation. This rule outlines the components of pupil transportation management policies intended to ensure the safety and welfare of school bus passengers. The language in this rule has been updated to reflect SB 9 (134<sup>th</sup> GA)'s requirement to remove restrictive regulatory language and for clarity. (C)(9) is updated to reflect definitions contained in R.C. 2927.02.

**Ohio Administrative Code 3301-83-09** "Pupil instruction" as retitled, "Pupil and parent or guardian bus safety orientation; pupil instruction", is currently under five-year rule review. This rule outlines the timing and content of bus safety instruction for students. The title of the rule, and paragraph (A), are revised to implement the Ohio School Bus Safety Working Group Report (January 2024), Recommendation #6, which recommends a bus safety orientation for pupils, parents and guardians in addition to pupil instruction. The rule has been updated according to SB 9 (134<sup>th</sup> GA)'s requirement that restrictive regulatory language be removed, and to correct the name of the agency consistent with HB 33 (135<sup>th</sup> GA). Language is updated in (B) to avoid language duplicative or inconsistent with language R.C. 3327.16 and consistent with definitions in R.C. 4511.01(BB) and (EE).

**Ohio Administrative Code 3303-83-10** "Personnel training program," is revised due to recent legislation. This rule outlines the pre-service and annual in-service training for bus drivers, motor van drivers, bus aides, pupil transportation director/supervisors, drivers of vehicles other than school buses, school bus mechanics, and on-the-bus instructors. The rule has been updated according to SB 9 (134<sup>th</sup> GA)'s requirement that restrictive regulatory language be removed, to correct the name of the agency consistent with HB 33 (135<sup>th</sup> GA), and to reflect other changes made by HB 33, including the revision of R.C. 4511.76, which authorizes an expanded use of motor vans for pupil transportation. Language has also been revised for clarity, to remove duplicative language already set forth in law or other rules, for ease of reference. In (A)(2), to increase student safety, defensive driving techniques are to be included as part of the minimum bus driver instruction and content is added to help ensure driver awareness of liability and responsibility. New paragraph (I) is added to implement the Ohio School Bus Safety Working Group Report (January 2024), Recommendation #1 regarding driver professional development. Language is revised in (A) and (H) to better distinguish the training completion certificate issued by the pre-service instructor from the R.C. 3327.10 certification issued by school administrators or contractors, and to better reflect that the training certificate issued by the pre-service instructor may be rescinded in the department's web-based driver's record.

**Ohio Administrative Code 3301-83-11** "School bus inspections," updated as "School bus and motor van inspections," is revised due to recent legislation. This rule outlines the process for daily,

operational, post-trip and pre-trip bus inspections to ensure buses are operating safely for the transportation of students. The rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed and to reflect changes made by HB 33 (135<sup>th</sup> GA) that amend R.C. 4511.76, authorizing an expanded use of motor vans for pupil transportation. Language for motor van inspections and pre-trip and post-trip driver checks is added. Language related to inspections by bus drivers is updated throughout the rule based on Department of Public Safety/State Highway Patrol recommendations to reflect current mechanical features, and better ensure safety while also reducing time consuming tasks not proven to increase safety. Language is reorganized for ease of reference.

**Ohio Administrative Code 3301-83-12** “Safety procedures,” is currently under five-year rule review. This rule outlines general safety procedures and specialized procedures for school bus stops, railroad crossings and other situations. The rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed. Further changes are to make grammatical corrections and to reflect amendments to R.C. 4511.76 made by HB 33 (135th GA) which authorizes an expanded use of motor vans for pupil transportation. Language is added with reference to R.C. 4511.75 to help ensure a centralized and comprehensive list of bus stop procedures. Language added to paragraph (A) has been moved from rule 3301-83-13 (C) to avoid duplicative language and to allow for ease of reference, so that all bus stop procedures are centrally located.

**Ohio Administrative Code 3301-83-13** “School bus stops and routes,” is revised due to recent legislation. The rule discusses school bus stop locations and procedures and bus route sheets. Language is added to ensure that in selecting the location of bus stops, districts consider the proximity to registered sex and child-victim offenders listed on the public registry. The rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed. Language is added to (A) to cross-reference R.C. 3327.016, which requires districts to develop a transportation plan, that includes transportation routes, and provide the plan to the community or chartered nonpublic school within the timeframes established in that statute. Language removed from paragraph (C) has been moved to rule 3301-83-12 (A). Paragraph (F) is added to implement the Ohio School Bus Safety Working Group Report (January 2024), Recommendation #13, regarding safety audits.

**Ohio Administrative Code 3301-83-14** “Records and reports,” is currently under five-year rule review. This rule outlines the records and reports that school vehicle owners are to submit to the Department of Education and Workforce in order to implement the state’s pupil transportation program. The rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed. Further changes are to make a spelling correction, and to reflect the change in the name of the agency consistent with HB 33 (135th GA). Paragraphs (B) and (G) are updated to reflect that T-2 and T-10 data is submitted to the Department electronically. In paragraph (G), the accident reporting form and data to be collected is revised to include accidents involving all pupil transportation vehicles, consistent with the expanded authority to use motor vans in HB 33 (135<sup>th</sup> GA), R.C. 4511.76; language is relocated from rule 3301-83-22.

**Ohio Administrative Code 3301-83-15** “Emergency and evacuation procedures,” is currently under five-year rule review. This rule outlines the policies, procedures and training for school bus

and motor van drivers and students in the event of emergencies. The rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed. Further changes are to make grammatical corrections, and to reflect amendments to R.C. 4511.76 made by HB 33 (135th GA) which authorizes an expanded use of motor vans for pupil transportation. Paragraphs are reorganized for clarity and ease of reference. Language is added to (A) to reflect new seizure training for bus drivers added in R.C. 3313.7117 (HB 33, 135th GA). Language added to (B) to address stakeholder feedback that policies need to be readily available to the public.

**Ohio Administrative Code 3301-83-16** “Non-routine use of school buses,” is currently under five-year rule review. This rule provides provisions for the use of school buses for purposes other than regularly scheduled routes to and from school. Language in this rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed, to correct the name of the agency consistent with HB 33 (135th GA), and to reflect the expanded authorization to use motor vans implemented by HB 33 (R.C. 4511.76). Language has been reorganized for clarity and ease of reference, to update terminology, and to correct grammatical and spelling errors.

**Ohio Administrative Code 3301-83-17** “Authorized and unauthorized passengers,” is currently under five-year rule review. This rule clarifies the distinction between authorized and unauthorized school bus passengers. Language in this rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed. Language has been reorganized for clarity and ease of reference, to globally update “pre-school” to “preschool” consistent with other administrative rules, and to make grammatical corrections. Language is added to (B) for flexibility at the local level to allow school buses to transport adult passengers in emergency situations.

**Ohio Administrative Code 3301-83-18** “Passenger capacity,” is currently under five-year rule review. This rule provides safety parameters for school bus passengers. Language in this rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed and a typographical error has been corrected. Paragraph (C) is added to address the expanded authority to use motor vans, according to HB 33 (135<sup>th</sup> GA), R.C. 4511.76.

**Ohio Administrative Code 3301-83-19** “Authorized vehicles for transportation of pupils to and from school and school-related events,” is currently under five-year rule review. This rule outlines the types and standards for vehicles used to transport students to and from school and school related events. Language in this rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed. Further changes are to reflect amendments to R.C. 4511.76 made by HB 33 (135th GA) which authorizes an expanded use of motor vans for pupil transportation. Language has been reorganized for clarity and ease of reference, including adding relevant statutory citations, and to correct typographical errors. Language is added to paragraph (D) to better ensure that when contracting with commercial or charter bus services, student safety is the paramount consideration. See Ohio School Bus Safety Working Group Report (January 2024), Recommendation #17.

**Ohio Administrative Code 3301-83-20** “General rules,” provides general rules for pupil transportation vehicle safety and is revised due to recent legislation. The rule is revised according

to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed. The rule is reorganized for ease of reference. Global changes are made to address the expanded authority to use motor vans, according to HB 33 (135<sup>th</sup> GA), R.C. 4511.76. In (A), revisions are made to reflect the change in the name of the agency consistent with HB 33 (135th GA), reflect definitions contained in R.C. 2927.02, and to update the citation format for federal regulations.

**Ohio Administrative Code 3301-83-21** “Supplementary provisions for county boards of developmental disabilities,” is currently under five-year rule review. This rule addresses provisions for county boards of developmental disabilities to provide transportation services for children ages three to twenty-one eligible for transportation and enrolled in department-funded programs. Language in this rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed, and to correct the name of the agency consistent with HB 33 (135th GA). Statutory citations are added for ease of reference. Language in paragraph (A) and throughout the rule is updated based on feedback from county boards of developmental disability as to current terminology. “Behavioral support plan” is replaced with “behavioral intervention plan” as defined in rule 3301-35-15; “individualized habilitation plan” is replaced with “individual education program” (IEP) as referenced in rule 3301-51-07.

**Ohio Administrative Code 3301-83-22** “Vehicle maintenance,” is currently under five-year rule review. This rule addresses school bus inspection and notification procedures. Language in this rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed, and to ensure at least quarterly inspections by a qualified mechanic. Language in (B) is relocated to rule 3301-83-14.

**Ohio Administrative Code 3301-83-24** “School transportation fees,” is currently under five-year rule review. This rule provides for circumstances when fees may and may not be charged. The rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed. Typographical errors in the rule are corrected. Language is added to reflect changes made by HB 33 (135th GA) including the revision of R.C. 4511.76, which authorizes an expanded use of vehicles originally designed for not more than nine passengers for pupil transportation.

**Ohio Administrative Code 3301-83-25** “Transportation collaboration grant,” is revised due to recent legislation including according to the directive in SB 9 (134th GA) to remove restrictive regulatory and to change the name of the agency according to HB 33 (135<sup>th</sup> GA). The rule provides grant administration provisions that will apply should the general assembly reauthorize the appropriation of funds for transportation collaboration grants in future fiscal years. Obsolete language is deleted.

**3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

| Rule       | Authorizing Statute | Amplifying Statute   |
|------------|---------------------|----------------------|
| 3301-83-01 | RC 4511.76, 3301.07 | RC 4511.76, 3317.024 |

|                                               |                              |                                                |
|-----------------------------------------------|------------------------------|------------------------------------------------|
| 3301-83-04                                    | RC 4511.76, 3301.07          | RC 4511.76, 3301.07, 3327.08, 3327.09, 3327.10 |
| 3301-83-05; 83-10; 83-17; 83-18; 83-21; 83-22 | RC 4511.76, 3301.07          | RC 4511.76                                     |
| 3301-83-06                                    | RC 4511.76, 3301.07          | RC 4511.76, 3327.10                            |
| 3301-83-07                                    | RC 4511.76, 3301.07, 3327.01 | RC 4511.76, 3327.01, 3327.10                   |
| 3301-83-08                                    | RC 4511.76, 3301.07, 3327.01 | RC 4511.76, 3327.01                            |
| 3301-83-09                                    | RC 4511.76, 3301.07          | RC 4511.76, 3327.16                            |
| 3301-83-11                                    | RC 4511.76, 3301.07          | RC 4511.76, 3327.01                            |
| 3301-83-12                                    | RC 4511.76, 3301.07          | RC 4511.76, 3301.07, 4511.62                   |
| 3301-83-13                                    | RC 4511.76, 3301.07          | RC 4511.76, 3327.01, 3327.12                   |
| 3301-83-14                                    | RC 4511.76, 3301.07, 3327.01 | RC 4511.76, 3327.01                            |
| 3301-83-15                                    | RC 4511.76, 3301.07          | RC 4511.76, 3301.07                            |
| 3301-83-16                                    | RC 4511.76, 3301.07          | RC 4511.76, 3327.15, 3327.16                   |
| 3301-83-19                                    | RC 4511.76, 3301.07          | RC 4511.76, 3327.08, 3327.09                   |
| 3301-83-20                                    | RC 4511.76, 3301.07, 3327.01 | RC 4511.76, 3301.07, 3327.01                   |
| 3301-83-24                                    | RC 4511.76, 3301.07          | RC 4511.76, 3327.14, 3327.15                   |
| 3301-83-25                                    | RC 3317.072                  | RC 3317.072                                    |

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

No, the rules in this package do not implement a federal requirement. The rules are not being amended to enable the state to obtain or maintain approval to administer and enforce a federal law or participate in a federal program.

- 5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

The rules in this package do not implement a federal requirement.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The regulations are important for pupil transportation safety.

**7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The Department of Education and Workforce will continue to support the pre-service training program required of new and renewing drivers, monitor for proper training, and assist local school districts in satisfying the requirements of the rules.

**8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

**Development of the Regulation**

**9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

The Department of Education and Workforce sought feedback on the rules through open comment periods. On November 9, 2023, the Department published on its website for public comment the current Chapter 83 rules in this package. On November 9<sup>th</sup> and 11<sup>th</sup> 2023 public notices were sent to stakeholders through the EdConnection and GovDelivery regarding the postings. The public comment period closed on December 10, 2023. The Department received 10 comments and considered each when drafting the proposed rules. The Department opened a public comment period for the draft rules and the draft Business Impact Analysis on April 17, 2024. On April 18<sup>th</sup> and 22<sup>nd</sup> 2024 public notices were sent to stakeholders through the EdConnection and GovDelivery regarding the postings. The comment period closed on May 17, 2024. The Department received 18 comments and considered each when drafting the proposed rules. On May 9, 2024, the Department held a public meeting at which Department staff presented the proposed rules. At the conclusion of the presentation, Department staff provided an opportunity for discussion on the draft rules. One stakeholder association provided comment during the meeting.

The Department also sought comment and feedback on the proposed rules through stakeholder meetings between the Department and the 1) Department of Public Safety, 2) Pre-Service Instructors, 3) Transportation Directors, 4) the Ohio Schools Board Association, 5) the Ohio Association for Pupil Transportation. These contacts occurred on multiple dates through virtual meetings between November 2023 and January 2024. With respect to the Department of Public Safety, in-person and virtual meetings were held in December 2023 and March 2024. In

addition, representatives of the Department served on the Ohio School Bus Safety Working Group, convened by Governor DeWine. This Working Group was comprised of a broad spectrum of stakeholders including but not limited to representatives from the Department of Public Safety, Department of Insurance, the Ohio School Bus Mechanics Association, Ohio Association for Pupil Transportation, and safety researchers. The Working Group examined the safety of those traveling on Ohio school buses and made recommendations for improvement (Ohio School Bus Safety Working Group Report, January 2024). For a full breakdown of the Working Group's 17 recommendations, see [report released on January 31, 2024](#). The Working Group met on multiple dates in the last quarter of 2023.

The Department engaged in conversation and then met virtually with representatives from the Ohio Association of County Boards of DD and the Superintendent/CEO of the Franklin County Board of DD in January 2024 to receive input on rule 3301-83-21, Supplemental provisions for county boards of developmental disabilities, and their feedback is reflected in revisions proposed for this rule.

**10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

The OAC Chapter 3301-83 rules were revised based on input from and with the approval of the Department of Public Safety, whose recommendations are reflected throughout the rule package. In addition, OAC rules 3301-83-05, 83-09, 83-10, 83-13, and 83-19 implement recommendations made by the Ohio School Bus Safety Working Group (Report, January 2024). See: Working Group recommendation #1 (rule 3301-83-10), #2 and #3 (rule 3301-83-05), #6 (rule 3301-83-09), recommendation #13 (rule 3301-83-13), recommendation #17 (rule 3301-83-19).

Rule 3301-83-04(A)(5): In response to a stakeholder request to retain language proposed to be removed from rule 3301-83-01 (E)(1)(a), the language is moved to rule 3301-83-04(A)(5), i.e., "Measurement of distance", unless otherwise specified, means measurement originating at a point on the traveled portion of the roadway nearest the primary entrance to the place of residence and then along the most direct route traversable excluding interstate routes by motor vehicle to the school bus loading area nearest and opposite the entrance door used by pupils transported.

3301-83-05(D): Based on stakeholder feedback, the Department revised this language, which incorporates Recommendations 1, 2, and 3 from the School Bus Safety Working Group Report, to be more broadly applicable to "all school bus owners." Rule 3301-83-04 defines "school bus owners" to include the board of education of a city, local or exempted village school district, the governing board of an educational service center, county boards of developmental disabilities, and the governing authority of all non-public schools, community schools, private contractors and head start programs. Based on input from the Ohio Education Association, the language related to annual performance evaluations for bus drivers is "recommended to

include” driving evaluations, and to allow for annual evaluations to be implemented no later than the next effective applicable collective bargaining unit agreement date.

3301-83-06(A)(7): Language is added based on feedback from the Ohio School Boards Association to include a reference to FMCSA training. 49 C.F.R. 382.603 currently requires supervisors of drivers who operate vehicles requiring a CDL to take training to identify circumstances and indicators that may create a reasonable suspicion that a driver is using or under the influence of alcohol or drugs, supporting referral of an employee for testing. The rule was updated consistent with input from Granville Exempted School District requesting the minimum driver age be set at age 18. This is aligned with age requirements set forth in R.C. 3327.10. However, districts and schools may establish an older minimum age requirement for drivers.

3301-83-07(B): Language is restored, based on stakeholder feedback, indicating that one or more medical examiners conducting driver examinations will be “annually appointed” by the school bus or motor van owner.

3301-83-08(C)(10): At the suggestion of a stakeholder, language is removed from the proposed rule requiring prescription medication on a vehicle to be approved by the superintendent and replaced with “in accordance with medication policies adopted under Chapter 3313. of the Revised Code, as applicable.”

3301-83-10(A), (H): Several stakeholders requested clarification regarding the training completion certificate issued by pre-service instructors and the language about suspension or revocation of a training certificate. Language is updated in paragraphs (A) to better distinguish the training completion certificate from the R.C. 3327.10 certification issued by school administrators or contractors, and to better reflect that the training completion certificate issued by the pre-service instructor may be rescinded in the Department’s web-based driver’s record.

3301-83-10(B)(1)(b): The Educational Service Center of Medina County requested motor van drivers’ driving performance evaluation and reviews be conducted by a certified on-the-bus instructor, like bus drivers, and that the language “or by a superintendent’s designee” be removed. Language is revised to reflect a driving performance evaluation and review by a certified on-the-bus-instructor, “or by another similarly qualified individual employed and designated by an educational service center, school or district.”

3301-83-11(B): In response to stakeholder feedback that more clarification was needed regarding the frequency of qualified mechanic inspections, language was updated to refer to rule 3301-83-22, which provides for at least quarterly inspections of motor vans and school buses.

3301-83-13(F): This paragraph reflects the Ohio School Bus Safety Working Group Report (January 2024), Recommendation #13. Language is added at the suggestion of the Ohio Education Association that in conducting annual bus stop safety audits districts consider input from district bus drivers.

3301-83-14 (G): Based on feedback from stakeholders, including organizations such as the Ohio Education Association and the Ohio School Boards Association, the Department restored language to the draft rule that establishes a \$1,000 threshold for accident reporting. In addition, for clarity, a definition is added to (G)(3), that for purposes of this rule, “accident” has the same meaning as in rule 4501-31-01(B) of the Administrative Code.

3301-83-15(B)(7): The Department updated this newly proposed language in response to comments that vehicle emergency and evacuation procedures/policies may also constitute “security records” that are not public records under R.C. 149.433. The proposed rule was updated to ensure school bus emergency policies are readily available to the public, at the recommendation of Charter School Specialists.

3301-83-18(C): The Department is proposing to update this paragraph to address comments from a vehicle transportation business that the rule as written appears to prohibit the use of wheelchairs in motor vans. The language is updated to read that passengers in motor vans will be seated “in a manner compliant with applicable state and federal standards for passenger seat belts or restraints.”

Rule 3301-83-21: The Department received input from the Ohio Association of County Boards of DD and the Superintendent/CEO of the Franklin County Board of DD regarding rule 3301-83-21, Supplemental provisions for county boards of developmental disabilities, and that input is reflected in revisions proposed for this rule.

Overall, the Department relied upon the input provided by stakeholders to clarify and keep current requirements and to reorganize certain provisions for readability.

**11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

No scientific data was required for this proposed amendment. However, the Ohio School Bus Safety Working Group (Report, January 2024)’s recommendations were the result of an examination of bus safety data and were made in consultation with safety researchers; as noted above in item 10., rules in the package are revised consistent with recommendations reflected in the Report.

**12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn’t the Agency consider regulatory alternatives?**  
*Alternative regulations may include performance-based regulations, which define the*

*required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

The current regulations set forth in the rules have shown to be sufficient in 1) ensuring drivers are physically qualified to transport students, 2) drivers receive appropriate training, 3) drivers perform pre-trip inspections ensuring vehicles are safe to transport, and 4) ensuring bus owners establish safe bus stops and routes and general rules for passengers during transport.

Rule 3301-83-14 is more performance- based in nature as it provides for specific reports and records related to, e.g., vehicle maintenance, repair, operation costs, mileage and accidents. These records are useful in evaluating the performance of vehicle fleet operations, but the rule does not dictate a specific process the school pupil transportation vehicle owner must utilize to comply.

**13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

Most of the content and implementation of the policies and procedures referenced in the rules is not prescribed but is at the discretion of the bus and motor van owners. As to OAC rule 3301-83-10 Personnel training program, and rule 3301-83-11 School bus and motor van inspections, the Department of Public Safety and other stakeholders encouraged the department to keep the current requirements to ensure consistency across the state in the training preparation for bus drivers, mechanics and other transportation personnel, and to ensure all vehicles used for pupil transportation are subject to the same thoroughness in inspections to ensure all Ohio students have the safest possible transportation experience. To the extent that rule language was duplicative of statutes or other rules, language was removed.

**14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The Department of Education and Workforce, Office of Field Services and Pupil Transportation will continue to provide updates and highlight new requirements in the regulations in trainings and presentations given to stakeholders.

**Adverse Impact to Business**

**15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

**a. Identify the scope of the impacted business community, and**

School bus, motor van and vehicle owners that transport pupils.

- b. **Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.*

Drivers are to meet qualifications and receive a certificate from the pupil transportation vehicle owner (district or contractor) before operating buses or other vehicles used to transport pupils. See R.C. 3327.10. Before this certificate may be issued, drivers must complete a pre-service training program and receive a training completion certificate from the instructor. Participation in the pre-service program for bus drivers costs approximately \$85 and requires approximately 15 hours of classroom instruction and 12 hours of practical training with an on the bus instructor. Completion certificates are valid for 6 years from date of completion. To recertify, a driver must participate in the program and the fee is approximately \$60. The driver will receive 9 hours of classroom instruction and must complete a skills assessment with an on the bus instructor. For motor van drivers, the pre-service training costs approximately \$85 and requires approximately 4 classroom hours.

For first time bus driver applicants, the costs to receive a Commercial Driver's License (CDL) at a state-owned testing facility includes the following: CDL card, \$42.00; pre-trip inspection, \$10; basic maneuverability test, \$10; and road test, \$30. To renew a CDL, the cost is \$44.75. Motor van drivers are not required to obtain a CDL.

16. **Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

Rule language containing regulatory restrictions was removed according to SB 9 (134<sup>th</sup> GA). The rules were reviewed consistent with R.C. 106.03 with an overall goal to increase readability. For example, statutory citations were corrected and/or added for accuracy of reference and duplicative language was removed. Where transportation safety would not be impacted by reducing reporting requirements, for example, in Rule 3301-33-07 ("School transportation driver physical qualifications rule"), language is removed to reduce regulatory burden. While this effect is not capable of quantifying it is reasonable to predict it will reduce regulatory burden.

17. **Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The Department and stakeholders value the pre-service program and the other driver/bus and motor vehicle safety provisions in the rules as these provisions help to achieve consistency across the state and help to ensure safety when transporting pupils.

## **Regulatory Flexibility**

**18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No. The rules include regulatory controls intended to maximize the safety of transported students. The rules are intended to ensure children's safety and, as such, it would not be appropriate to provide waivers.

**19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Not applicable.

**20. What resources are available to assist small businesses with compliance of the regulation?**

The Department relies upon the local education agencies to comply with and enforce the rules. To facilitate their ability to do so, the Department provides guidance and training for school district administrators with regard to understanding and comprehension of the rules. The Department also relies upon pre-service instructors to train and teach drivers. The Department meets regularly with pre-service instructors to discuss any reoccurring issues and to ensure drivers are receiving the training they need to safely transport students.

The Department also works closely with the Department of Public Safety in their work to monitor and enforce regulations. The Department provides regular communications to all school employers, maintains a dedicated website for pupil transportation information, and also works with industry partners and associations to assist and support anyone providing school transportation services.