

**MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:****June 2020**

CONSIDERATION OF AN ORDER OF RULEMAKING TO AMEND  
5 CSR 30-261.045, PUPIL TRANSPORTATION IN VEHICLES OTHER THAN SCHOOL  
BUSES

**STATUTORY AUTHORITY:**

Sections 161.092 and 304.060, RSMo

Consent  
ItemAction  
ItemReport  
Item**PRIORITY AREA**

Efficiency &amp; Effectiveness

**SUMMARY**

On March 11, 2020, the State Board of Education approved a notice of proposed rulemaking to amend 5 CSR 30-261.045, Pupil Transportation in Vehicles Other Than School Buses. The notice of proposed rulemaking was published for comment in the May 1, 2020, edition of the *Missouri Register*. The Department of Elementary and Secondary Education received 18 comments during the comment period.

5 CSR 30-261.045 is amended to remove the requirement for restroom facilities in common carriers used to transport students to and from field trips or other special trips for educational purposes.

**PRESENTERS**

Roger Dorson, Deputy Commissioner, and Debra Clink, Student Transportation Manager, Financial and Administrative Services, will assist in the presentation and discussion of this agenda item.

**RECOMMENDATION**

The Department recommends that the State Board of Education authorize the publication in the *Missouri Register* of an order of rulemaking to amend 5 CSR 30-261.045, Pupil Transportation in Vehicles Other Than School Buses, and that the State Board finds this amendment necessary to carry out the purposes of Sections 161.092 and 304.060, RSMo.

**Title 5-DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**  
**Division 30-Division of Financial and Administrative Services**  
**Chapter 261-School Transportation**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 304.060, RSMo Supp. 2019 the board adopts a rule as follows:

**5 CSR 30-261.045** Pupil Transportation in Vehicle Other Than School Buses is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2020 (45 MoReg 592). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received eighteen (18) comments on the proposed amendment.

**COMMENTS #1-8** Tonya Hollaman, DS Bus Lines; Kyle Middleton, Morgan Co. R-II School District; Sarah Orf, Perry Co. 32 School District; Jason Key, Senath-Hornersville C-8 School District; Sue Sharp, Dunklin R-V School District; DeWana Schneider, Frontier Schools; and Thomas Taylor, Miller R-II School District; and Don Brite, Fair Grove School District; all commented against the rule change because of “grave concerns” they have regarding the expansion of the use of any vehicle other than yellow school buses that are without safety features such as roll over protection, highly visible color, side impact protection, elevated seating position, overall size and rigid steel construction requirements, and the passive child safety system called compartmentalization that are required for school buses.

They also shared concerns that other vehicle’s drivers do not have the additional screening and training required for school bus drivers such as commercial driver’s licenses with school bus endorsement, medical examinations, annual training specific to children, and criminal history background checks.

In addition, these entities stated that the concerns associated with non-yellow school bus vehicles are that school districts choosing to use these vehicles would be placing child safety secondary thereby lowering the standard of care for students being transported by these vehicles with lower construction standards and less passive safety features that make the school bus the safest means of ground transportation.

**RESPONSE:** The department reviewed the comments and agrees with the commenters’ general statements concerning the safety of school buses. However, the statements are beyond the scope of the amendment. No changes have been made to the rule as a result of these comments.

**COMMENTS #9-14:** The Missouri Association of Pupil Transportation; Doug Kee, North Callaway School District; Missy Hoskins, Fair Grove School District; Stacy Williams, Farmington School District; Keith Henry, Lee’s Summit School District; Shirley Francis, retired transportation director and Missouri Association of Pupil Transportation Secretary; all commented with the concern that the

restrooms being removed allows buses that are not as safe as school buses to be used while the convenience and comfortable factors are no longer present on the non-school bus, non-motor coach bus, which is the only reason motor coaches have been allowed.

RESPONSE: The department reviewed the comments and agrees with the commenters' general statements concerning the safety of school buses. The department carefully considered the comments. No changes have been made to the rule as a result of these comments.

COMMENT #15: Donnie Fowler, Fowler Bus Company, commented against the expansion of non-motor coach type of buses being used for student transportation.

RESPONSE: The department reviewed and carefully considered Mr. Fowler's comment against the expansion of non-motor coach type buses. No changes have been made to the rule as a result of this comment.

COMMENT #16: Rick Smith, Jackson R-II School District, commented that the expansion to allow for any vehicle other than a yellow bus with a "professional" school bus driver would be moving safety in the wrong direction.

RESPONSE: The department reviewed and carefully considered Mr. Smith's comment regarding the professionalism of school bus drivers. No changes have been made to the rule as a result of this comment.

COMMENT #17: Larry Bechtel, DS Bus Lines, commented that he understands the use of motor coaches for comfort but is against the use of other charter buses with lower inspection criteria and driver qualifications.

RESPONSE: The department reviewed and carefully considered Mr. Bechtel's comment against the use of other charter buses. No changes have been made to the rule as a result of this comment.

COMMENT #18: Tony Hatfield, School of the Osage, commented that the rule change to allow additional buses other than school buses does not help with student safety.

RESPONSE: The department reviewed and carefully considered Mr. Hatfield's comment regarding the addition of other buses not helping with student safety. No changes have been made to the rule as a result of this comment.