



MEMORANDUM

TO: District Superintendents
District Transportation Supervisors
School Business Officials
Area and County Supervisors

FROM: Donald N. Tudor, CDPT
Director, Office of Transportation

DATE: August 17, 2007

RE: Review of Bill 3161, Act 79 of Session 117 (2007-2008)

During the last legislative session the General Assembly adopted extensive new school bus legislation. The new language adds several new school transportation safety requirements and opens the door to expanded state funding of student transportation services; much of this expansion is services that districts are already being required to fund to address safety concerns or parental demands.

This law took effect when adopted by the General Assembly; however, there are new requirements that will demand a few months of transition before the State Department of Education (SDE) can adopt procedures and/or provide training, or the State Board of Education can adopt policy to allow for full implementation.

Because of one of those requirements (§59-67-108 (A)(2)) the SDE has created a special committee to design the criteria for a new School Bus Driver's Certificate program to include A, B, and C level certificates. The membership of the committee is composed of district representatives, Department of Motor Vehicles, State Transport Police, Department of Public Safety, independent schools, and the SDE. The Committee recommendations will be presented to the State Board of Education for adoption. The State Board of Education should receive and review these recommendations at the September 2007 Board meeting. The committee will ask the State Board to consider the recommendations and adopt the new certification program in November 2007. Depending on the committee recommendations and State Board action regulation promulgation may be necessary. Until this new certification program is developed, all school bus drivers working for a district or other public school must have the existing School Bus Driver's Certificate.

Each section of Act 79 is presented below with a brief explanation of the objective and impact of the section or subsection, and the anticipated required date for full compliance.

To foster the best explanation of each issue, some statute sections are subdivided to allow each change to be presented and explained. Please note that the statute sections are not discussed in the order they appear in Act 79, but rather in the order they appear in the South Carolina Code of Laws.

Section	Objective	Statute's Language	Impact	Compliance Effective Date
59-67-100	Amended to focus on sufficient seating space for all students and keeping all parts of the student's body inside the bus while the bus is in motion.	<i>(first paragraph)Sufficient seating space <u>must be provided so far as practicable for each passenger transported inside each school bus, an aisle in the school bus must not be less than twelve inches in width and all seats must be securely fastened to the floor or body of the vehicle. All students must be within the body of the bus at all times while the bus is in motion. Students are not permitted any place outside the bus-and may not ride with heads or arms protruding through open windows.</u></i>	These changes were mostly made to the wording of the statute and did not set forth new requirements.	Took effect on the approval of the legislation.
59-67-100	Amended to focus on sufficient seating space for all students.	<i><u>The number of students assigned to a school bus must not be greater than the manufacturer certified seating capacity, and all passengers transported must have adequate seating area to comply with the occupant protection performance standards required in the Federal Motor Vehicle Safety Standards. Provided, however, that a limited number of standees-excess passengers on regular routes may be permitted until the bus routes can be adjusted to accommodate the overload but not to exceed twenty school days.</u></i>	The amendment is designed to assure that every student riding a school bus is provided adequate seating space to fully benefit from the occupant protection safety features of the school bus. Please note that adequate seating space is a requirement for any school bus trip regardless of the trip purpose; adequate seating for activity trips is covered by this statute. However, this statute was not intended to create an unsafe condition for any student; therefore, if a bus driver is faced with a situation to choose between leaving a student at a bus stop or loading the bus beyond its capacity, the driver should allow the student to load the bus. A student is far safer inside an overloaded school bus than left standing on the side of the road. When overloading occurs the district must take immediate action to assure that it does not reoccur.	Took effect on the approval of the legislation.
59-67-105		new statute, has a subsection (A) and subsection (B)		
59-67-105 (A)	Establishes a maximum 90-minute ride time for most students.	<i>A student may not ride continuously on a state-owned school bus for more than ninety minutes. With the approval of the Department of Education, the ninety-minute maximum ride time may be exceeded when the area's geography requires longer than average highway travel because of a circuitous or meandering road network, extremely low population density, or waterway barriers. The ninety-minute maximum ride time may be</i>	The statute is intended to place a 90-minute maximum continuous time that a student can be required to ride a school bus. The SDE believes that there may be as many as 400 school bus routes statewide that have one or more students riding longer than 90 minutes. The statute requires that school bus routing schedules be designed to eliminate ride times in excess of 90 minutes with the start of this	Took effect on the approval of the legislation.

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		<i>exceeded when attendance zones are multidistrict or countywide.</i>	new 2007-2008 school year. The statute allows this limit to be exceeded, with the approval of the SDE, where school bus routing is impacted by circuitous or meandering roadways, extremely low population density, or waterway barriers. The SDE is to determine if ride times above 90 minutes are justified. The district should request a ride-time waiver as part of the district's annual route plan submittal. The 90-minute ride time can be exceeded, without the approval of the SDE, in cases where the school bus route serves an attendance zone that covers multi-districts or a zone that covers an entire county. All regular routes and routes designed to serve students with disabilities are covered by this law.	
59-67-105 (B)	Requires all buses to be routed in the most efficient manner.	<i>The Department of Education annually shall assure that state-owned school buses are routed in the most efficient manner.....</i>	This new law requires that districts operate state-funded school transportation service in the most efficient manner possible and requires that the SDE shall assure compliance. The SDE will make this assurance while reviewing each district's annual route plan or other route reviews; the SDE will work with a district to make route changes necessary to assure compliance with this efficiency requirement. The district shall bear the financial responsibility for the operation of inefficient route segments.	Took effect on the approval of the legislation.
59-67-105 (B)	Requires that school buses can only use safe and adequately maintained roadways.	Statute: (second part) <i>..... and shall require that they are operated only on adequately maintained and safe public and private accessible highways and streets.</i>	This requires that districts operate state-funded school transportation service on adequately maintained and safe roadways, and requires that the SDE shall assure compliance. The SDE will make this assurance while reviewing bus operations through the district-submitted annual route plan or other alternative methods of route review; the SDE will advise and work with the district to assure compliance.	These amendments took effect on the approval of the legislation.
59-67-108: a new statute with	Requires drivers of all school buses transporting preK-12			

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multiple subsections.	grade students to be appropriately trained and certified.			
59-67-108 (A)(1)	Requires school bus drivers to be certified by the SDE regardless of the bus ownership or the trip purpose.	<p><i>Only a person who has been certified by the State Board of Education may drive a school bus, as defined in Section 59-67-10, when transporting preprimary, primary, or secondary students to or from school</i></p> <p>SECTION 59-67-10 reads: <i>When used in this article, "school bus" shall be construed to mean every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school..</i></p>	To best understand this requirement, the language in Section 59-67-10 is provided at the left, and special notice is made of the use of the word "or" in the last line of this subsection. The use of the words "students to or from school" means that this requirement refers to the operation of a school bus to transport a student to a school or from a school. All school transportation trips, regardless of purpose, are considered to begin at or end at a school facility. Therefore, all drivers transporting public school students on a state or district owned or leased school bus must be certified. Note that this definition refers to a school bus as a motor vehicle and not to the purpose the vehicle may or may not be used. Also note again in this section the reference to the "to or from school." Another way of stating this would be "to and from school and school-related activities" as stated in Section 56-5-195 .	Took effect on the approval of the legislation.
59-67-108 (A)(2)	In compliance with Section 59-67-108 (A)(1) this subsection creates a School Bus Driver's Certificate-A for school bus drivers transporting public school students operating any state, district, or private contractor school bus that is school bus yellow and has the required signs and traffic control systems to control traffic on the highway.	<i>When transporting public school students, a driver operating a bus owned by the State, a local school agency, or by a private contractor that is in compliance with Section 56-5-2770 and the National School Bus chrome yellow requirements in Section 59-67-30 must possess a School Bus Driver's Certificate-A, as established by the State Board of Education. A driver awarded a school bus driver's certificate pursuant to Section 59-67-470 shall be issued the School Bus Driver's Certificate-A.</i>	This section refers to any publicly owned or leased (typically state, district or district contracted private provider) school bus that is yellow (Section 59-67-30), has a "STOP" sign, the flashing amber and red light system, and a sign on the rear top panel and front header of the bus that reads "SCHOOL BUS" in black letters (Section 59-67-30 (2) & (3)). The relevant parts of Section 56-5-2770 (A), (D) and (E), Section 59-67-30 and Section 59-67-470 are presented in the appendix. All state-owned school buses will require a School Bus Driver's Certificate-A driver.	See reference in the memo above to the SDE-created special committee to design the criteria for the new School Bus Driver's Certificate program to include A, B, and C level certificates. Until the final approval date, all drivers of publicly operated school buses must have

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				the existing SDE School Bus Driver's Certificate.
59-67-108 (A)(3)	Requires a School Bus Driver's Certificate for drivers transporting public school students operating any state, district or private contractor school bus that is not school bus yellow, or does not have the required signs, or traffic control systems to control traffic on the highway. This section establishes the School Bus Driver's Certificate-B.	<i>When transporting public school students, a driver operating a bus owned by a local school agency or by a private contractor that is not in compliance with either Section 56-5-2770 or the National School Bus chrome yellow requirements in Section 59-67-30 must possess a School Bus Driver's Certificate-B, as established by the State Board of Education. A driver who possesses a School Bus Driver's Certificate-B may not use traffic control devices permitted in Section 56-5-2770.</i>	This section refers to any publicly owned or operated (typically state, district or district contracted private provider) school bus that is either not yellow, does not have a "STOP" sign, does not have the flashing amber and red light system, or does not have a sign on the rear top panel and front header of the bus that reads "SCHOOL BUS" in black letters. These school buses are not in compliance with Section 56-5-2770 (A), (D) and (E), and Section 59-67-30 as presented in the appendix. No state-owned school buses are included in this classification. These buses are usually owned by a school district and are used for activity trip purposes. The National Highway Traffic Safety Administration refers to this school bus as a Multi-Functional School Activity Bus. Drivers with a School Bus Driver's Certificate-A will be authorized to drive this type school bus.	As stated above, this certificate is scheduled to be available upon approval by the State Board of Education. If regulation changes are required time for General assembly action will also be necessary. Until the final approval date, all drivers of publicly operated school buses must have the existing SDE School Bus Driver's Certificate.
59-67-108 (B)	This subsection refers to a third type of School Bus Driver's Certificate that is required for drivers operating any school bus transporting 10 or more students when the school bus is yellow and has all the traffic control devices and signs to control traffic. This section is similar to Section 59-67-108(A)(2) but is not limited to drivers of vehicles owned or leased by public agencies. This section	<i>Any person transporting ten or more preprimary, primary, or secondary students to or from school, school-related activities, or childcare in a vehicle with enabled traffic control devices must receive training as to the proper operation of these traffic control devices. The State Department of Education shall establish an appropriate level of driver certification.</i>	This section is very similar to Section 59-67-108 (A)(2), but is unique in that it specifically includes all drivers to the certification process that drive a school bus that is designed to transport 10 or more students, and includes drivers operating a school bus owned by a public or private school or transporting public or private school students. This section only applies to school buses with traffic control devices (e.g. ones that meet all color, sign, and light requirements to allow control traffic). Drivers with a School Bus Driver's Certificate-A would qualify to operate these school buses. The passenger capacity of a school bus is determined by the manufacturer's capacity rating shown on the vehicle's manufacturer's information plate,	As stated above, this certificate is scheduled to be available upon approval of the regulation by the State Board of Education, and the General Assembly if regulation change is necessary.

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	was included to add limited requirements on a school bus driver serving private school and/or childcare students.		not on the actual number of children being transported.	
59-67-270: new and amended subsections				
59-67-270 (A)(1) : new subsection	Requires that annual inspection of state and district school buses.	<i>All publicly owned or leased school buses, including buses owned or leased by a public school district, must be inspected annually in compliance with the State Department of Education annual school bus inspection program. The State Department of Education shall assist in this requirement by providing the training and certification of a limited number of personnel designated by a school district to perform the inspection, providing the inspection manuals and forms, and supplying the inspection certificate stickers for the school buses. The State Department of Education's assistance must be free of charge.</i>	This subsection requires that all school buses owned or leased by the state or school districts must be annually inspected in compliance with SDE requirements. The SDE will provide training and assistance to districts to assure that the inspection program can be complied with. To accomplish this, the SDE has set up a School Bus Inspection Program training and certification program; the program will require the inspector to be certified in Vehicle Inspection and Brake Certification, and an audit system for the use of Vehicle Certificates. The first two SDE School Bus Inspection Program training classes and certification testing, for both Inspection and Brakes, will be offered during the month of August. These classes will run concurrently, allowing trainees to select either Inspection or Brakes at each training session. The training dates are August 22-23 and August 29-30, and will be held at the SDE Career Development Center in Columbia.	To allow for training, certification, and implementation, full compliance with this section by school districts is not considered possible until January 1, 2008. Compliance for state-owned school buses took effect with the adoption of the law. Information on the new School Bus Inspection Certification program is planned for release in August 2007.
59-67-270 (A)(2)	Requires the annual inspection of all privately owned school buses.	<i>All privately owned vehicles designed and used to transport ten or more preprimary, primary, or secondary students to or from school, school-related activities, or childcare must be inspected annually. Inspections for these privately owned vehicles must comply with applicable federal inspection requirements. A copy of the vehicle inspection report must be kept on these vehicles at all times.</i>	This section requires the annual inspection of privately owned school buses, and requires that their inspection must comply with applicable federal inspection requirements. The inspection of school buses greater than 15 passengers has for many years been a requirement by the federal government, however, the inspection of school buses	Took effect on the approval of the legislation.

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			designed to transport 15 passengers or less (under federal statutes these are not commercial vehicles) is a new requirement; owners should immediately have these buses inspected by federal certified inspectors.	
59-67-270 (A)(3)	Places the responsibility of the inspection of the school buses on the owner of the vehicle.	<i>The owner or lessee of a school bus shall be solely responsible for the implementation and accountability of school bus inspections.</i>	Owners of school buses are vested accountable for compliance with this section.	Took effect on the approval of the legislation.
59-67-270 (B): an amendment	Identifies the State Transport Police as a possible inspector and establishes the failure to inspect as an Out-of-Service requirement.	<i>All school buses <u>are</u> subject to inspection at any time or place by officers of the State <u>Transport Police</u> or inspection forces. A school bus <u>may not</u> continue in operation in the transportation of <u>students</u> when <u>the annual inspection is more than twelve months old or the school bus is found to be unsafe after any inspection until the unsafe conditions disclosed by the inspection have been corrected.</u></i>	School buses will automatically be considered out-of-service (not usable) if the annual inspection is older than twelve months.	This amendment took effect on the approval of the legislation for privately owned school buses, and, as stated above, should take effect no later than January 1, 2008, for district-owned and leased school buses. Compliance for state owned school buses took effect with the adoption of the law.
59-67-300: new statute	Establishes the existing centralized school bus parking policy of the SDE.	<i>State-owned school buses must be parked overnight and during the school day in a location that is central to the area in which the school buses are operated. The Department of Education shall grant a waiver to the requirements of this section if a waiver is requested by the district superintendent in compliance with Department of Education policies.</i>	The statute allows a waiver to be granted if the request is in compliance with the established SDE policy. This policy has been provided to districts and appears on the Office of Transportation Web page.	Took effect on the approval of the legislation.
59-67-415: relocated statute	Makes parents and guardians responsible for their children at the bus stop when the school bus is not	<i>Parents or guardians are responsible for the safety, conduct, and the timely arrival of their children to, from, and at the designated school bus stop before the arrival of the school bus for pick up and transport to school and the</i>	This law places the responsibility for students with their parents or guardians while the student is moving between home and the bus stop and while at the bus stop until the bus arrives in the morning and	Took effect on the approval of the legislation.

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	present; this requirement previously existed as a legislative budget proviso.	<i>timely departure of the child after the school bus leaves the designated school bus stop after transporting the children from school. For purposes of this section, the phrase 'arrival of the school bus' includes the time that the school bus assigned to the school bus stop activates the required pedestrian safety devices, stops, and loads or unloads students until the school bus deactivates all pedestrian safety devices.</i>	after the bus leaves in the afternoon. Districts may also consider this statute as a basis for establishing district policy that requires parents or guardians of certain students to be present when the school bus unloads the student at the bus stop.	
59-67-420: amended and new subsections				
59-67-420 (A): amended	Improves the clarity of the law and changes the State's funding obligation to transport eligible students that live more than 3/10 of a mile off the existing bus route.	<i>The State, acting through the State Board of Education, assumes no obligation to transport any <u>student</u> to or from school who lives within one and one-half miles of the school he attends, nor to provide transportation services extending within <u>three-tenths of a mile walking distance</u> of the residence of any <u>student</u>, nor to furnish transportation for any <u>student</u> who attends a school outside the <u>school attendance zone in which the student resides</u> when the same grade is taught in an appropriate school that is located within the school district in which the <u>student resides</u>. <u>The State shall bear the cost of transporting students to regularly organized instructional classes in the school attendance area for which state-required school credit is given</u> <u>The State is not responsible for any additional transportation that is not authorized by state law or regulation.</u></i>	The new 3/10 mile distance is changed from the old 1/2 mile rule. The change requires the state to fund and districts to provide additional transportation services to eligible students that live in the area between 3/10 and 1/2 mile. This will require additional route segments and could require additional buses. This additional service is considered funded by the state.	Took effect on the approval of the legislation.
59-67-420 (B): amended	To update the definition of Hazardous Transportation services. Special note is made of amended language that limits the application of this section to the availability of state funding.	<i>The State may assume the obligation of transporting students living within one and one-half miles of their schools and within <u>three-tenths of a mile walking distance</u> of their residences when it is for the health and safety of the <u>students where hazardous traffic conditions are involved, provided funds are appropriated annually by the General Assembly for this purpose</u>. In these cases, the local school district <u>shall apply in writing to</u></i>	This subsection again refers to the change in the 3/10 mile distance in establishing the areas that students may be eligible for hazardous transportation. The subsection includes a new definition for hazardous services but leaves each district in charge of establishing the criteria for providing hazardous service. The last sentence of this subsection places the obligation for the delivery of hazardous service on whether	Took effect on the approval of the legislation.

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		<p><i>the State Department of Education for the State to assume the <u>financial responsibility for this transportation provided funds are appropriated annually by the General Assembly for this purpose. If funds are not appropriated by the General Assembly, then neither the State nor a local school district is required to assume this obligation. Highway and railroad traffic hazardous criteria must be established by the school district governing body and must address the safety of the walk zone as it relates to the location of the school to the student's residence, the traffic patterns, speeds and volume on roadways and railroads, the existence of sidewalks or other walk paths, the student's age, available crossing control systems and personnel, and other factors considered pertinent. The districts shall weigh the need for state hazardous transportation funds by giving priority to students who are least familiar with traffic movement and the complexity of the traffic hazards. The Department of Education shall equitably allocate appropriated funds to the district for hazardous transportation services, provided funds are appropriated by the General Assembly for this purpose. The department shall receive each district's applications for transportation within a hazardous area and apply these against the district's allocation until available funds are exhausted. When available state funds are exhausted, the remaining costs are the responsibility of the respective district, if the local school district has elected to assume this obligation. If funds are not appropriated by the General Assembly, then neither the State nor a local school district shall be required to assume this obligation.</u></i></p>	<p>the state has appropriated funding for this purpose. Since there is no state funding for Hazardous Transportation for FY 2007-2008, school districts are not required to assume any obligation for hazardous service nor is the state obligated to provide funding. This sentence also directs the SDE to only use funds appropriated for hazardous transportation to support this service; therefore the SDE will not identify \$426,000 of the districts' school bus driver and fringe allocation for hazardous driver salaries. Instead, these funds will remain in the districts' school bus driver salary and fringe allocation and be distributed to the districts as part of general bus driver salary and fringe state funding. The SDE will use internal operating funds previously assigned for hazardous transportation to cover the additional operating cost of serving eligible students that live in the area between 3/10 and 1/2 mile which is also addressed in the previous section.</p>	
59-67-420 (C): amended	Updated the law to correctly refer to the half-day students.	<p><u>Notwithstanding the provisions of subsection (A), the State shall transport and bear the cost of transporting three and four-year-old students attending public school programs to their residences at the conclusion of a morning</u></p>	No impact.	Took effect on the approval of the legislation.

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		<p><u>child development</u> session and from their residences to an afternoon <u>child development</u> session.</p>		
59-67-420 (D): new language	<p>Establishes special school transportation service for eligible unescorted students. If an eligible 4 year old through 2nd grade student is classified by the school district as unescorted, school transportation service would be delivered as closely and safely as practicable to the student's residence. If an eligible 3rd through 5th grade student is classified by the school district as unescorted, school transportation service would be delivered within 2/10 mile of their home. This service shall be considered state funded if an appropriation is made for this purpose.</p>	<p><u>The State shall provide school transportation service as closely and safely as practicable, to the residence of each unescorted student who is eligible to receive state-funded school transportation service and who is enrolled in a full-day four-year-old child development program or kindergarten through the second grade, provided funds are appropriated annually by the General Assembly for this purpose. The State shall provide school transportation service within two-tenths of a mile of each unescorted student's residence who is eligible to receive state-funded school transportation service and who is enrolled in third through fifth grade provided funds are appropriated annually by the General Assembly for this purpose. The special provisions of unescorted students in child development through fifth grade are limited to service documented in the annual route plan. If funds are not appropriated by the General Assembly, then neither the State nor a local school district is required to assume this obligation. Any unescorted stop made pursuant to this subsection is deemed in compliance with any applicable regulation as determined by the State Department of Education.</u></p>	<p>Establishes expanded transportation services for eligible students that cannot be escorted to their bus stop by an adult or responsible person.</p>	<p>Took effect on the approval of the legislation; however, the next to last sentence in this subsection eliminates the obligation of the district or state to provide this service without state funding. Since there is no appropriation for FY 2007-2008, no service is required and no state funding is provided.</p>
59-67-420 (E): new language	<p>Objection: Provides guidance for districts in establishing a definition of an unescorted student and developing the criteria and procedure for a parent to request this designation.</p>	<p><u>An unescorted student is defined as a student who has no adult or responsible older person available to accompany him to or from the school bus stop for the purpose of providing protection and guidance. Parents or guardians may be considered unavailable for escort if they make application to, meet the unescorted criteria established by, and are granted approval by the school district governing body. The criteria may consider parents and guardians who are nonambulatory, who are caretakers for a person requiring their undivided attention, or for other similar</u></p>	<p>Provides districts with a limited definition of an unescorted student. The statute suggests that each district establish a criterion.</p>	<p>Took effect on the approval of the legislation; however, this subsection is not applicable without directed state funding; no state funding is available for FY 2007-2008.</p>

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		<p><u>circumstances. The extent and level of service for students will be established and implemented by each individual school district to assure that the most efficient, safe, and timely service possible is provided. To insure equitable distribution of available funds, the State Department of Education must approve the school district criteria associated with the distribution of funds as provided in this subsection.</u></p>		
59-67-420 (F): new language	Requires that the state provide adequate state-owned school buses to accommodate the expanded transportation needs of districts to address changes in Section 59-67-420.	<p><u>The State shall provide to the local school district the number of school buses required to accommodate all students identified as eligible for transport with state funds under the provisions of Section 59-67-420.</u></p>	The state and SDE will provide districts additional school buses as justified for the changes in Section 59-67-420. For FY 2007-2008 this change is limited to the increased transportation service associated with the new 3/10 mile rule.	Took effect on the approval of the legislation.
59-67-580 (A): a new section	Establishes the state's fifteen-year school bus replacement policy.	<p><u>With funds appropriated by the General Assembly for school bus purchases, the State Board of Education shall implement a school bus replacement cycle to replace approximately one-fifteenth of the fleet each year with new school buses, resulting in a complete replacement of the fleet every fifteen years. These funds must not be used for school bus maintenance or fuel.</u></p>	This requires that the state replace approximately 380 school buses each fiscal year. To accomplish this purchase, each year's appropriation bill will need to contain an appropriation of approximately \$30 million; the FY 2007-2008 appropriation bill includes \$10.6 in recurring state funds and \$30.5 million in non-recurring state funds for school bus purchase. This \$41.1 million will purchase about 510 new school buses.	Took effect on the approval of the legislation. Funding is available to comply for fiscal year 2007-2008.
59-67-580 (B): a new section	Provides state grant funds to districts to transport students attending innovative public school instructional programs.	<p><u>With funds appropriated by the General Assembly for transportation grant programs, the department shall establish a grant program to fund transportation of students to alternate public schools including, but not limited to, vocational second and third choice schools, magnet schools, montessori schools, international baccalaureate schools, and English as a second language schools. Those districts having alternate public schools may apply to the department for grant funds to pay for the additional cost of transporting students to these schools. If funds are not appropriated by the General Assembly for this purpose, then neither the State nor a local school district is required to assume this</u></p>	The SDE has been working since the establishment of state funding for EAA program activities to establish this grant program for transportation services to support innovative programs. No funding was provided in the FY 2007-2008 appropriation bill for this purpose.	Took effect on the approval of the legislation; no funding.

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59-67-585: a new section	To promote the use of biodiesel fuel in school transportation service.	<u>obligation.</u> <u>The State Department of Education, when feasible, shall utilize biodiesel fuel as an energy source to power the state school bus fleet.</u>	Using funds provided by an EPA FY 2005 EPA Clean School Bus USA grant, the SDE has already started the transition of all state school buses to biodiesel. This year the state also adopted another statute that requires all state fueling systems to convert to biodiesel by January 1, 2008. This new statute is presented in the appendix.	Took effect on the approval of the legislation.

Appendix:

SECTION 56-5-2770. (A) *The driver of a vehicle meeting or overtaking from either direction a school bus stopped on a highway or private road must stop before reaching the bus where there are in operation on the bus flashing red lights specified in State Department of Education Regulations and Specifications Pertaining to School Buses, and the driver must not proceed until the bus resumes motion or the flashing red lights are no longer actuated.*

(D) *A school bus must be equipped with red and amber visual signals meeting the requirements of State Department of Education Regulations and Specifications Pertaining to School Buses, which must be actuated by the driver whenever the bus is stopped or preparing to stop on the highway for the purpose of receiving or discharging school children. A driver must not actuate the special visual signals when the bus is in designated school bus loading or off-loading areas if the bus is off the roadway entirely.*

(E) *A school bus must bear upon its front and rear plainly visible signs containing the words 'SCHOOL BUS' in black letters not less than eight inches in height.*

SECTION 59-67-30. *Every State-owned school bus while being used in the transportation of school pupils shall be substantially painted with high visibility yellow paint, conforming and similar to National School Bus Chrome Yellow, and shall display the following markings:*

(2) *Back - The words "SCHOOL BUS" in letters not less than eight inches high located between the warning signal lamps.*

(3) *Front - The words "SCHOOL BUS" in letters not less than eight inches high located between the warning signal lamps.*

The State Board of Education is hereby authorized to adopt and to enforce whatever additional regulations regarding the painting and marking of school buses which they may deem necessary and proper.

SECTION 59-67-470. *The school bus drivers, whether students or adults, shall be selected and employed by the respective boards of trustees of the school districts, subject to the approval of the respective county boards of*

education. No person under sixteen years of age shall be eligible for consideration as a bus driver. Before being employed, all prospective drivers shall be examined by the State Board of Education to determine their competency. The State Board of Education shall provide a rigid school bus driver training course and issue special "school bus driver's certificates" to successful candidates. No person shall be authorized to drive a school bus in this State transporting children, whether the bus be owned by the State, by a local school agency, or by a private contractor, who has not been so certified by the State Board of Education. All school bus driver certificates shall be renewed every three years. Drivers who have certificates issued prior to September 1962, must enroll and satisfactorily complete bus driver training courses prior to September 1965, and each three years thereafter. Local school superintendents shall supervise the conduct of pupils being transported and of school bus drivers. When any person is relieved of his duties as a bus driver, for just cause, the local school superintendent shall require the driver to turn in his school bus driver certificate which shall be forwarded to the State Board of Education. A certificate may be reissued to such a driver at a later date upon approval of the local superintendent and the State Board of Education. The provisions of this section shall not apply to private schools.

Section 12-63-30 A. state-owned diesel fueling facility shall provide fuel containing at least five percent biodiesel fuel in all diesel pumps. B. All state-owned diesel fueling facilities must be in compliance with Section 12-63-30 by January 1, 2008.

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