

SENATE BILL REPORT

SB 6153

AS REPORTED BY COMMITTEE ON EDUCATION, FEBRUARY 4, 1994

Brief Description: Prohibiting the state board of education from adopting rules governing the qualifications of drivers other than school bus drivers who transport students.

SPONSORS: Senators Pelz and Loveland

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 6153 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Hochstatter, McDonald, Moyer, M. Rasmussen and Winsley.

Staff: Susan Mielke (786-7439)

Hearing Dates: January 21, 1994; February 4, 1994

BACKGROUND:

On March 19, 1993, the State Board of Education adopted new rules governing the transportation of school students. The new rules delineate two types of authorization, dependent on the type of vehicle used to transport the student:

Type I -- authorization to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and also transport students on other school-related activities.

Type II -- authorization to operate a motor vehicle with a seating capacity of ten or fewer for the purpose of transporting students to and from school-related activities, but not on routinely scheduled routes between home and school.

SUMMARY:

The authority of the State Board of Education to adopt rules governing the qualifications of school bus drivers is retained (Type I). The State Board of Education is prohibited from adopting rules governing the qualifications of drivers other than school bus drivers who transport students (Type II).

EFFECT OF PROPOSED SUBSTITUTE:

A school bus driver is defined as a person who operates a vehicle with a seating capacity of more than ten persons and used to transport children to and from school or in connection with school activities. It also includes persons who operate

other motor vehicles used to routinely transport students between home and school on scheduled routes.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

No data has been compiled that demonstrates that the new rules adopted by the State Board of Education (SBE) were initiated by liability or safety issues. The standards developed by the SBE governing Type II drivers are too burdensome. The training required by the new rules is time consuming to the district employees and costly to the district.

TESTIMONY AGAINST:

In 1988, the Puget Sound Schools Risk Management Pool requested the Office of the Attorney General to make an informal interpretation of the State Board of Education's definition of "school bus driver." The informal memorandum concluded that under the SBE definition if the job of an employee of the district involved transportation of a student then that employee was deemed to be a school bus driver. The SBE rules at that time required school bus drivers to obtain a commercial drivers license. After an extensive public hearing process the SBE modified the rules regulating drivers who transport students. The rules were developed for two types of drivers in order to avoid the more stringent commercial driver standards required under the previous definition. The safety of children requires that some standards exist for any driver who transports students.

TESTIFIED: Marcia Costello, Washington Association of School Administrators; **CON:** Candy Curl, State Board of Education; Susan Patrick, Office of Superintendent of Public Instruction; Peter Nazzal, WA Federation of Teachers; Owen Linch, Teamsters Local 378; Mike Ryherd, Jt. Council of Teamsters; Randy Parr, Service Employees International Union State Council; Lynn McKinnon, Public School Employees of Washington