

School Bus Transportation

This information brief outlines state regulation of school buses and drivers, providing an overview of the key requirements for drivers of different types of school buses.

Introduction

Student transportation takes place in a variety of contexts and is provided in several ways. There are two main functions for school buses. They are (1) “to and from” transport, which refers to transportation of students to school and back to their homes, and (2) “point-to-point” transportation, which refers to transporting pupils to other school-related activities or programs. To and from transport occurs on a more regular schedule and route, whereas point-to-point transportation is more likely to be occasional.

There is variation throughout the state in the conditions under which students are transported. Transportation is provided by school districts, private school bus contractors, nonpublic schools, private and public preschools, and other childcare providers. Employees of these organizations who drive may do so professionally (working full-time as a driver), have some amount of driving as part of the person’s job role, or perform driving as an incidental or occasional part of the job. Examples include:

- an employee of a private bus company who transports students to and from school daily, under contract with a school district;
- a school district employee who is the usual person providing transportation to special events, which is done as part of his or her regular job duties;
- a teacher or coach taking a few students in a van to an event, either regularly throughout the school year or on occasion; and
- a daycare provider who transports children from school to the childcare facility (or vice versa).

Summary Table

School bus driver regulations vary based on the type of vehicle. The following table summarizes these regulations, organized by the type of school bus. Additional detail on the regulations is provided in the next section.

Category	Type A-I, A-II, B, C, or D School Bus	Type A-I School Bus (For activities only ¹)	Type III School Bus
Vehicle description	Traditional yellow school buses	Certain lighter yellow school buses	Passenger autos (cars, trucks, and vans)
Driver's license	Commercial (Class B, C, or A) with school bus endorsement	Class D	Class D
Physical exam	Required	Required	None
Background check	Required	Required	None ²
Drug testing	Required	None ³	None ³
License verification ⁴	Annual	Annual	Annual
Driving incident notification			
By employee	Required	None ³	None ³
By courts	On certain offenses	On certain offenses ⁵	On certain offenses ⁵
Removal of school bus driving privilege	On certain offenses	On certain offenses	None specified
Training	Knowledge assessment and annual training	Knowledge assessment and annual training	None ³

Notes

¹ Only applies to Type A-I school buses under certain circumstances.

² An education background check is required for many school district employees, but might not include school bus drivers.

³ District policies may differ.

⁴ Only applies if regularly transporting students.

⁵ Statute is unclear.

Overview of Regulations

This section provides an overview of school bus safety regulation in a variety of areas. The requirements and regulations for Head Start bus drivers are the same or similar, but a number of differences are not discussed in this information brief.

Scope of Regulations

The state of Minnesota has primary jurisdiction over school bus equipment, safety, operations, and driver licensing. The Department of Public Safety is designated in statute as having primary responsibility over school transportation safety. [Minn. Stat. § 169.435](#). The state's role in school bus oversight preempts policies set by school districts. There are some federal regulations as well, which mainly apply to equipment manufacturers, driver license qualifications (things like limits on the number of tickets a bus driver can get), and drug and alcohol testing for certain bus drivers.

Types of School Buses

State law categorizes school buses as type A, B, C, D, or type III. [Minn. Stat. § 169.01, subd. 6](#). The type A to D buses comprise what is traditionally viewed as a school bus; key characteristics include a yellow color, markings indicating that it is a school bus, special lights, and a stop sign. The difference in types rests mainly on the bus design (such as chassis and door location) and vehicle weight. Type A school buses are further divided between type A-I buses, which can weigh up to 10,000 pounds, and type A-II buses, which are heavier than 10,000 pounds.

Type III school buses constitute a separate category. While type A to D school buses take the form of a typical yellow school bus, a type III school bus is a passenger automobile or lighter weight bus that is used for school-related reasons (whether privately owned by an employee or owned by a district, nonpublic school, or contractor).

Type III school buses can be passenger cars, station wagons, vans, and certain lighter weight buses. They cannot be identified as a school bus on the outside. [Minn. Stat. § 169.454, subd. 6](#). To qualify, the vehicle must:

- be able to carry a maximum of ten or fewer people, including the driver; and
- weigh 10,000 pounds or less. [Minn. Stat. § 169.01, subd. 6](#).

Type III buses are not actually included as “school buses” in most parts of Minnesota Statutes.¹

¹ Following the typical statutory terminology, “school bus” in this information brief does not include type III school buses unless they are specifically identified.

Driver Licensing

Driver licensing requirements differ depending on the type of school bus being operated. The licenses are divided into four classes that categorize the types of vehicles the license holder can legally operate. Class D, which is a standard driver's license, is the most restricted. Commercial driver's licenses consist of classes C, B, and A. Licenses can also have endorsements, which are special privileges for operating specific types of vehicles (such as a motorcycle).

Drivers of a type B, C, or D school bus, and certain drivers of a type A school bus, must have a commercial driver's license with a school bus endorsement. (A passenger endorsement, which only goes onto a class B or class A license, is also required for transporting more than 15 people.) [Minn. Stat. § 171.02, subd. 2.](#)

Drivers of type A-I (under certain circumstances) as well as type III school buses do not need a commercial driver's license or school bus endorsement. The vehicles can instead be driven with a class D license. The drivers also face fewer related requirements, which are discussed in the remainder of this section.² [Minn. Stat. § 171.321, subd. 1.](#) A key requirement in operating a type A-I bus without a school bus endorsement is that the transport can only be for *activities* and not for going to and from student residences.

Licensure is handled by the Department of Public Safety, which administers the required knowledge and road tests. For a school bus endorsement or for operating a type A-I school bus, the department also requires a physical examination and performs a background check. The physical examination is required every two years. [Minn. Stat. § 171.321, subd. 2.](#) The minimum age for a school bus driver is 18. [Minn. Stat. § 171.322.](#)

Driver licensing is generally based on the type of vehicle being operated rather than the frequency or reasons for transport. The main exception is driving a type A-I school bus without an endorsement for activities (but not for pickup or drop-off at home). For example, a full-time driver who only operates type A-I buses for activities transport (such as picking kids up after school and taking them to a childcare center) does not need to meet the commercial licensure requirements faced by other school bus drivers.

² A type A-I school bus may be operated without a commercial driver's license if several conditions are met, including: the bus is designed carry a maximum of 15 people or less, including the driver; the operator is not solely hired to provide pupil transportation; the transport is not "to and from" residences and the school; the employer (e.g., school district or bus transport contractor) has a program for training and certification; the driver receives a physical examination; there is a background investigation; the driver's license is annually verified; the driver has not been recently convicted of various automotive and DWI-related offenses; the driver is trained on use of child safety restraints; and the vehicle has a State Patrol inspection certificate. [Minn. Stat. § 171.02, subs. 2 and 2a.](#)

The Department of Public Safety is required to conduct a background check of applicants for a new or renewed commercial license with a school bus endorsement. The check consists of criminal history and the person's driving record in the state, and must include a national criminal history check if the person has resided in Minnesota for less than five years. The department is authorized to conduct additional checks while the person is licensed. [Minn. Stat. § 171.321, subd. 3.](#)

A background check is also required for drivers of a type A-I school bus used for activities; the regulations governing the check depend on the type of employee (the check might have already been done for school district employment). [Minn. Stat. § 171.02, subd. 2a.](#)

A background check is not required to drive type III school buses, although a check might take place due to other state, district, or busing contractor policies. For instance, if a teacher drives type III school buses, the person would have undergone an education background check for employment. [Minn. Stat. § 123B.03.](#)

Drug Testing

Under federal law, drivers with a commercial driver's license are subject to testing for drugs and alcohol. Employers of licensed commercial drivers are required to perform pre-employment testing, random testing, reasonable suspicion testing, return to duty testing, follow-up testing, and postaccident testing. [49 C.F.R. Part 382.](#)

District or transport contractor policies may include drug testing, but it is not required under state law for type A-I or type III school bus drivers.

Verification of License

School districts and bus contractors must annually verify that each bus driver who regularly transports students, including a type III school bus driver, has a valid license. [Minn. Stat. § 171.321, subd. 5.](#)

Notification of Driving Incidents

Upon conviction for certain "disqualifying offenses," the courts must determine if the offender is a school bus driver and within ten days must notify the Department of Public Safety as well as the school district of the conviction. [Minn. Stat. § 631.40, subd. 1a.](#) (See the removal of driving privileges section for more detail.)

Federal regulations also require a commercial driver's license holder who is convicted of a traffic violation (other than for parking) to notify both the state and that person's employer (such as a school district or busing contractor). [49 C.F.R. § 383.31.](#) The notification must be made within 30 days of the conviction. If a commercial driver's license is suspended, the license holder must notify any employer of the suspension. [49 C.F.R. § 383.33.](#)

***Removal of
Driving
Privileges***

Privileges to drive a school bus can be removed for a variety of offenses, and the length of removal of privileges depends on the type of violation. First, the Department of Public Safety must permanently cancel the person's school bus endorsement (or for nonresidents, the person's school bus driving privileges) for a disqualifying offense. Disqualifying offenses include:

- any felony offense;
- certain drug-related violations (if it is not a petty misdemeanor);
- violation of certain prohibitions relating to minors (such as dissemination of harmful materials to minors);
- four moving violations within three years; and
- a DWI violation while operating a school bus. [Minn. Stat. § 171.3215.](#)

Second, federal regulations allow disqualification of a person from driving a commercial motor vehicle for various offenses. These range from using a vehicle to commit a felony to various serious traffic offenses. [Minn. Stat. § 171.165, subd. 1.](#)

Third, the department must revoke a school bus endorsement if the driver is convicted of certain misdemeanor offenses related to children's safety. [Minn. Stat. § 171.17, subd. 1.](#)

Finally, the department can cancel the school bus endorsement if the person is convicted of a gross misdemeanor or a series of violations that are determined to be a risk to public safety. [Minn. Stat. § 171.3216.](#)

A holder of a class D license cannot operate a type A-I school bus without an endorsement if convicted of:

- any of the previously mentioned disqualifying offenses;
- any offense that causes disqualification from operating commercial motor vehicles under federal regulations;
- a DWI violation; or
- a fourth moving violation. [Minn. Stat. § 171.02, subd. 2a.](#)

***Training
Requirements***

Minnesota Statutes identifies a number of basic areas in which a type A, B, C, or D school bus driver must have training or experience, in order to be qualified for transporting students. Knowledge requirements are set out in general terms, consisting of competency in the following areas:

- safe operation of the school bus;
- understanding student behavior;
- encouraging orderly behavior and handling student misconduct;
- knowing relevant laws, rules of the road, and local school bus safety policies;

- handling emergency situations; and
- safely loading and unloading students. [Minn. Stat. § 171.321, subd. 4.](#)

The training requirement does not apply to type III drivers, although some districts (especially larger ones) may have a training policy or program in place. This may more likely be the case when the driver is regularly expected to perform driving duties, as opposed to driving students when it is incidental to the person's main job tasks (such as a coach taking some students to an athletic event).

Following a statutory requirement, the Department of Public Safety has developed a School Bus Training Manual. The training manual serves as a model and basic set of training and evaluation requirements. Districts can add additional district-specific policies and procedures to their training. (A handful of districts also have exceptions to the training manual, which must be authorized by the department.) The manual is based upon the knowledge areas listed above, encompassing driving skills, student behavior, emergency management, vehicle inspection, laws and regulations, and special needs transportation.

School districts and busing contractors must provide training annually to school bus drivers. [Minn. Stat. § 171.321, subd. 5.](#) An assessment of knowledge is required for the initial training, after which there is an annual requirement of either (1) at least eight hours of training on school bus transportation, or (2) assessment of skills and knowledge. [Minn. Stat. § 171.321, subd. 4.](#)

District Policies In addition to meeting statutory training requirements, districts must develop a comprehensive policy on transportation safety. The statute identifies in broad terms the key areas that the policy must cover, including operating rules and procedures, a system for reporting accidents, discipline of passengers, and rules governing type III school buses. [Minn. Stat. § 123B.91.](#)

School Bus Equipment Standards Current law lays out numerous requirements regulating school bus equipment standards. Federal regulations establish safety standards for bus manufacturers, including roll-over and crash protection, bus body strength, and the stop-arm system. [49 C.F.R. § 571.](#) Minnesota Statutes incorporate specifications and procedures developed by the National Congress on School Transportation, an organization of education and motor safety officials. Minnesota law also adds various state-specific adjustments to the incorporated national standards. [Minn. Stat. §§ 169.4501 to 169.4504.](#)

School buses that are not actually used as school buses cannot be painted yellow or be equipped with school bus-related equipment, except if the

vehicle is owned by a school district for charter or leasing purposes, or if operated by a childcare provider and certain equipment and driver licensure requirements are met.³ [Minn. Stat. § 169.448, subd. 1.](#)

There are separate equipment standards for type III school buses, which include (1) having exterior mirrors, a first aid kit, fire extinguisher, and reflectorized warning devices, (2) not having the words “school bus” located on the outside of the vehicle, (3) not having a stop-arm or eight-light warning system, and (4) a maximum vehicle age of 11 years, unless certain federal safety standards are met. Properly registered type III vehicles that are used in an unscheduled situation by a licensed driver are exempt from the equipment requirements. [Minn. Stat. § 169.454.](#)

School Bus Inspections

State law requires the State Patrol to annually inspect all school buses and allows the patrol to perform random inspections at other times. [Minn. Stat. § 169.451.](#) It is a misdemeanor for a school bus to be operated without a valid inspection certificate from the State Patrol.

School Bus Operating Rules

Drivers of a school bus (as well as other motorists) must comply with a variety of traffic regulations, ranging from use of the stop-arm and lighting system, to proper loading and unloading of students. [Minn. Stat. §§ 169.441 to 169.444.](#)

Most school bus operation regulations do not apply to type III school buses. Requirements for those vehicles include:

- drivers must load and unload passengers from the right-hand or curbside of the vehicle and must use hazard lights while loading and unloading; and
- type III school buses do not need to stop at railroad crossings. [Minn. Stat. §§ 169.443, subd. 6; 169.28, subd. 1.](#)

Daily pre-trip inspections of the vehicle, including type III school buses, are required.

For more information about transportation or education, visit the transportation or K-12 education area of our web site, www.house.mn/hrd/issinfo/trans.htm or www.house.mn/hrd/issinfo/ed_k12.htm.

³ The exception for licensed childcare providers only applies if: the stop-arm is removed and the eight-way light system is deactivated on the bus; the bus is identified as a “childcare bus”; contact information is displayed on the doors; the operator is not solely hired to provide pupil transportation; the transport is not “to and from” residences and the school; the employer (e.g., school district or bus transport contractor) has a program for training and certification; the driver receives a physical examination; there is a background investigation; the driver’s license is annually verified; the driver has not been recently convicted of various automotive and DWI-related offenses; the driver is trained on use of child safety restraints; and the vehicle has a State Patrol inspection certificate. [Minn. Stat. §§ 169.448, subd. 1; 171.02, subd. 2a.](#)