

SENATE BILL NO. 431

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on January 25, 2024)

(Patron Prior to Substitute--Senator Suetterlein)

A BILL to amend and reenact §§ 22.1-176, 22.1-176.1, 22.1-177, and 22.1-178 of the Code of Virginia, relating to school boards; pupil transportation; alternatives; requirements.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-176, 22.1-176.1, 22.1-177, and 22.1-178 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-176. Transportation of pupils authorized; when fee may be charged; contributions; regulations of Board.**

A. School boards may provide for the transportation of pupils, but nothing herein contained shall be construed as requiring such transportation except as provided in § 22.1-221.

B. When a school board provides transportation to pupils for extracurricular activities, other than those covered by an activity fund, ~~which that~~ are sponsored by the pupils' school apart from the regular instructional program and ~~which that~~ the pupils are not required to attend or participate in, the school board may accept contributions for such transportation or charge each pupil utilizing such transportation a reasonable fee not to exceed his pro rata share of the cost of providing such transportation. A school board may waive such fees for any pupil whose parent or guardian is financially unable to pay them.

C. When a school board provides transportation to pupils for field trips ~~which that~~ are a part of the program of the pupils' school or are sponsored by such school, the school board may accept contributions for such transportation.

D. Each school board that chooses to provide for the transportation of pupils pursuant to subsection A, § 22.1-176.1, or subsection B of § 22.1-177 shall report annually to the Department on data relating to pupil transportation for the local school division for the preceding school year, including information

27 relating to route counts, the number of scheduled pupils receiving school transportation in the school  
28 division, the percentage of pupils in the school division utilizing school transportation, and the cost of  
29 providing such transportation per mile.

30 E. ~~The Board of Education~~ shall promulgate such regulations as shall be in the public interest to  
31 effect the intent of this section.

32 **§ 22.1-176.1. Agreements to provide transportation for public and nonpublic school pupils.**

33 Local school boards may enter into agreements with school boards of contiguous school divisions,  
34 comprehensive community colleges, or nonpublic schools within the school division to provide student  
35 transportation to and from such schools, programs providing dual enrollment for secondary school  
36 students at comprehensive community colleges, career and technical education programs, joint and  
37 regional schools established pursuant to § 22.1-26, college partnership laboratory schools established  
38 pursuant to § 22.1-349.3, and school field trips under such terms and conditions as the local school boards  
39 deem appropriate and responsible. Such terms may include arrangements relating to cost-sharing, fees,  
40 insurance, and liability.

41 **§ 22.1-177. Regulations.**

42 A. The Board may make regulations relating to the construction, design, operation, equipment,  
43 and color of public school buses and shall have the authority to issue an order prohibiting the operation  
44 on public streets and highways of any public school bus that does not comply with such regulations. Any  
45 such order shall be enforced by the Department of State Police.

46 B. Notwithstanding any provision of law or regulation to the contrary, any school board may:

47 1. Provide or contract with a privately owned and operated entity to provide for the purpose of  
48 transporting pupils to and from school on a regularly scheduled basis a vehicle (i) designed to carry  
49 between 11 and 15 passengers, provided that such vehicle meets the federal standards set forth in 49 C.F.R.  
50 Part 571 for vehicles approved for transporting students to and from school or school-related activities;  
51 (ii) designed as a Type A school bus, Type B school bus, or Type C school bus as defined by Board  
52 regulations; or (iii) designed for nine passengers or fewer. Any vehicle provided or contracted for the  
53 purpose of pupil transportation under this subdivision shall comply with any applicable state and federal

54 laws and regulations and shall be subject to routine, scheduled inspections and random inspections, as  
55 determined by the Department of State Police; and

56 2. After holding at least one public hearing, adopt a resolution to utilize specialized management  
57 companies, transportation network companies, alternative transportation providers, public transportation,  
58 carpool coordination services, or private companies to supplement traditional school bus service in order  
59 to enhance quality and efficiency.

60 C. Local school boards may, notwithstanding any regulation to the contrary, display decals  
61 depicting the flag of the United States on the sides and rear of school buses as long as any such decal does  
62 not obstruct the name of the school division or the number of the school bus and is no larger than 100  
63 square inches. In addition, local school boards may, notwithstanding any regulation to the contrary,  
64 display decals relating to school bus safety. Local school divisions shall be responsible for the cost of the  
65 decals. Such decal shall not obstruct the name of the school division or the number of the school bus.

66 ~~C.~~D. No regulation of the Board shall unreasonably limit the authority of any local school division  
67 to purchase and use school buses using compressed natural gas or other alternative fuels or convert its  
68 school buses to use compressed natural gas or other alternative fuels.

69 ~~D.~~E. Any local school board may, notwithstanding any regulation to the contrary, sell or transfer  
70 any of its school buses to another school division or purchase a used school bus from another school  
71 division or a school bus dealer as long as the school bus (i) conforms to the specifications relating to  
72 construction and design effective in the Commonwealth on the date of manufacture; (ii) has a valid  
73 Virginia State Police inspection; and (iii) has not reached the end of its useful life according to the school  
74 bus replacement schedule utilized by the Department of Education as required by the general appropriation  
75 act.

76 F. Any police report relating to a school transportation-related accident shall include the specific  
77 vehicle type and capacity and whether the vehicle is marked as a school transportation vehicle in  
78 accordance with the Board's regulations, what type of license the driver holds, and whether the accident  
79 involved transportation of pupils to and from school and home or another form of school transportation.

80 § 22.1-178. Requirements for persons employed to drive school buses or other vehicles  
81 contracted to transport pupils.

82 A. No school board shall hire, employ, or enter into any agreement with any person for the  
83 purposes of operating a school bus, as that term is defined in § 46.2-100 and including any vehicle  
84 designated as a Type A school bus, Type B school bus, or Type C school bus as defined by the Board's  
85 regulations, transporting pupils unless the person proposed to so operate such school bus shall:

86 1. Have a physical examination of a scope prescribed by the Board with the advice of the Medical  
87 Society of Virginia and furnish a form prescribed by the Board showing the results of such examination.

88 2. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the  
89 records of such Department do not disclose that the person, within the preceding five years, has been  
90 convicted upon a charge of driving under the influence of alcohol or drugs, convicted of a felony or  
91 assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-  
92 271.1 or, within the preceding 12 months, has been convicted of two or more moving traffic violations or  
93 required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles  
94 pursuant to § 46.2-498.

95 3. Furnish a statement signed by two reputable persons who reside in the school division or in the  
96 applicant's community that the person is of good moral character.

97 4. Exhibit a license showing the person has successfully undertaken the examination prescribed by  
98 § 46.2-339.

99 5. Have reached the age of 18 by the first day of the school year.

100 B. No school board shall hire, employ, or enter into any agreement with any person for the purposes  
101 of operating any vehicle that is designed for nine passengers or fewer to transport pupils unless the person  
102 proposed to so operate such vehicle (i) meets the requirements set forth in subdivisions A 1, 2, 3, and 5  
103 and (ii) exhibits a license showing the person has successfully passed the requisite examination and  
104 obtained the appropriate license to operate such vehicle.

