

*****DRAFT - NOT FOR FILING*****

3301-83-19 Authorized vehicles for transportation of pupils to and from school and school-related events.

The following are authorized vehicles for the transportation of pupils to and from school and school-related events:

(A) School buses

All vehicles designed to carry more than nine passengers, not including the driver, and used to transport pupils to or from school or school-related events ~~will shall~~ meet or exceed all applicable federal regulations and the Ohio school bus construction standards. Refer to division (F) of section 4511.01 of the Revised Code, ~~and~~ rules 4501-5-01 to 4501-5-04 of the Administrative Code, ~~and 49 U.S.C. 30125~~.

(B) Public Mass transit system vehicles

~~Public~~ "Mass transit system," as defined in rule 4501-1-01 of the Administrative Code, means any person engaged in the transportation of the general public over established routes under the United States department of transportation (USDOT) or a permit issued by the public utilities commission of Ohio or franchise of a political subdivision. ~~Mass transit system~~ vehicles ~~includes vehicles owned and operated by regional transit authorities or community transit authorities, or which are privately owned,~~ under contract with a board of education or county board of developmental disabilities ~~may and~~ operated on routes designed for the purpose of transporting fare-paying passengers and eligible pupils simultaneously ~~under the following conditions:~~

(1) Whenever a mass transit system transports children to or from a school session or school function, the mass transit system will comply with applicable state and federal law, including section 4511.78 of the Revised Code and chapter 4501-1 of the Administrative Code.

(2) Mass transit vehicles may only be used to transport students in accordance with section 3327.017 of the Revised Code.

(3) As set forth in division (A)(2) of section 4511.78 of the Revised Code and division (F) of section 4511.01 of the Revised Code, a bus devoted exclusively to the transportation of children to and from a school session or school function is a school bus subject to paragraph (A) of this rule.

(4) Nonconforming ~~mass transit system~~ vehicles (i.e., ten to fifteen passenger motor vehicles not meeting ~~49 U.S.C. 30125 standards~~ the FMCSR's for a school bus) ~~will shall~~ not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry more than sixteen passengers including the driver.

(C) Vehicles other than school buses

As set forth in rule 3301-83-04 of the Administrative Code, the rules in this chapter do not apply to parental transportation that is provided outside the authority of a school or education program, or by any parent for their own children. ~~Motor vans, as defined in rule 3301-83-04 of the Administrative Code, Vehicles originally designed and constructed at the factory for nine or fewer passengers, not including the driver, may to be used when school bus transportation cannot be reasonably provided, shall not be routinely used for service to and from regularly scheduled school sessions, except for transportation of preschool children, special needs children, homeless children, foster children, children inaccessible to school buses, students placed in alternative schools or for work programs. For routine transportation of all other students to and from regularly scheduled school sessions, motor vans may be used as follows: This paragraph does not~~

Commented [FH1]: 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.

Commented [FH2]: The citation to 49 U.S.C. 30125 is added for ease of reference. This statute defines "school bus" as: "a passenger motor vehicle designed to carry a driver and more than 10 passengers, that the Secretary of Transportation decides is likely to be used significantly to transport preprimary, primary, and secondary school students to or from school or an event related to school."

Commented [FH3]: In paragraph (B), rule language and terminology is updated to align with R.C. 4511.78, OAC Chapter 4501-1, and R.C. 3327.017, and the federal citation is added for ease of reference.

Commented [FH4]: Statutory citation is added for ease of reference.

Commented [FH5]: Paragraph (C) is revised to reflect changes made by HB 33 (135th GA) (R.C. 4511.76) expanding the use of vehicles originally designed and constructed at the factory for nine or fewer passengers, not including the driver.

Commented [FH6]: The language in (A)(3) is in the current rule but is relocated for ease of reference.

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~~apply to parental transportation of children as set forth in rule 3301-83-04 of the Administrative Code.~~

Commented [FH7]: This sentence is moved to the beginning of paragraph (C).

Requirements for vehicles identified in this section shall include the following:

- (1) A chartered nonpublic school or a community school may own and operate, or contract with a vendor that supplies, a motor van to transport students that attend the chartered nonpublic or community school to and from regularly scheduled school sessions if authorized by and in accordance with divisions (E) and (G) of section 4511.76 of the Revised Code.
- (2) A school district may own and operate, or contract with a vendor that supplies, a motor van to transport chartered nonpublic or community school students to and from regularly scheduled school sessions if authorized by and in accordance with divisions (F) and (G) of section 4511.76 of the Revised Code.
- (3) The vehicle ~~is to~~ shall be equipped with safety equipment including a fire extinguisher, first-aid kit, body fluid cleanup kit, fuses, spare fuses, and emergency reflectors.
- (2) (4) The vehicle ~~will~~ shall have a rooftop sign marked "School Transportation."
- (3) (5) The name of the school district, community school or chartered nonpublic school, or the name of the contractor, if applicable, ~~will~~ shall be clearly marked on the side of the vehicle.
- (4) (6) These vehicles ~~will~~ shall be inspected by a qualified mechanic not less than two times per year ~~to determine that the vehicle is safe for pupil transportation~~. This inspection ~~will~~ shall cover at the minimum all applicable sections of the motor van school bus inspection detailed in paragraph (B) of rule 3301-83-11 of the Administrative Code. In addition, periodic maintenance intervals ~~will~~ shall be established and implemented. Documentation and proof of these inspections and service procedures, in addition to all other vehicle records ~~discussed required under in rule 3301-83-14 of the Administrative Code, are to~~ shall be kept on file with the school district transportation department.
- (5) (7) It is the responsibility of each vehicle driver to complete and document a daily pre-trip inspection before transporting pupils as set forth in rule 3301-83-11 of the Administrative Code. The vehicle owner may designate another qualified individual to complete and record portions of the stationary inspection in lieu of the vehicle driver. Pre-trip inspection records ~~will~~ shall be kept on file for a minimum of twelve months.
- (6) (8) Loading of these vehicles ~~will~~ shall be performed in compliance with the passenger, weight, and other associated restrictions as identified by the original equipment manufacturer.
- (7) (9) Drivers of these vehicles are to be accustomed to driving the vehicle and ~~shall~~ meet all qualifications for school transportation drivers as identified in paragraph (F) (B) of rule 3301-83-06 of the Administrative Code and section 3327.10 of the Revised Code.

(D) Commercial carriers

Commercial carriers include carriers that are licensed and inspected by the appropriate government agencies to transport passengers for hire. Examples would include railroads, airlines, commercial watercraft, or commercial buses. This paragraph applies to both routine transportation of students to and from regularly scheduled school session and to non-routine transportation as defined in rule 3301-83-04 of the Administrative Code.

- (1) A vehicle designed to carry more than nine passengers, not including the driver, that is devoted

Commented [FH8]: 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.

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exclusively to the transportation of pupils to and from a school session or a school functions, is defined as a school bus under division (F) of 4511.01 of the Revised Code and is subject to paragraph (A) of this rule and applicable state and federal regulations for school buses.

- (2) Nonconforming vehicles (i.e., ten to fifteen passenger vehicles not meeting the FMCSR's for school buses) shall will not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry sixteen or more passengers including the driver.
- (3) Districts, educational service centers, community schools and chartered nonpublic schools who contract with commercial carriers (e.g., charter buses) are responsible for ensuring the safety of student and other passengers when utilizing commercial carriers. School boards and governing bodies should adopt and implement policies that include, but are not limited to:
- (a) Requesting documentation from the vendor demonstrating that drivers and vehicles meet all applicable state and federal law standards (e.g., drivers possess a current commercial driver's license with passenger endorsements) and drivers have safe driving records;
- (b) Verifying vendor information to screen potential contractors, for example:
- (i) Does the vendor subcontract for equipment and/or drivers and if so, applying the same standard of review as to the subcontractor;
 - (ii) Does the vendor have public liability insurance for the operation of its buses that meet applicable state and federal minimum levels;
 - (iii) Does the vendor conduct driver criminal record background checks through local regulatory authorities or the U.S. Department of Transportation that are compliant with federal, state and local law;
 - (iv) What is the vendor's safety record and accident history as verified through <https://safer.fmcsa.dot.gov/>, and does the vendor have a satisfactory rating with the U.S. Department of Transportation;
 - (v) Does the vendor implement driver physical examinations;
 - (vi) Does the vendor implement a driver drug and alcohol testing program that includes pre-employment, for cause, and random testing;
 - (vii) Does the vendor consider driver fatigue in assigning work schedules and will the driver be able to complete planned trips within legal limits of driving hours;
 - (viii) Does the vendor require preventative maintenance for the vehicles, including regular inspections;
 - (ix) What procedures exist for roadside breakdowns, accidents, emergencies and bus evacuations, and does the vendor have a travel continuity plan in the event of breakdowns, accidents and emergencies.

(E) Taxicabs

Taxicabs may be used for transportation of pupils when the use of other modes of transportation as described in this rule are not reasonable as determined by the public school district. For purposes of this rule, taxicabs mean municipally licensed vehicles transporting passengers for hire. Taxicabs ~~are to~~ shall be originally designed and constructed at the factory for nine or fewer passengers, not including the driver, ~~and shall, with the exception of the rooftop sign marked "School Transportation," which shall not be required, comply with~~

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paragraph (F) of this rule.

The owner or operator of taxicabs ~~will~~ shall provide documentation to the school district confirming compliance with this chapter.

The owner or operator of taxicabs ~~will~~ shall provide proof of insurance to the school district in the amounts as specified in section 3327.09 of the Revised Code for vehicles used in the transportation of school children.

(F) Vehicles not meeting the definitions listed in paragraphs (A) to (E) of this rule do not conform to state and federal law/rule and ~~will~~ shall not be used for transportation of pupils to or from school or school related events.