

<b>MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:</b>		<b>March 2020</b>	
CONSIDERATION OF A NOTICE OF PROPOSED RULEMAKING TO AMEND 5 CSR 30-261.045, PUPIL TRANSPORTATION IN VEHICLES OTHER THAN SCHOOL BUSES			
<b>STATUTORY AUTHORITY:</b>		<input type="checkbox"/> Consent Item <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Report Item	
Sections 161.092 and 304.060, RSMo			
<p><b>PRIORITY AREA</b></p> <p>Efficiency &amp; Effectiveness</p> <p><b>SUMMARY</b></p> <p>The proposed amendment to 5 CSR 30-251.045, which governs the transportation of pupils in vehicles other than school buses, removes the requirement for restroom facilities in common carriers used to transport students to and from field trips or other special trips for educational purposes.</p> <p><b>PRESENTERS</b></p> <p>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.</p> <p><b>RECOMMENDATION</b></p> <p>The Department recommends that the State Board of Education authorize the publication in the <i>Missouri Register</i> of a notice of proposed rulemaking to amend 5 CSR 30-261.045, Pupil Transportation in Vehicles Other Than School Buses, and that the State Board finds this proposed amendment necessary to carry out the purposes of Sections 161.092 and 304.060, RSMo.</p>			

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

**PROPOSED AMENDMENT**

**5 CSR 30-261.045 Pupil Transportation in Vehicles Other Than School Buses.** The State Board of Education (board) is amending subsection 3(A).

*PURPOSE: The proposed amendment removes the requirement for restroom facilities in common carriers used to transport students to and from field trips or other special trips for educational purposes.*

*Section 304.060, RSMo, authorizes vehicles other than approved school buses to be used for transportation of students. This rule establishes standards for transportation in other than approved school buses.*

(3) Requirements for Transportation of Students in Authorized Common Carriers.

(A) Authorized common carriers shall only be used to transport students to and from field trips or other special trips for educational purposes and shall not be used to transport students to and from school. Authorized common carriers, as used in this rule, are over-the-road intercity-type coaches equipped with reclining seats[,] **and** air conditioning [*and restroom facilities, and*]. **Authorized common carriers must also** hold[*ing*] authority from the Missouri Department of **Transportation, Motor Carrier Services**, [*of Economic Development, Division of Motor Carrier and Railroad Safety*]or the Federal Motor Carrier Safety Administration.

(B) There shall be a written contract between the district and individual or firm providing the vehicle.

(C) All contracts with authorized common carriers shall include:

1. Proof of liability insurance in the amount of five (5) million dollars per accident; and
2. Proof of safety inspection and compliance with applicable Federal Motor Carrier Safety Regulations.

(D) The driver of an authorized common carrier shall hold a valid Missouri commercial driver's license or a similar license valid in any other state and shall comply with all applicable driver qualifications of the Federal Motor Carrier Safety Regulations.

*AUTHORITY: section 161.092, RSMo 2016 and section 304.060, RSMo [1994] Supp. 2018. This rule was previously filed as 5 CSR 40-261.045. Original rule filed Sept. 15, 1977, effective Jan. 16, 1978. Amended: Filed July 23, 1987, effective Oct. 25, 1987. Amended: Filed May 23, 1991, effective Dec. 9, 1991. Amended: Filed Aug. 31, 1992, effective April 8, 1993. Emergency rule filed June 26, 1996, effective July 6, 1996, expired Jan. 1, 1997. Amended: Filed July 9, 1996, effective Feb. 28, 1997. Rescinded and readopted: Filed March 22, 2000, effective Oct. 30, 2000. Amended: \_\_\_\_\_*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, ATTN: Debra Clink, Student Transportation Manager, School Financial and Administrative Services, PO. Box 480, Jefferson City, MO 65102-0480 or by email to [finadmgo@desse.mo.gov](mailto:finadmgo@desse.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*