

STATE OF MINNESOTA

State Board of Education
Department of Education

Department of Public Safety

In the Matter of the Proposed Adoption of
Rules of the State Board of Education 5 MCAR
SS 1.0220 - 1.0225 and Rules of the State
Department of Public Safety 11 MCAR SS 1.0080 -
1.0084 Governing Qualifications of School Bus
Drivers.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Board of Education and the Department of Public Safety. The last time the above captioned rules were amended was May 1, 1981.

These rules are being amended pursuant to Minn. Stat. S 171.321, Subd. 2, which requires the State Board of Education and the Department of Public Safety to jointly prescribe rules governing the qualifications of individuals to drive school buses. Generally, these rules are needed to provide for greater safety of school buses. The justification establishing the need for and reasonableness of the specific substantive provisions of the rules is as follows:

5MCAR S 1.0220/11MCAR S 1.0080

This rule clarifies the applicability of the entire set of rules. It contains new language to clarify that satisfactory completion of the school bus driver's examination is required of, and applicable to drivers required by statute to have the endorsement. The statute excludes small vans with total capacity of ten or less and not outwardly equipped or identified as a school bus. The rule also repeats statutory language concerning the transportation of children to and from school related activities, in order to clarify the applicability of the rules. It also contains a housekeeping amendment reformatting language in order to comply with the uniform format recommended by the Revisor of Statutes.

5MCAR S 1.0221/11 MCAR S 1.0081

This rules prescribes testing requirements for a school bus driver endorsement, to include both a written test and a road test for the driver's initial endorsement. Renewal requirements are covered in 5 MCAR S 1.0225/11 MCAR 1.0084.

Paragraph A concerns the written test already required in the existing rules. New language specifies what constitutes satisfactory completion of the written test. This is necessary and reasonable in order to provide a specific, known framework within which an applicant must achieve, similar to the regular driver license written test.

Paragraph B1 contains the requirements for the road test. It requires that the road test for a school bus driver endorsement be given in a school bus, and it provides for two separate classes of endorsement based on size of school bus. It also provides for restrictions on the endorsement based on size of vehicle in which the road test was taken. This rule is needed in order to differentiate between two vastly different

sizes of vehicle which are commonly used as school buses -- a van and a full-size school bus. In order to provide for greater safety of school children being transported in full-size school buses, drivers of those buses should be fully knowledgeable in their operation and handling. Under the present rule a person with a Class B license, authorized to operate a van, can take the written test for school bus driver endorsement, and be authorized to drive a full-size school bus.

The proposed rule also restricts drivers taking the test in the smaller size vehicle, to operation of that size vehicle. However, a school bus driver taking the test in a full-size school bus will not be restricted. This is reasonable since it is similar to the statutory restriction on Class A, B & C drivers licenses.

Paragraph B2 contains new language similar to that in Paragraph A, specifying what constitutes satisfactory completion of the road test. This is also necessary and reasonable in order to provide a specific, known framework within which an applicant must achieve, similar to the regular driver license road test.

5MCAR S 1.0222/11 MCAR S 1.0082

This rule prescribes physical examination requirements for and physical restrictions on being a school bus driver. Head notes are added at the beginning of each paragraph in order to comply with the uniform format recommended by the Revisor of Statutes. In paragraph B6, the word "and" is changed to "or" in order to restore original language which existed prior to the last amendment of this rule. When the rules were last amended the proposed rule was published at 5 SR 1365 with the word "and" erroneously used as existing language. It should have been "or". This change will restore the correct language.

In paragraph B10., an amendment is made to permit the endorsement of school bus drivers who have diabetes if it is controlled by oral medication. This is a liberalization of the present restriction on diabetes which allows control only by diet. There have been many complaints issued to the department concerning this rule, from potential school bus drivers whose diabetes is controlled by oral medication. The driver licensing medical review board looked into this matter and issued an opinion that control of diabetes by oral medication is safe and effective and such persons could be allowed to operate school buses. This rule would continue to disallow from endorsement persons with diabetes controlled by insulin. Insulin is much more volatile, with a risk of insulin shock and blackouts, and it is the opinion of the medical review board that persons with insulin controlled diabetes should not operate a school bus.

Paragraph B11., contains a deletion of "(not accepted)." This is essentially redundant language since the entire list of 13 items within paragraph B are disqualifiers.

Paragraph C of 5 MCAR S 1.0222 (the Department of Education copy of this rule) contains an editorial change necessary to bring the wording into conformity with wording in 11 MCAR S 1.0082 (the Public Safety copy of this rule), since they are intended to be identical.

Paragraph D, liberalizes the requirements for periodic physical reexamination from yearly to every two years. Presently each school bus driver must annually submit a physician's statement attesting to his well being. School bus drivers feel that cost of this is high. Since Mantoux tests are no longer required each year, the department feels this change is justified and reasonable and would not appreciably lower the standards.

5MCAR S 1.0225/11 MCAR S 1.0084

This rule contains the requirements for renewal of a driver license school bus endorsement. Paragraph A requires school bus drivers to pass a written examination every four years, at the time of driver license renewal. This rule is needed so that the department can determine whether the school bus driver has knowledge of current laws and rules regarding school bus operation. It is important to the safety of school children riding school buses that the drivers be fully knowledgeable of traffic laws and school bus operation. It is reasonable to require such examination every four years since it would conveniently occur at the time the school bus driver renews his regular driver license.

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