Via Email
October 15, 2026
Legislative Reference Library
sonars@lrl.mn.gov

Re: In the Matter of the Proposed Permanent Rules Relating to School Bus Safety; Revisor's ID No. R-4241; CAH Docket No. 65-9018-41903

Dear Legislative Reference Library:

The Minnesota Department of Public Safety intends to adopt rules on school-bus safety. On October 19, 2026, the department will publish in the *State Register* a Notice of Intent to Adopt Rules Without a Public Hearing.

As required under Minnesota Statutes, section 14.131, we are sending the library an electronic copy of the department's Statement of Need and Reasonableness.

If there are any questions or concerns, please contact me at ian.lewenstein@state.mn.us.

Sincerely,

Ian Lewenstein
Administrative and Legislative Drafting Program Manager

Enclosure: Statement of Need and Reasonableness

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STATEMENT OF NEED AND REASONABLENESS

Department of Public Safety

Proposed Permanent Rules Relating to School Bus Safety

Revisor's ID No. R-4241
CAH Docket No. 65-9018-41903

October 15, 2026

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General Information

Availability. All required rulemaking notices and documents, including the SONAR and proposed rule, are available on the department's rulemaking web page. The SONAR has been available for public review since October 15, 2026.

Rule records. You can track this rulemaking proceeding and search past department rulemaking records by using the Minnesota Rule Status System, located on the revisor's office website.

Alternative format. If you would like this SONAR in another language or an alternative format, such as large print, braille, or audio, please contact Ian Lewenstein, administrative and legislative drafting program manager, ian.lewenstein@state.mn.us, 651-201-7180, or the Department of Public Safety, 445 Minnesota St., St. Paul MN 55101.

Abbreviations

APA: Administrative Procedure Act

CAH: Court of Administrative Hearings

IEP: Individualized education program

MMB: Minnesota Management and Budget

***NSTSP*:** *National School Transportation Specifications and Procedures*

SONAR: Statement of Need and Reasonableness

Table 1. Statute- and rule-level tags

Statute	Rule
Subdivision: 1, 2, 3, etc.	Subpart: 1, 2, 3, etc.
Paragraph: (a), (b), (c), etc.	Item: A., B., C., etc.
Clause: (1), (2), (3), etc.	Subitem: (1), (2), (3), etc.
Item: (i), (ii), (iii), etc.	Unit: (a), (b), (c), etc.
Unit: (A), (B), (C), etc.	Subunit: i., ii., iii., etc.

Shorthand	Shorthand
Minn. Stat. § 169.443, subd. 2(c)(2): Minnesota Statutes, section 169.443, subdivision 2, paragraph (c), clause (2)	*Minn. R. 7470.1000, subp. 3b(D)(1):* Minnesota Rules, part 7470.1000, subpart 3b, item D, subitem (1)

Unless indicated otherwise, all statutory citations are to the 2024 *Minnesota Statutes* publication, and rule citations are to the 2025 *Minnesota Rules* publication.

Introduction and Overview

1. The department oversees school-bus safety to ensure that students are safely transported to and from school and school activities.

School buses in Minnesota make about 20,000 trips every day. These trips include (1) transportation to and from school, and (2) transportation to and from educational-related school programs and sports activities. So students can get safely to and from school and school activities, school buses are subject to both state and federal requirements administered and enforced by the department's State Patrol and Driver and Vehicle Services divisions.

Among other duties, the State Patrol is responsible for regulating school buses operating on public streets or highways.[1] Within the State Patrol, the Office of Pupil Transportation Safety[2] oversees all department-related activities for school-bus safety such as educating the public about the importance of school-bus safety, preparing and publishing the state's *School Bus Inspection Manual*, inspecting every school bus annually, and issuing certificates affirming a school bus's compliance with state laws on "construction, design, equipment, and color."[3]

The office also develops school-bus-safety standards—enforced by state troopers—under chapter 7470. These standards ensure that school-bus drivers are safely transporting students and are following best operational practices such as where to load and unload students and what to do when approaching a railroad-grade crossing. The office provides training for school-bus drivers on these standards; this training helps school-bus drivers comply with statutory and rule requirements on school-bus safety. For example, a person cannot drive a school bus without "having demonstrated sufficient skills and knowledge to transport students in a safe and legal manner."[4]

In addition to the office's work, another department division, Driver and Vehicle Services, is responsible for developing a "comprehensive model school bus driver training program and model assessments for school bus driver training

[1] Minn. Stat. § 169.449.
[2] *Id.* § 169.435.
[3] *Id.* § 169.451, subd. 2.
[4] *Id.* § 171.321, subd. 4(a).

competencies."[5] This program and the model assessments are exempt from rulemaking.

The Driver and Vehicle Services division also oversees department rules on qualifications for school-bus drivers. For example, a school-bus driver must pass a written test; possess a class A, B, or C driver's license with a school-bus endorsement; comply with department standards on physical qualifications; and pass a criminal-history and driver's-license-record check.[6]

While the department's State Patrol and Driver and Vehicle Services divisions oversee school-bus safety, training, and testing, the Minnesota Department of Education administers state funding to school districts and regulates various school-related policies such as equal transportation for public and nonpublic students, transportation services for students with disabilities, and school transportation policies.

The Departments of Education and Public Safety—and its divisions and offices—work together to ensure that schools follow comprehensive laws for safely transporting students.

2. The department's rules on school-bus safety haven't been substantially revised in over 30 years.

The department's school-bus-safety rules date to 1972, when the department (formed only three years earlier in 1969), was directed to adopt rules for issuing and displaying inspection certificates for school buses.[7] A school bus couldn't be driven unless a department-issued certificate was displayed confirming that a member of the then-highway patrol had inspected the school bus for compliance with state law. A few years later, the department was directed to adopt rules on a point system when inspecting a school bus's compliance with state school-bus laws.[8]

While the department was adopting these inspection rules, the state Board of Education was responsible for adopting rules on school-bus transportation.

[5] *Id.* (c). The Office of Pupil Transportation Safety developed the training program and assessments.
[6] *See generally* Minn. Stat. § 171.321. The department's other rules on school-bus drivers are found in Minnesota Rules, chapters 7410 and 7414.
[7] 1971 Minn. Laws, ch. 327.
[8] 1974 Minn. Laws, ch. 332.

These rules were coded in chapter 3520 but were transferred to the department in 1994 and subsequently recodified into chapter 7470.[9]

These recodified rules are what remain in chapter 7470 today, as the department made only minor modifications when recodifying the board's rules on how to safely drive a school bus such as:

- loading and unloading students;
- backing a school bus;
- responding to collisions;
- conducting pretrip inspections; and
- transporting students with disabilities.

3. To protect the safety of students and all drivers, the department proposes to update its rules to account for best school-bus operational practices.

Much of chapter 7470 originally governed equipment and inspections standards. These standards were incorporated into statute in 2021, and the remaining rule provisions relate to school-bus operations and to driving and training requirements that were recodified from the Board of Education. To account for these changes and the remaining rule parts, the department proposes to reformat the rule chapter to better differentiate between school-bus training and operational requirements.

In addition to reformatting the rule chapter, the department amends requirements to reflect statutory changes and best operational practices in school-bus safety. School-bus-safety guidance is minimal at the federal level, so these best practices have been developed by the National Congress on School Transportation. The NCST—comprised of representatives from school districts, school-bus companies and industry partners, and state agencies responsible for administering student transportation—first produced guidance on school transportation in 1939.

This guidance grew into a manual on objectives, guiding principles, and procedures for operating school buses and is now entitled, *National School Transportation Specifications and Procedures* (*NSTSP*). The *NSTSP* contains chapters on topics such as new and emerging technologies, bus body and chassis specifications, specially equipped bus specifications, inspection programs,

[9] 1994 Minn. Laws, ch. 647, art. 12, sec. 22.

transportation security and emergency preparedness, and transportation for students with disabilities and special health-care needs.

The *NSTSP* is now in its 17th edition, but the same impetus behind it remains:

> Adequate state and federal regulations governing school bus specifications and operations provide the key ingredients for the safe, secure and efficient transportation of students. Safety and security include all factors relating to school bus equipment, performance specifications and operational procedures that may directly or indirectly affect the safety, security and welfare of students transported. Efficiency includes the management of specifications, procurement and maintenance of school buses, the operational practices and procedures of staff consistent with the safety and welfare of students and the effective use of financial resources.[10]

To conform with these operational practices, the department—among other proposed rule changes—updates various safety practices such as when a school-bus driver can back a school bus or unload students close to an intersection.

The department also clarifies requirements for transporting students with disabilities to reflect current state and federal requirements and to provide more-detailed guidance for school-bus drivers and school-bus companies.

Given the training and testing requirements for school-bus drivers in statute and rule, the department's proposed rules are both needed and reasonable to ensure that school-bus drivers can be prepared to take the written exam to receive a school-bus endorsement[11] and trained to safely operate school buses on the following competencies:

> (1) safely operate the type of school bus the driver will be driving;
>
> (2) understand student behavior, including issues relating to students with disabilities;
>
> (3) encourage orderly conduct of students on the bus and handle incidents of misconduct appropriately;
>
> (4) know and understand relevant laws, rules of the road, and local school bus safety policies;

[10] National Congress on School Transportation, *National School Transportation Specifications and Procedures* (2025), 16.

[11] A written test must be based on Minnesota Rules, chapters 7414 and 7470; Minnesota Statutes, chapter 169; Minnesota Statutes, sections 171.321 to 171.322; and "a general knowledge of the operation of school buses, including knowledge of the equipment, devices, laws, and rules peculiar to the operation of school buses." Minn. R. 7414.0300, subp. 2(A)(3).

(5) handle emergency situations; and

(6) safely load and unload students.[12]

In addition to amending the rule to conform with statute and best school-bus operational practices, the department's proposed revision is written in plain language. By using plain language, the department aims to ensure that its requirements are clear and accurate for department staff, stakeholders, and the public. This commitment to plain language complies with Governor Walz's Executive Order 19-29, which requires state agencies to use plain language "to communicate with Minnesotans."[13]

[12] Minn. Stat. § 171.321, subd. 4(b).

[13] Executive Order 19-29 (April 5, 2019).

Statutory Authority

The department was granted the statutory authority to adopt rules on school-bus safety in 1994. Before 1994, the Board of Education administered rules on school-bus safety and the department's statutory authority was limited to rules for issuing and displaying inspection certificates and establishing a point system for evaluating violations detected during inspections.[14] The department's 1994 statutory authority has been amended to remove a reference to an advisory committee on school-bus safety and to remove a provision on private contracts to read as follows:

> The commissioner of public safety shall adopt rules governing the operation of school buses used for transportation of school children, when owned or operated by a school or privately owned and operated under a contract with a school.[15]

In addition to this statutory authority, the legislature has directed that "each school, its officers and employees, and each person employed under the contract" are subject to the department's rules.[16]

Statute also requires all school buses to comply with department rules:

> No school bus, as defined in section 169.011, subdivision 71, shall be registered for the first time in this state unless the application for registration is accompanied by a certificate from either the Minnesota State Patrol or the dealer showing that the school bus conforms with all rules promulgated by the Department of Public Safety and with all other applicable provisions of law.[17]

[14] Minn. Stat. § 169.451, subd. 3 (2020). The legislature repealed this statutory authority in 2021.
[15] Minn. Stat. § 169.449, subd. 1.
[16] *Id.*
[17] Minn. Stat. § 168.102.

Regulatory Analysis

As part of its SONAR, the department must analyze eight factors.[18]

1. **A description of the classes of persons that probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.**

   1.1. Classes of persons that probably will be affected by the proposed rule.

   The department's proposed rules are likely to affect:

   a) students riding a school bus to and from school or a school activity;

   b) school-bus drivers and school-bus assistants;

   c) school-bus companies;

   d) all schools except for home schools;

   e) school districts;

   f) school superintendents and transportation directors;

   g) the Minnesota Administrators for Special Education and other groups that advocate for students with disabilities;

   h) the Minnesota School Bus Operators Association and the Minnesota Association for Pupil Transportation;

   i) associations representing schools and school employees;

   j) the Minnesota Department of Education; and

   k) the department's Driver and Vehicle Services division and Office of Traffic Safety.

   1.2. Classes that will bear costs from the proposed rules.

The main classes to bear costs are the school-bus companies and the school districts that own school buses. Most school-bus drivers are represented by the Minnesota School Bus Operators Association, which represents privately owned school-bus companies and provides over 60% of the school buses used to transport students. School districts, nonpublic schools, and school-bus companies are statutorily required to provide annual in-service training for

[18] *Id.* § 14.131.

school-bus drivers.[19] Accordingly, these classes will bear costs from providing training on the new rule.

In addition to school-bus drivers, school-bus assistants will need to be trained on the amended rules. School-bus assistants work primarily on routes transporting students with disabilities. Because school-bus assistants are employed by a school-bus company or school, both school-bus companies and schools will need to train school-bus assistants on the rules (this training is already required in rule) that amend requirements for transporting students with disabilities.

Schools and school-bus companies may bear costs to conform with proposed requirements for school-bus routes or the time for conducting administrative tasks related to transporting students with disabilities.

1.3. Classes that will benefit from the proposed rule.

All classes should benefit from the proposed rule because school-bus drivers will be able to follow a rule that is consistent with statutory requirements and the department's *School Bus Inspection Manual*. Students will benefit from updated standards that will keep them safe, and school-bus drivers will benefit from updated standards that will provide for uniform school transportation.

2. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The department will incur initial costs to update the *Model School Bus Driver Training Program*; train its school-bus inspectors, state troopers, and school-bus companies on the new rules; and provide supplemental training to school-bus drivers on the training that they are already statutorily required to receive.

The department doesn't anticipate any additional cost to enforcing the rules or any anticipated effect on state revenues because the department is already tasked with enforcing the existing rules and because any impact on state revenue related to enforcement should be minimal. For the most part, schools, school-bus drivers, and school-bus companies comply with the existing rules and many of the proposed rules. This compliance should continue with continued department education and training.

[19] *Id.* § 171.321, subd. 4(d).

The department's Driver and Vehicle Services division is responsible for administering the written test that a person must pass to receive their school-bus endorsement, but the department doesn't anticipate major impacts to the knowledge or skills tests. Since Minnesota's commercial knowledge tests are administered in English only, any wording changes can be handled internally. Changes to the skills-testing process should be minimal and will not result in significant costs to update or train testing examiners.

The department's Office of Traffic Safety certifies trainers who train people on child-passenger-restraint systems. The department cross-references to the statutory requirements for these trainers, but the rule doesn't impose direct costs on the office.

While the Department of Education isn't directly affected by the proposed rules and won't incur any direct or mandatory costs, the department may communicate the rule changes to schools, school districts, and other affected classes. This communication is optional, however, and shouldn't be more than a minimal cost.

3. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The legislature frequently amends statutory requirements on school-bus safety such as requirements on school-bus signals, stop-signal arms, and other safe driving practices.[20] Thus one possible less-costly method would be to incorporate the department's rule chapter into statute.

There is precedent for this less-costly method, because as discussed on page 5, the legislature has previously repealed the department's statutory authority on several school-bus rules and incorporated any needed changes into statute. For example, the legislature amended the statute relating to school-bus inspections and adopted the recommended out-of-service criteria from *NSTSP*'s section on school-bus inspections.

Incorporating rules into statute is ultimately a policy choice for the legislature, and aside from this less-costly method, the department hasn't determined any less-intrusive method for achieving the proposed rule's purpose.

[20] *See generally id.* §§ 169.435-.4582.

4. **A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.**

The department considered whether to adopt other sections from the *NSTSP* such as sections on operations, activity-bus operations, school transportation security and emergency preparedness, and transportation for students with disabilities and special health-care needs.

Within each of these sections, the *NSTSP* recommends that states establish specific policies and procedures for each category. As such, and because some items within these sections are more restrictive or conflict with statute, the department determined to use these *NSTSP* sections as guidance when developing policies and procedures and to incorporate them into the rule where needed and reasonable.

The department worked with affected classes such as the Minnesota School Boards Association, school superintendents, school-bus companies, school transportation-safety directors, exclusive bargaining representatives of school-bus drivers, advocates for students with disabilities, and the Department of Education to craft performance-based rules to improve student and school-bus-driver safety. Except as otherwise discussed in the rule-by-rule analysis, neither the department nor these affected classes considered any other alternative methods to achieve the rule's purpose.

5. **The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.**

Training costs are the main costs for complying with the proposed rule, mainly for school-bus drivers, school-bus assistants, school-bus companies, and schools. But because schools and school-bus companies must already provide annual training on knowing and understanding relevant laws, rules of the road, and local school-bus-safety policies,[21] any additional cost will be minimal because any rule changes can be easily incorporated into existing training. Members of the Office of Pupil Transportation Safety regularly attend these driver-training meetings and will assist in educating affected classes on the new rules.

[21] Minn. Stat. § 171.321, subd. 4(b)(4).

Schools and the boards and districts overseeing the schools may also need to examine amended requirements that affect students with disabilities. These costs should be minimal because the updated rules reflect the existing need to comply with the federal Family Educational Rights and Privacy Act and the federal Individuals with Disabilities Education Act.

Schools and school-bus companies may incur costs for establishing school-bus routes to comply with the proposed rule amendments. For example, the department proposes to move school-bus stops back from intersections, so existing routes will have to be examined. Yet since routes are adjusted yearly and throughout the year as student ridership changes, additional costs should be minimal.

6. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals.

Without updating the proposed rules to reflect best practices in school-bus safety, school-bus drivers, students, and other drivers on the road are vulnerable to accidents. Students with disabilities wouldn't benefit from proposed changes that clarify their rights to any needed special equipment during travel or the need for school-bus drivers to follow a student's IEP or related parts for the student's transportation needs.

Additionally, portions of the existing rule would continue to conflict with statute such as rules on stopping in the right-turn lane or stopping at railroad-grade crossings. Other proposed changes such as backing a school bus will provide schools with more flexibility and efficiency in school-bus routes.

7. An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

There are no known differences between the proposed rule and federal regulations because there are no federal standards for operating school buses. School transportation is not governed by federal regulations except for some federal motor-vehicle safety standards, commercial-driver's-license requirements, some federal Department of Education laws, and the Americans with Disabilities Act. Schools-bus drivers must obtain a commercial driver's

license and comply with federal requirements on physical qualifications,[22] but states are responsible for adopting school-bus operational requirements.

The department's proposed rules on transporting students with disabilities are intended to support and enhance federal requirements under the Individuals with Disabilities Education Act and Family Educational Rights and Privacy Act and for providing a free appropriate public education.

8. An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

The proposed rule has a cumulative effect with other federal and state laws on school-bus drivers and the rights of students with disabilities. These federal and state requirements include but are not limited to driver qualifications (commercial driver's license, physical exam, drug and alcohol testing), school-bus inspections conducted by the State Patrol, and passenger restraints such as seat belts and child-passenger-restraint systems.

The department's proposed rules only affect training, operational requirements for school-bus drivers, and IEP consultation for a student's transportation needs. Because the department isn't proposing to significantly overhaul the rule chapter, the department anticipates a small cumulative effect with other federal and state regulations.

[22] 49 C.F.R. 391.43; *see also* Minn. Stat. § 171.321, subd. 2(b); Minn. R. 7414.1100-.1600. States determine medical-qualification requirements for school-bus operations. Minnesota has adopted the federal requirements into statute but is otherwise not required to follow federal requirements.

Performance-Based Rules

The department must describe how it considered and implemented performance-based standards that emphasize (1) superior achievement in meeting the department's regulatory objectives, and (2) maximum flexibility for the regulated party and the department in meeting these goals.[23]

When developing the proposed rule changes, the department consulted with the Minnesota School Bus Operators Association and Minnesota Association for Pupil Transportation. The department asked these associations and exclusive representatives for school-bus drivers, the Department of Education, groups advocating for students with disabilities, and others to submit comments; encouraged public participation by sharing drafts with the public; and solicited feedback from other affected parties and members of the public. For example, since the mid-2000s, the department has organized monthly and quarterly transportation-safety meetings with associations, superintendents, transportation-safety directors, school-bus drivers, experts in special education, and other state agencies.

This public participation continues the state's long-standing engagement—first with the Board of Education in the 1970s—with the Minnesota School Bus Operators Association and Minnesota Association for Pupil Transportation when developing school-bus-safety rules.

Some of the department's engagement included the following:

- communications and updates through the department's rulemaking subscription list and to affected classes;
- department articles distributed through the school-bus associations' newsletters;
- consultation with nationally recognized school-bus-safety experts and other state agencies such as the Department of Education; and
- meetings, presentations, and other outreach with affected classes.

[23] Minn. Stat. §§ 14.002, .131.

Additional SONAR Requirements

1. Consulting with MMB on local government impact.

The department must consult with MMB to help evaluate the fiscal impact and benefits of the proposed rule on units of local governments.[24] To consult with MMB, the department sent MMB the SONAR and proposed rules to help it determine the impact and benefits of the proposed rule on units of local governments.

MMB determined that school districts may experience fiscal impacts from compliance costs, training, and adjustments to school-bus routes.[25] First, marginal compliance costs may stem from aligning IEP rule requirements with state and federal law. Second, districts will incur modest costs to train school-bus drivers of type III vehicles and costs to train school-bus drivers before they can transport students. And last, several proposed rules may require districts to change their school-bus routes. MMB summarizes the fiscal impact to school districts as follows:

> Taken together, the proposed rules are not expected to result in significant fiscal impacts for an individual school district, because much of the proposal restates statutory requirements or builds on existing obligations and practices. Where new costs may occur, they are expected to vary based on existing district practices, training processes, transportation arrangements, and the number of affected students and routes.[26]

2. Cost for small business or small city to comply with proposed rule.

The department must determine if the cost of complying with the proposed rule in the first year after the rule is effective will exceed $25,000 for a:

a) business that has less than 50 full-time employees; or

b) statutory or home rule charter city that has less than ten full-time employees.[27]

School-bus companies operating in the state range from small (a few school-bus operations) to large (companies with multiple terminals with hundreds of school

[24] *Id.* § 14.131.
[25] *See* MMB's determination on the department's rulemaking web page: https://dps.mn.gov/about-dps/programs-and-legislative-requirements/rulemaking.
[26] *Id.*
[27] Minn. Stat. § 14.127.

buses across the state). For the school-bus companies that are small businesses, their main cost will be to ensure that their school-bus drivers are trained on the new rule.

Considering the scope of the proposed rule amendments and that school-bus drivers are already complying with many of the proposed requirements, the department estimates that the cost of complying with the proposed rule in the first year will not exceed $25,000 for any small business. This analysis applies to charter schools that qualify as a small business. Charter schools must already comply with state and federal requirements on school transportation and transporting students with disabilities, and the rules don't significantly affect these requirements.[28]

Small cities are unaffected by the rule and won't incur any costs.

3. Determining whether the rule requires local implementation.

The department must determine if a local government will be required to adopt or amend an ordinance or other regulation to comply with the department's proposed rule.[29] State law governs the operational requirements for school buses, and no local government will need to adopt or amend any ordinance because of the proposed rule changes.

4. Impact on farming operations.

The proposed rule doesn't affect farming operations.

[28] A charter school is a public school run by an authorizer, which may be a nonprofit corporation. Some charter schools receive transportation from the school district.
[29] Minn. Stat. § 14.128.

Additional Notice Plan

The department's Additional Notice Plan gives notice to persons or classes of persons that may be affected by the proposed rules. The department will email the rules, SONAR, and Notice of Intent to Adopt Rules Without a Public Hearing to the legislature and everyone registered on the department's rulemaking list.[30] The department didn't notify the commissioner of agriculture because the rules don't affect farming operations.

The proposed rules, SONAR, and other notices will be published on the department's rulemaking web page, and an announcement about the rules will be posted on the home page of the Office of Pupil Transportation Safety. Additionally, the Department of Education will email the rules, SONAR, and notice to school administrators and post notice of the rule on its social-media platforms.

The department's Additional Notice Plan complies with the APA because the department will publish notice of the proposed rules and SONAR in the *State Register* and will email copies of the notice, proposed rules, and SONAR to the department's rulemaking list and the following groups:

a) exclusive representatives of school-bus drivers (AFSCME 65, SEIU Local 284, and Teamsters 320);*

b) the Minnesota School Bus Operators Association;*

c) all school-bus companies and school districts inspected by the State Patrol;

d) the Minnesota Association for Pupil Transportation, a nonprofit dedicated to promoting safe student transportation;*

e) the Minnesota School Boards Association;*

f) the Minnesota Association of School Administrators;*

g) the Minnesota Association of Charter Schools;

h) the Minnesota Rural Education Association;

i) the Association of Metropolitan School Districts;

[30] *See id.* §§ 14.14, subd. 1a(a), .116(b). The department doesn't have email addresses for some of the parties under (c), so these parties will be mailed the rulemaking documents.

j) the Minnesota Administrators for Special Education, the Minnesota Disability Law Center, and the PACER Center;

k) the Minnesota Association of School Business Officials;

l) the Minnesota Association of Independent Schools;

m) MINNDEPENDENT; and

n) the Minnesota Department of Education.*

The Office of Pupil Transportation Safety consults with a half-dozen or so affected classes when developing new school-bus safety laws and policies. These groups are represented in the department's Additional Notice Plan with an asterisk, and the department details its consultation when discussing its performance-based rules on page 15.

Rule-By-Rule Analysis

1. Each proposed rule requirement must be needed and reasonable.

In the rule-by-rule analysis, the department explains its reasoning behind every proposed rule requirement. For each proposed rule requirement, the department must explain why the rule is both needed and reasonable.

A rule can be needed if the department has identified a regulatory problem such as the need to ensure that school-bus drivers are following current best practices for operating a school bus while also complying with state and federal law on traffic rules and transporting students with disabilities.

The department's choice to solve this regulatory problem must also be reasonable. A rule is reasonable if it is based on an affirmative presentation of facts and evidence that rationally connect with the department's proposed regulatory choice. The department's proposed regulatory choice doesn't need to be the "best," but the proposed choice must be one that a rational person could have made and one that is not arbitrary or otherwise devoid of articulated reasons.

2. The rule-by-rule analysis is organized in numerical order of chapter 7470, divided into multiple categories.

At the beginning of each category, the department establishes a general overview of the need for the rule amendments within the category. This overview is meant to better inform the public about the requirements in each category and helps establish the department's argument for adopting the proposed rules.

Table 2. Rule-by-rule analysis

Category	Rule Parts
Definitions	7470.0100
Purpose, scope, and applicability	7470.0200
Operating school buses	7470.1000
Loading and unloading students	7470.1100
Equipment	7470.1300

Category	Rule Parts
Operating and driving type III vehicles and multifunction school activity buses	7470.1400 and 7470.1500
Transporting students with a disability	7470.1600
School-bus drivers and school-bus assistants transporting students with a disability	7470.1700

Last, the department discusses a detailed rule-by-rule analysis within each rule chapter, arguing for the need and reasonableness of each rule amendment.

The department relied on three main sources (all available online) to help support the need and reasonableness of its proposed rules:

- ***Model School Bus Driver Training Program*.** This department publication is meant as a guide to school-bus drivers while they are training to get their school-bus endorsement. The publication was developed in consultation with the Minnesota Association for Pupil Transportation and the Minnesota School Bus Operators Association.
- ***National School Transportation Specifications and Procedures*.** Developed by the National Congress on School Transportation, this publication establishes guiding principles for state school-bus procedures and operations.
- ***School Transportation Regulation*.** Published by Minnesota House Research, this overview on school transportation includes information on training, school-bus-driver qualifications, vehicle standards, and traffic rules for student transportation.

Definitions (7470.0100)

1. Repealing obsolete terms.

In the definitions part, the department repeals subparts 2, 3, and 5. These terms were needed for the department's rules on inspection certificates but are now obsolete because the applicable rules were repealed in 2021. Subpart 4, defining the State Patrol, is also repealed because it's obsolete and unnecessary because the term isn't used in the rule chapter.

2. Proposing new terms.

After repealing obsolete terms, the department proposes new school-related terms that are needed and reasonable because they are used in the rule chapter and reflect the chapter's shift from school-bus inspections to "the operation of school buses used for transportation of school children."[31]

- **Authorized individual.** The rule requires a school-bus driver to report student disciplinary issues, collisions, and other school-bus-safety concerns to a school's authorized individual. Depending on the type of school, an authorized individual could be the school district's superintendent (or charter-school director) or the school's transportation-safety director. For example, each school board must "designate a school transportation safety director to oversee and implement pupil transportation safety policies."[32] This director has "day-to-day responsibility for pupil transportation safety within the district."[33]

  For nonpublic schools, an authorized individual could be someone responsible for the school's transportation.

  This term also includes the school-bus company because schools can contract with a school-bus company to provide student transportation instead of providing their own school buses.

- **Parent or guardian.** Parents are mentioned in rule parts on students with disabilities such as how a school must consult with a parent about any special equipment that their child may need to be safely transported. Because a student may have a legal guardian, the department adds this term and cross-

[31] Minn. Stat. § 169.449, subd. 1.
[32] *Id.* § 123B.91, subd. 2.
[33] *Id.*

references to an existing definition in another department rule chapter. (This rule chapter, 7414, on qualifications for school-bus drivers defines other existing school-related terms that the department can efficiently cross-reference to.)

This term is also needed for consistency with statute, as both *parent* and *guardian* are commonly written together in statutory chapters on schools.

- **School.** This chapter applies to all schools as statutorily defined for purposes of compulsory attendance,[34] which includes both public and nonpublic schools. Home schools are excluded except for certain homeschooled students.
- **School-bus assistant.** Also known as a bus aide, a school-bus assistant is primarily responsible for supporting students with disabilities by helping them enter and exit the school bus, helping them manage or use their special equipment, and helping to manage their behavioral needs so that a school-bus driver can safely transport all students. A school-bus assistant can also escort students when they need to cross a highway or if a school-bus driver must back a school bus.
- **School-bus driver.** The department defines this term by relying on existing statutory definitions of *driver* and *school bus*.[35]
- **School-related trip or activity.** The department cross-references to an existing definition in another department rule chapter.
- **Special equipment.** Existing rule refers to special equipment such as wheelchairs and "specially adapted seats, support, or protective devices."[36] For consistency, the department establishes a defined term that includes these various devices that a student with a disability may need to manage their disability. Special equipment could include crutches, walkers, wheelchairs, and other related mobility or medical equipment.
- **Student.** The department cross-references to an existing definition in another department rule chapter. Both *pupils* and *students* are used in statute (among other terms), but the latter term is the more commonly used term.

[34] Minn. Stat. § 120A.22, subd. 4.
[35] *Id.* § 169.011.
[36] Minn. R. 7470.1600, subp. 6.

Because the cross-referenced definition includes home schools, the department must add an exception since home schools aren't governed by this chapter.

- **Student with a disability.** The department cross-references to an existing statutory definition.

Purpose, Scope, and Applicability (7470.0200)

This part is organized into subparts to provide better structure with headnotes and to separate the rule chapter's purpose from its scope.

1. Subpart 1 (purpose).

In subpart 1, obsolete language referring to the department's previous rulemaking authority on school-bus inspections is stricken and the rule's new purpose is clarified.

2. Subpart 2 (scope and applicability).

In subpart 2, the department lists the two types of school-bus transportation (to and from school and to and from activities) and establishes that the chapter doesn't apply to home schools. This proposed language is consistent with the statutory definition of a school bus, which in part describes a school bus as a motor vehicle used to "transport pupils to or from a school . . . or to or from school-related activities, by the school or a school district, or by someone under an agreement with the school or a school district. . . ."[37]

While a home school is statutorily considered a school for purposes of compulsory attendance, home schools aren't governed by state laws on mandatory transportation and don't operate their own school buses or contract with a school-bus company. An exception, however, is that some children may be registered as a homeschool student but receive special-education services through their resident school district and are bused by the school district. These students receive "related services" under the Individuals with Disabilities Education Act.[38]

Although the State Patrol must "perform annual and spot inspections"[39] for Head Start buses, Head Start buses aren't subject to the rule's operational requirements under the department's statutory authority and because statute distinguishes school buses from Head Start school buses.[40]

[37] Minn. Stat. § 169.011, subd. 71(a).
[38] 34 C.F.R. 300.34.
[39] Minn. Stat. § 169.435; *see also* Minn. Stat. § 169.011, subd. 34.
[40] *See, e.g.,* Minn. Stat. § 169.451, subd. 1: "The Minnesota State Patrol shall inspect every school bus and every Head Start bus annually to ascertain whether its construction, design, equipment, and color comply with all provisions of law."

Operating School Buses (7470.1000)

This part governs various school-bus-safety practices such as loading and unloading students, backing a school bus, and reporting collisions. As the department writes in its training program, school-bus drivers must become proficient in basic skills and procedures to safely operate a school bus:

> School bus drivers are entrusted to them the lives and safety of students and others on the roadway. The driver must learn the basic skills and procedures to safely operate a school bus. Once learned, these skills and procedures should be practiced to develop proficiency. By developing proficiency in skills and procedures, the driver can devote more attention to the ever-changing traffic conditions enabling the driver to operate the bus with the highest degree of safety.[41]

In addition to updating requirements on driving fundamentals, the subparts are restructured for readability by adding headnotes and lettered items and by making plain-language revisions. This part applies to all school buses, including multifunction school activity buses and type III vehicles.

1. Subpart 1 (repealed application language).

Subpart 1 is repealed as an obsolete subpart. This subpart contained an internal cross-reference that was previously needed to establish the scope of the school-bus-safety rule parts. Because previous department school-bus-inspection rules have been repealed, this cross-reference is unnecessary and remaining language on the rule chapter's applicability was moved into part 7470.0200.

2. Subpart 2 (transporting students).

This subpart on transporting students is structured into a vertical list for readability and clarity. Plain-language changes are made to clarify the language.

Item A adds *trip* to reflect that school-bus transportation includes transportation to and from school (school-bus route) and to and from activities (trip). The department also broadens previous language that restricted student eviction to a breach of discipline to a flat prohibition against eviction for any reason.

Item B amends language on reporting student violations to require a school-bus driver to report school-policy violations in accordance with statute. This change is

[41] Minnesota Department of Public Safety, *Minnesota Model School Bus Driver Training Program* (n.d.), 8.

needed to reflect the discretion that schools have over student discipline and the responsibilities of school employees, such as a school-bus driver, to ensure that these policies are followed. For example, schools must develop as part of their transportation-safety policy "a discipline policy to address violations of school bus safety rules, including procedures for revoking a student's bus riding privileges in cases of serious or repeated misconduct."[42]

This reporting requirement is also needed so that a school-bus driver notifies someone of a policy violation, whether a school or the school-bus company. After a school-bus driver notifies an authorized individual, the individual can then call for assistance if needed.

After item C, language on loading and unloading students is stricken and moved into part 7470.1100.

Language in items D and E are safety measures to prevent any fueling accidents and to require a school-bus driver to make a school bus immobile when they leave the school bus. The requirement to render a school bus immobile applies to all school-bus drivers and in other rule parts on collisions and breakdowns.

3. Subpart 2a (prohibited objects).

This subpart on dangerous objects prohibited in a school bus is reorganized into items and a vertical list.

The department clarifies vague language that refers to "any other object of a dangerous or objectionable nature" by cross-referencing to a statutory definition on *dangerous weapons*. This is a needed and reasonable change to better clarify what constitutes a dangerous or objectionable object. The department also adds a cross-reference to statutory exceptions for carrying firearms and other dangerous objects at a school; this exception applies to certain students and school-sanctioned firearm activities.

Another change strikes language prohibiting a school bus from transporting gasoline cans and instead cross-references to a federal rule that defines hazardous materials. The hazardous-materials cross-reference is needed because the existing rule requirement is narrow and only refers to gas cans, while the federal rule refers to hazardous substances and waste or a substance or material

[42] Minn. Stat. § 123B.91, subd. 1(5); *see also* Minn. Stat. § 121A.59: "A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline policy."

that is "capable of posing an unreasonable risk to health, safety, and property when transported in commerce."[43] This is a needed and reasonable addition to broaden the list of prohibited objects and to protect student safety.

A school-bus driver may not always know what is inside student belongings such as backpacks, equipment cases, athletic bags, or luggage. Accordingly, the department clarifies that school-bus drivers are responsible for items that are known or reasonably observable and states in item C that school-bus drivers aren't expected to inspect a student's belongings.

Last, existing language in item A on service animals is moved out of the vertical list and into a new item B because the language doesn't fit the rest of the series on "dangerous objects." The language is also updated to reflect a statutory change in terminology.

4. Subpart 2b (unobstructed aisles and exits).

This new subpart is needed to reflect statutory requirements on unobstructed aisles and emergency exits.[44] To ensure that aisles and exits are unobstructed, it's needed and reasonable that loose items, luggage, and equipment are secured (or held by a student) and don't pose a safety risk during transportation or when students must evacuate the school bus.

When the department was drafting the rule, some commenters were concerned that this requirement was overly broad and might create situations where band equipment or athletic gear can't be secured. While the department understands the concerns, the proposed rules conform with best school-bus-safety practice and don't necessarily require items to be physically secured. For example, as the *NSTSP* states, aisles and emergency exits should always be clear and a school-bus driver or other person should "safely stow and secure away from any aisle or emergency exit any item that is brought on board."[45] Thus an item is secured as long as it won't block the aisle or emergency exit.

The requirement is also similar to federal regulations governing commercial buses, which require baggage to be stowed and secured in a manner that ensures:

[43] 49 C.F.R. 171.8.
[44] Minn. Stat. § 169.447, subd. 4; *see also* National Congress on School Transportation, *National School Transportation Specifications and Procedures*, 389.
[45] National Congress on School Transportation, *National School Transportation Specifications and Procedures*, 389.

(1) unrestricted freedom of movement to the driver and his proper operation of the bus;

(2) unobstructed access to all exits by any occupant of the bus; and

(3) protection of occupants of the bus against injury resulting from the falling or displacement of articles transported in the bus.[46]

5. Subpart 3 (backing school bus).

This subpart clarifies that, except in limited circumstances, a school-bus driver shouldn't back a school bus at any time. The current language is vague about this requirement and uses language such as "if it can be avoided." In addition to vague language, the subpart contains a requirement on a school-bus driver's visibility ("500 feet in either direction") that is difficult to enforce[47] and doesn't account for varying roadway conditions such as the speed limit or the speed of other vehicles. A school-bus driver may need to back out of a lot or driveway onto the roadway, so "either direction" is inappropriate in these circumstances.

Redrafting this subpart is needed to provide a more-enforceable standard and clarity for school-bus drivers because "backing is always a dangerous maneuver since visibility is limited" behind the school bus and because backing should be avoided unless necessary.[48] A school-bus driver thus should only back a school bus if the backing can be safely conducted given the current traffic conditions, which will depend on whether the school bus is on a roadway and whether the school-bus driver's view is obstructed.

The requirement in item A, subitem (2), is simplified to state that a driver cannot back a school bus if a student is outside and within 50 feet of the school bus (50 feet is about the length of a school bus). While this is a safety measure that more clearly captures the intent of the existing language, some commenters were concerned that this proposed rule was too limiting or wouldn't account for situations when a school-bus driver couldn't determine whether a student was within 50 feet of the school bus.

In response to these concerns, the department added language in item B to allow backing if any student within 50 feet of the school bus is supervised by an adult—this supervision can prevent students from suddenly darting behind a

[46] 49 C.F.R. 392.62.

[47] If a crash occurs, it may be difficult to determine how far a vehicle was from the school bus before the school bus started backing because the State Patrol would be relying on both the school-bus driver's and other driver's best estimates.

[48] Department of Public Safety, *Minnesota Model School Bus Driver Training Program*, 14.

school bus when it is backing. While backing may be necessary in limited circumstances, school-bus drivers must follow the department's proposed rules for safely conducting the maneuver and ensuring student safety.

6. Subpart 3a (railroad-grade crossings).

This subpart governs requirements for stopping at a railroad-grade crossing. A railroad-grade crossing is considered a driver hazard, so all school buses (except for type III vehicles) must stop at railroad-grade crossings. When encountering a railroad-grade crossing, a school-bus driver must account for many different factors:

- Number of tracks
- Visual obstructions to determine type and travel speeds of trains
- Train schedules (consider unscheduled trains also)
- Presence or absence of grade crossing controls
- Unique characteristics or operation of grade crossing controls
- Presence or absence of traffic control signals, including interaction with grade crossing controls
- Size of queuing area before and after the tracks
- Expected traffic conditions at various times during the day
- Roadway design near the grade crossing.[49]

This language on railroad-grade crossings has been moved from part 7470.1100, reformatted into items, and redrafted for clarity. Most of the existing language conforms with statutory requirements on when a school-bus driver is prohibited from activating the prewarning flashing amber signals or flashing red signals,[50] when a school-bus driver must activate the four-way hazard warning lights, and when a school-bus driver must stop and listen along the track.[51]

New language in item C requires a school-bus driver to silence nonessential equipment and devices so the school-bus driver can concentrate and "listen and look in both directions along the track for any approaching railroad train or other on-track equipment, and for signals indicating the approach of a railroad train or

[49] National Congress on School Transportation, *National School Transportation Specifications and Procedures*, 426.
[50] Minn. Stat. § 169.443, subd. 3.
[51] *Id.* § 169.28, subd. 1(a).

other on-track equipment."[52] This is a needed and reasonable safety requirement and updates the rule to conform with the department's driver-training program.

Item D cross-references to statutory language and requires, as a safety measure, a school-bus driver to look and listen by opening their window and service door. The existing language states that the school-bus driver must "open" the doors, which leaves ambiguity as to how far the doors must be opened. The department's revision will ensure that the school-bus driver has every opportunity to hear an approaching train.

Requirements in item E on school-bus signals and lights have been moved from part 7470.1100, item F, and updated to clarify that a school-bus's four-way hazard warning lights must remain activated until the school bus has cleared the railroad-grade crossing.

Proposed language in item F accounts for when a school-bus driver is on a multilane road and prescribes that the school-bus driver must stop in the rightmost lane, which will help to reduce rear-end collisions at railroad-grade crossings. This amendment is consistent with traffic regulations that require slower traffic to keep right so that passing traffic can continue.

Part 7470.1200 also relates to railroad-grade crossings and prescribes how a student or bus monitor must flag a school-bus driver to cross the railroad track.[53] This is an obsolete part that has been replaced by statutory requirements. Accordingly, the department's proposed requirement updates this crossing practice by putting the responsibility of crossing a railroad track on a trained school-bus driver, not on a student.

7. Subparts 4 to 6 (collisions and breakdowns).

Subparts 4 to 6 on collisions and breakdowns are important because "a thorough knowledge of safety and crash procedures is a requirement of any professional driver. School bus drivers can face many different types of emergencies, most commonly a breakdown or a traffic crash."[54]

Subpart 4 is restructured into two subparts, and the term *accident* is replaced with the more accurate (and statutory) term of *collision* and to differentiate the term from *breakdowns*.

[52] *Id.*
[53] A bus monitor is an obsolete term. School-safety patrols were established to help students help each other cross highways. *See* Minn. Stat. § 121A.34; Minn. R. 7415.0200-.0800.
[54] Department of Public Safety, *Minnesota Model School Bus Driver Training Program*, 30.

The department strikes existing language in subpart 4 that requires a school-bus driver to send two students to the nearest house for help. With cell phones and other electronic means of communication,[55] this is an obsolete practice that is unnecessary and puts the safety of students at risk. Instead, a school-bus driver should remain calm, quickly assess the situation, and request assistance, all while remembering that their first responsibility is to protect the students' safety.

Depending on the collision, a school-bus driver may need to secure the crash scene, provide first aid, or otherwise take action to protect the students' safety. If a school-bus driver must leave the bus, they must stop the motor, remove the ignition key, set the brakes, and otherwise render the school bus immobile and provide alternative supervision for the students such as another adult or a school-bus assistant. This is a standard safety practice that applies any time a school-bus driver leaves the bus: "If the driver leaves the bus for any reason or any period of time, the driver must conduct a safety and security inspection prior to placing the vehicle in operation."[56]

Subpart 5 reflects how a school district must have an "intradistrict system for reporting school bus accidents."[57] So if there is a collision, a school-bus driver should notify the school district or school-bus company so that someone is notified and can dispatch assistance. This subpart also makes plain-language changes on reporting collisions and cross-references to other statutory reporting requirements on vehicle collisions.

A school bus may break down because of a mechanical issue, so subpart 6 makes conforming changes with subpart 5. This consistency is needed and reasonable and separates collisions from breakdowns. If a school-bus driver must leave students unattended, the driver should provide for alternative supervision and secure the bus by setting the brake, shutting the engine off, and removing the keys.

Unlike collisions, breakdowns aren't subject to statutory reporting requirements and might not necessarily need to be formally reported to a school or school district (a school-bus driver should check the school-district's policy or their

[55] A school bus must be equipped with a two-way voice communications system or another electronic means of communication. Proposed Minn. R. 7470.1600, subp. 5(A).
[56] National Congress on School Transportation, *National School Transportation Specifications and Procedures*, 507.
[57] Minn. Stat. § 123B.91, subd. 1(4).

school-bus-company's policy). At a minimum, a school-bus driver should notify a school official such as a superintendent or the transportation-safety director.

Loading and Unloading Students (7470.1100)

Safely loading and unloading students is one of the statutory training competencies for school-bus drivers. Loading and unloading requires all of a school-bus-driver's concentration so that students can safely enter and exit the school bus. As with other school-bus requirements, some requirements are already prescribed in statute, which the department then supplements or clarifies in rule.

The requirements in subparts 2 to 5 are moved from part 7470.1000, restructured for readability, redrafted for clarity, and updated to reflect statutory changes. Stricken language in the beginning of the part on multifunction school activity buses is moved to part 7470.1400 because part 7470.1100 applies only to standard school buses (type A, B, C, and D school buses).

1. Subpart 1 (applicability).

This subpart establishes that the part applies only to type A, B, C, and D school buses. This limited applicability is needed because these school-bus types have the necessary equipment to safely load and unload students on roads and highways.

2. Subpart 2 (school-bus stops).

Language in this subpart reflects a school's authority to oversee school transportation. This authority includes scheduling school-bus routes, school-bus stops, and student discipline:

> When transportation is provided, scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, the determination of fees, and any other matter relating thereto must be within the sole discretion, control, and management of the board.[58]

In addition to this authority, each school district must "develop and implement a comprehensive, written policy governing pupil transportation safety, including transportation of nonpublic school students . . . ."[59] A school district's policy must contain minimum standards on topics such as student discipline, accident

[58] *Id.* § 123B.88, subd. 1.
[59] *Id.* § 123B.91, subd. 1.

reporting, and equipment inspection (these standards are reflected in other rule parts).

Loading or unloading may be needed at locations other than an approved school-bus stop—for example, emergency situations, road closures, or when directed by law enforcement. In these cases, a school-bus driver should radio the school to receive permission to deviate from the approved school-bus stop, in keeping with statutory requirements on a school's authority over student transportation.

3. Subparts 3 and 5 (multidirectional and multilane roadways).

Subpart 3 cross-references to statutory requirements on loading and unloading students on a multidirectional roadway, while subpart 5 clarifies that a school bus with a left-side passenger entrance door can load and unload students in the farthest-left portion of a one-way roadway. These are reasonable requirements to protect a student's safety by preventing students from crossing traffic lanes when entering and existing a school bus.

4. Subpart 4 (intersections and adjacent traffic lanes).

Student safety is also a goal in this subpart, which prohibits students from being unloaded into an adjacent traffic lane or within 50 feet of an intersection. This prohibition is needed because a school bus's stop arm and lights cannot control cross traffic. This 50-foot requirement will thus keep school buses back from the corner. The adjacent traffic lane means that a school-bus driver cannot unload a student into another lane that runs alongside the school-bus door side (typically this will always be to the right unless someone is driving a school bus with a left-side door for one-way streets).

When seeking feedback on the proposed rule, some affected parties were concerned about a blanket prohibition on loading or unloading within 50 feet of an intersection. The department acknowledges that there are instances when this requirement could inadvertently create unsafe stop options or difficulties for students with limited mobility. Accordingly, the department finds it needed and reasonable to require the 50-foot requirement only when the school bus isn't on a through highway[60]—this is because when drivers don't have the right-of-way or

[60] A *through highway* is defined in Minnesota Statutes, section 169.011, subdivision 82, as "every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter."

must stop (as on a through highway), drivers will be more observant and will notice the school bus's stop arm and lights.

Existing rule language also prohibits loading or unloading in the middle of an intersection,[61] and the department continues this prohibition as a commonsense, needed, and reasonable safety measure for students and drivers.

5. Subpart 6 (stopping school bus).

A school-bus driver must stop the school bus when a student is entering or exiting the school bus. Some school buses don't have a transmission with park, so a school-bus driver may need to shift into neutral to disengage the transmission, which reduces the risk of the school bus moving unintentionally.

6. Subpart 7 (Four-way hazard warning lights).

Statute governs when a school-bus driver can use the school bus's prewarning flashing amber signals or flashing red signals.[62] When a school-bus driver can't use these signals, the department finds it needed and reasonable to require the school-bus driver to use the school bus's four-way hazard warning lights to signal that the school bus is stopping and will be loading and unloading students. This requirement will protect the safety of students and other drivers by providing some warning signals that the school bus is stopping and that there is a potential hazard ahead.

The department strikes existing language on the proper following distance (existing item C) for reasons discussed on page 38.

7. Subpart 8 (unobstructed view).

This subpart—on loading and unloading students depending on the speed limit—is structured into a vertical list. The department keeps the rule's existing distance at which students can be loaded and unloaded on a roadway with a speed limit over 35 miles per hour. Existing rule requires a school-bus driver or another driver to have an unobstructed view of 500 feet in either direction. Based on feedback from school-bus associations, the department considered reducing this distance to 300 feet to align with statutory requirements for activating prewarning flashing amber signals but ultimately decided 500 feet was still necessary. This 500-foot requirement is needed because the distance gives other

[61] Minn. R. 7470.1000, subp. 2.
[62] Minn. Stat. § 169.443. The existing rule language is stricken because it duplicates statute.

drivers the opportunity to identify the school bus and start to expect the potential for the school bus's ambers to turn on.

This 500-foot distance is especially important for protecting the safety of students and drivers on steep roads or roads with sharp curves. School-bus stops should thus be established to ensure compliance with the current distance requirements in rule. But depending on the location of some school-bus stops, a 500-foot distance may be impracticable, so the department allows an exception to the 500-foot requirement when a school-bus-stop-ahead sign is posted.

These signs are governed by the Department of Transportation's *Traffic Engineering Manual* and *Minnesota Manual on Uniform Traffic Control Devices*. The former requires a sign "where a school bus, when stopped to pick-up or drop-off passengers, is not visible for an adequate distance and where there is no opportunity to relocate the school bus stop to provide adequate sight distance."[63] The Department of Transportation consults with school districts on where to place these signs.

Figure 1. Example of school-bus-stop-ahead sign

Last, the department makes technical changes to this subpart by adding "at least" and "in either direction" to establish consistent language in both subitems. This consistency is important in subitem (1) because there is a significant difference between 35 miles per hour and 50 to 55 miles per hour. As such, a school may want to establish a school-bus stop that allows for greater driver visibility.

[63] Minnesota Department of Transportation, *Traffic Engineering Manual*, chapter 6 (August 2026), 6-85.

8. Other technical changes.

Other changes in this part strike existing items C and F. Item C overlaps with statutory requirements on the proper distance when following another vehicle.[64] Problematic, however, is that the language on the specific following distance prevents schools-bus drivers from complying with a school district's procedures for loading and unloading on school property, where traffic conditions are different then on roadways.

Item F on railroad-grade crossings is stricken because it has been moved to part 7470.1000.

Subpart 9 on crossing highways makes conforming technical and plain-language changes.

[64] Statute states that "the driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the conditions of the highway." Minn. Stat. § 169.18, subd. 8(a).

Equipment (7470.1300)

Both state and federal law establish requirements for designing and constructing school buses. Federal law prescribes safety standards, while state law incorporates safety standards from the National Congress on School Transportation under its *National School Transportation Specifications and Procedures*.[65] State law also includes additional equipment standards for brakes, horns, trailer hitches, two-way voice communications, and other safety equipment.[66]

When inspecting school buses, the State Patrol must inspect against the Office of Pupil Transportation Safety's *School Bus Inspection Manual*. Accordingly, the proposed rules in this part are drafted so that school-bus drivers are prepared for inspections, can make their school buses compliant with safety standards, and are proactively inspecting their equipment before and after trips.

1. Subpart 1 (pretrip inspection).

Before every school-bus route or trip, a school-bus driver must inspect their school bus to ensure that it is in a safe operating condition. Among other benefits, a pretrip inspection allows the school-bus driver to identify and report defective equipment so the equipment can be serviced or replaced. Sometimes, another school-bus driver or a mechanic may conduct the pretrip inspection.

This subpart on the pretrip inspection is organized into items and a vertical list for structure and readability. The vertical list is expanded to account for statutory equipment requirements and to reflect that not all school buses (such as a multifunction school activity bus) are equipped with certain equipment such as a stop arm or eight-lamp system.

In addition to inspecting school-bus equipment, a school bus-driver must inspect any special equipment that a student with a disability requires for the student's safe transportation. Not all school buses are equipped with a wheelchair securement device, wheelchair lift, or seat-belt system. Seat belts or child-passenger-restraint systems must be visually or physically inspected as prescribed in the department's school-bus inspection manual. Doing so will also

[65] Minn. Stat. § 169.4501.
[66] *Id.* §§ 169.4502-.4504.

help school-bus drivers ensure that the seat belts conform with department design and installation seat-belt standards.[67]

A first-aid kit and body-fluid clean-up kit are required under statute.[68]

The proposed rules in this part reflect how a successful trip "requires proper planning and preparation"[69] and that this preparation and planning "involves proper vehicle maintenance and inspection."[70]

2. Subpart 2 (pretrip inspection when towing trailer).

To protect the safety of other drivers, a school-bus driver must properly secure a trailer[71] if the school bus is towing a trailer that stores sports or music equipment:

> Towing a trailer with a school bus requires familiarity and concentration. At a minimum, you should have a thorough knowledge of connecting the trailer to the bus, mirror adjustments, pre-trip inspection, load placement/securement, and how to safely operate the combination.[72]

The proposed equipment in item B reflects the equipment needed to secure a trailer and the equipment needed for its safe operation. The equipment also reflects current standards in the department's driver-training program.[73]

3. Subpart 3 (pretrip inspection report).

After conducting a pretrip inspection, a school-bus driver should complete a report that reflects the inspection results. This report is needed and reasonable to document that a school-bus driver has conducted a pretrip inspection and reminds them what they must inspect for.

Items A and B require a school-bus driver to maintain the inspection report, either electronically or on paper, for the day of operation and to make the report available to the State Patrol upon request. These are both needed and reasonable requirements because the State Patrol must "enforce rules . . . when

[67] Minn. Stat. § 169.447, subd. 4.
[68] These kits are required for type III vehicles under Minnesota Statutes, section 169.454, subdivisions 5 and 5a, as amended by Minnesota Laws 2026, chapter 85. For all other school buses, *see* Minn. Stat. §§ 169.4501, .451, subd. 3(b); National Congress on School Transportation, *National School Transportation Specifications and Procedures*, 46-47.
[69] Department of Public Safety, *Minnesota Model School Bus Driver Training Program*, 48.
[70] *Id.*
[71] Minn. Stat. § 169.447, subd. 5.
[72] Department of Public Safety, *Minnesota Model School Bus Driver Training Program*, 84.
[73] *Id.*

a school bus is operated on a public street or highway,"[74] and the inspection report provides evidence that the school-bus lights were working properly in case the State Patrol must take enforcement action for school-bus stop-arm violations.

4. Subpart 4 (posttrip inspection).

While a pretrip inspection ensures that a school bus is in a safe operating condition, a posttrip inspection is needed so that a school-bus driver doesn't leave a student on the school bus. While the department's concern is student safety, a school or school-bus company may want a posttrip inspection so a driver can "check for vandalism and items left on [*sic*] the bus" and "observe and report any damage or defects that may have occurred during the trip."[75]

This inspection doesn't necessarily have to occur at the school, but the inspection should be conducted before the school-bus driver leaves the school bus after their shift ends. For example, a school-bus driver's shift could include a morning tier of routes, and the school-bus driver would only need to conduct the posttrip inspection after completing their tier of routes (if the school-bus driver doesn't leave the bus between tiers).

In item B, the department defines *immediate vicinity* to advance its goals of preventing a school-bus driver from leaving a student on a school bus. A 50-foot area is needed and reasonable because it's about the length of a school bus and is consistent with other rule requirements on loading and unloading students at an intersection. The requirement is also needed so that a school-bus driver doesn't lose sight of the school bus before conducting the posttrip inspection—this allows the school-bus driver to make sure that students don't wander off at an unknown location.

[74] Minn. Stat. § 169.449, subd. 2.
[75] Department of Public Safety, *Minnesota Model School Bus Driver Training Program*, 48.

Operating and Driving Type III Vehicles and Multifunction School Activity Buses (7470.1400 and 7470.1500)

These two rule parts combine requirements on two different types of school buses (a type III vehicle and a multifunction school activity bus) because both are exempt from certain statutory requirements that apply to the standard yellow school bus and are limited in the type of school transportation that they can be used for.

1. Part 7470.1400.

A type III vehicle is used to transport students but doesn't look like the generally recognized yellow school bus. Instead, a type III vehicle is a van or other large passenger car such as an SUV or minivan:

> A 'type III vehicle' is restricted to passenger vehicles and buses having a maximum manufacturer's rated seating capacity of ten or fewer people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. A 'type III vehicle' must not be outwardly equipped and identified as a type A, B, C, or D school bus or type A, B, C, or D Head Start bus.[76]

Type III vehicles are exempt from certain requirements that apply to the standard school bus such as not needing to stop at a railroad-grade crossing. Type III vehicles are also subject to statutory requirements that distinguish them from the standard yellow school bus.[77] These duplicative statutory requirements are stricken in part 7470.1400, and the department clarifies that rule requirements on transporting students with disabilities apply to type III vehicles.

Unlike a type III vehicle, a multifunction school activity bus is constructed and designed as a standard school bus, with several differences. For example, a multifunction school activity bus can't be painted yellow and doesn't have flashing lights to activate when loading and unloading students. Under federal law, a multifunction school activity bus is solely for activity transportation—that is, it cannot be used for home-to-school or school-to-home transportation.[78]

[76] Minn. Stat. § 169.011, subd. 71(h).
[77] *Id.* § 169.454.
[78] 49 C.F.R. 571.3.

2. Part 7470.1500.

In part 7470.1500, the requirements for school-bus drivers operating type III vehicles and multifunction school activity buses are restructured into subparts with headnotes and amended for clarity and consistency with other proposed changes. New requirements and amendments are summarized as follows:

- **Subpart 3 (where to load and unload).** Because of how type III vehicles and multifunction school activity buses are designed, school-bus drivers are restricted in where they can load and unload students. These restrictions are necessary because the vehicles lack equipment to safely stop in traffic. As such, a school-bus driver should unload and load outside the travel portion of the roadway and not in traffic lanes (the stricken language in subpart 3).

  Other changes make the rule language consistent with statutory training language and reflect feedback from affected parties.[79] For example, the department strikes the requirement that a student can't be loaded or unloaded on the shoulder, as there may be situations where this is the only possible place to load or unload a student.

- **Subpart 4 (escorting students across road).** Existing language prescribes when a school-bus driver must escort a student across the road by stating "where not possible or impractical." This vague language is replaced with a clearer and uniform standard that requires a school-bus driver or school-bus assistant to escort a student across the road. This amended language is consistent with language on crossing a highway under part 7470.1100, subpart 9.

- **Subpart 5 (stopping when loading and unloading).** This subpart adds language to reflect how a type III vehicle or multifunction school activity bus may have a manual transmission or may not have a transmission with park.

- **Subpart 6 (training).** As part of following the department's driver-training program, school-bus drivers of standard school buses must document their training using department training forms that are available online. But while school-bus drivers of a type III vehicle or a multifunction school activity bus must complete statutorily required training,[80] they aren't required to use department forms. To ensure consistency, the department finds it needed and reasonable to require all school-bus drivers to use department forms when

[79] Minn. Stat. § 171.02, subd. 2b(c)(8).
[80] *See id.*, subds. 2a, 2b.

documenting their training. This will also help the department accurately verify that school-bus drivers have completed their required training.

The department also proposes a new training requirement for type III school-bus drivers to specify a type of training on seat belts and child-passenger-restraint systems required by statute. Specifying this training in rule is needed because a type III school-bus driver must be familiar with the applicable statutory requirements and because while a school-bus company must adopt and implement "a policy that provides for annual training and certification of the operator in . . . proper use of seat belts and child safety restraints,"[81] the amount and type of training isn't detailed.

This lack of training specificity has been identified as a gap in the department's rule by child-passenger-safety technicians—these technicians are certified to provide personalized instruction on how to properly use car seats, booster seats, and seat belts.

To account for this gap, the department proposes that type III school-bus drivers receive one hour of training through the BEST program[82] or another training provider. The BEST program is the state-approved program required for all licensed child-care and foster-care providers—these providers must complete a child-passenger-safety training program if they want to transport children under nine years of age.[83] Alternatively, if a school-bus company or school district employs or contracts with a child-passenger-safety technician, the technician may provide the required training.

This training on child-passenger restraints is needed particularly so that school-bus drivers can safely transport children with disabilities or children that require a child-passenger-restraint system. For example, children may have medical conditions or developmental needs that require adaptive restraints to prevent serious injury if there is a traffic accident.

The first part of the BEST program is a free online course, Car Seat Basics. This course is one hour and offered through the National Safety Council, a

[81] Minn. Stat. § 171.02, subd. 2b(c)(6).
[82] Buckle Up MN, "Information for Caregivers," https://buckleupmn.org/information-for-caregivers/#licensed (accessed August 1, 2026).
[83] The department's Office of Traffic Safety certifies training providers. *See* Minn. Stat. §§ 142B.51; .65, subd. 8; .70, subd. 7; Office of Traffic Safety, "Child passenger safety," https://dps.mn.gov/divisions/ots/safe-driving-information-and-laws/driver-and-passenger-safety/cps (accessed September 3, 2026).

nonprofit that works to eliminate the leading causes of preventable death and injury on the nation's roads (the council also oversees the National Child Passenger Safety Board, which certifies child passenger safety technicians).

The second part of the BEST program requires in-person training and a skills evaluation. While the department believes that the one-hour training is important, the in-person training isn't necessary for most type III drivers.

Overall, the department's proposed training requirement is needed and reasonable for ensuring that children are safely transported and balances this critical safety need with possible concerns that school-bus companies may have about training costs. The training requirement is tailored to school-bus drivers of type III vehicles, where child-passenger-restraint systems are predominantly used and required.

Transporting Students with a Disability (7470.1600)

Both state and federal law establish that all students are entitled to free appropriate public education. This foundational right to education extends to transportation to and from school and to and from school-related activities. For example, to comply with federal law such as the Individuals with Disabilities Education Act and the Rehabilitation Act of 1973, the existing rule has long prescribed standards "to establish a ride to and from school that supports educational goals for all students since this ride is an extension of the student's educational day."[84] This transportation should be the least-restrictive option available so that students with disabilities can ride on a school-bus route with their peers.

As the department discusses on page 4, the rules relating to school-bus operations were first adopted and administered by the state Board of Education. The rules were transferred to the department in 1994, but the department hasn't amended them. Accordingly, the department proposes to update standards for students with disabilities to reflect changes in state and federal law and best transportation practices for these students. The department consulted with the Department of Education to ensure that the existing and proposed rules are consistent with federal law, especially as the rules relate to IEP teams.

As a result of this consultation, the department clarifies that a student's IEP team should determine the length of the student's transit time, the need for a school-bus assistant, any needed special equipment, and any needed emergency-evacuation plan.[85]

The various consultation requirements require an IEP team to consult with the school's school-bus company. This requirement won't apply if the school doesn't contract with a private school-bus company and instead provides its own student transportation.

[84] Department of Public Safety, *Minnesota Model School Bus Driver Training Program*, 80.
[85] For more on IEP teams, *see* Minnesota Department of Education, *Q&A: Individualized Education Program Team Membership* (July 2017).

1. Subpart 1 (services provided).

This subpart establishes the applicability of requirements for students with disabilities. In addition to plain-language changes, the department strikes duplicative and nonrule language. The sole substantive changes are to change *contract* to *agreement* for consistency with language in the department's statutory authority and to add the term *guardian* when referring to a student's parents. This addition reflects statutory special-education requirements.[86]

2. Subparts 2 to 4 (appeal process, transit time, type of school bus).

These subparts reflect state and federal requirements on equal student transportation. The length of transportation for a student under this part should be part of a comprehensive and reasonable determination for transporting students with disabilities, along with determining the appropriate school bus and special equipment for the student.

The subparts make mostly conforming and plain-language changes. In subpart 3, nonrule language (*in general*, *should*) and other language that is already reflected in state and federal law is stricken. The department clarifies that any determination on a student's transit time should be communicated to the school-bus contractor so it can plan accordingly.

Similarly, a school must consult with a student's IEP team on the student's transportation needs so the school can work with the school-bus contractor to determine the appropriate school bus for safely transporting the student.

3. Subpart 5 (two-way voice communications system and school-bus assistant).

This subpart clarifies how an IEP team will determine whether a school-bus assistant is needed to help safely transport a student with a disability. The clarification is needed because the requirement isn't clearly established in existing rule. For example, existing rule requires a school bus to have a two-way voice communications system or a school-bus assistant. The department strikes the option for a school bus to be unequipped with a two-way voice communications system because this system is needed for safety reasons and in case of emergencies.

Item B then allows an IEP team to determine whether a school-bus assistant is needed for a school-bus route given the student's needs. This determination

[86] *See generally* Minn. Stat. §§ 125A.01-.81.

reflects the IEP team's responsibility under federal law and is consistent with other requirements in this part.

When making this determination, the existing rule refers to overly vague factors such as "density of population" and "terrain." The department strikes these factors because the main factors to be evaluated will always include the disability of the student being transported (*see* subpart 3) and the distance traveled. Evaluating these factors can help an IEP team account for the student's physical, mental, and emotional well-being.

Existing rule language allows the school district and the student's parents to agree to exceptions when determining whether a school-bus assistant is needed for a student with a disability. This language is stricken and clarified to recognize how a school district can't unilaterally assign a school-bus assistant to a school-bus route without seeking agreement from a parent or guardian and incorporating that change into the student's IEP. In Minnesota, parents and guardians can object to a change like this, and the school would be then unable to move forward. Whether or not the school needs to provide notice and opportunity to object depends on whether adding a school-bus assistant would change the provision of a free appropriate public education for the student and affect their ability to receive an educational benefit. The upshot is that there may be situations where a school-bus assistant is needed and situations where a school-bus assistant is incidental to the student's free appropriate public education.

The subpart is also reorganized into items and a vertical list for clarity and readability.

4. Subpart 6 (special equipment).

A school bus must have special equipment, depending on the student and type of school bus. This subpart makes conforming and plain-language changes to this requirement while also requiring an IEP team to consult with the school-bus company on any special equipment that a student may need. Requiring this consultation is needed and reasonable because the school-bus company must be able to install and maintain the equipment. The party responsible for providing the special equipment is determined in the school's contract with the school-bus company.

5. Subpart 7 (wheelchair equipment).

A wheelchair-securement device—and associated restraint systems (seat belts) and ramps—is a type of special equipment that may be needed if a student with

a disability uses a wheelchair. Wheelchair-accessible vehicles are governed by statute, which requires the State Patrol to inspect wheelchair-accessible vehicles.[87]

To be consistent with the statute, the department proposes new language to reflect updated statutory requirements such as the need for wheelchair-securement devices to comply with Code of Federal Regulations, federal safety standards from the National Highway Traffic Safety Administration, and statutory requirements requiring devices to be "maintained in working order and according to the manufacturer's recommendations."[88] Similarly, restraint systems and wheelchair lifts or ramps should comply with statutory requirements and, as with a wheelchair-securement device, should be installed and maintained according to the manufacturer's instructions.

Item B adds needed language to protect a student's health and safety if the student needs special equipment while being transported. This special equipment should be easily accessible and thus secured to the student's wheelchair or in the school bus.

All these proposed requirements will protect the safety of students using wheelchair-securement devices (and other special equipment) and align the rule with the department's driver-training program. As the training program states, "the driver should have an understanding and maintain sensitivity to all students and their needs. Remember you are transporting a 'student who uses a wheelchair' not a 'wheelchair.'"[89]

6. Subpart 8 (emergency-evacuation plan).

This subpart adds a new requirement on emergency-evacuation plans, which a student with a disability may need. These plans are developed by the student's IEP team and the school's transportation-safety director. But not every student with a disability will need a tailored emergency-evacuation plan, so the department clarifies that a school's standard evacuation plan may be used if the IEP team determines that a special evacuation plan isn't needed to safely evacuate the student.

An emergency-evacuation plan should be updated if a student's disability or any needed special equipment changes, because a school-bus driver or school-bus

[87] Minn. Stat. §§ 299A.11-.17.
[88] *Id.* § 299A.12, subd. 1.
[89] Department of Public Safety, *Minnesota Model School Bus Driver Training Program*, 78.

assistant may need to evacuate a student differently depending on the student's disability or special equipment.

7. Subpart 9 (consultation exceptions).

In parts 7470.1600 and 7470.1700, the department requires a school or a student's IEP team to consult or communicate with a school-bus company on a student's needed transportation services. But logically, this requirement won't apply to schools that provide their own student transportation. As such, this subpart reflects that not all schools contract for student transportation and precludes the department from continually having to add "if any" after "school bus contractor" in these two rule parts.

School-Bus Drivers and School-Bus Assistants Transporting Students with a Disability (7470.1700)

This part also governs requirements for students with a disability. While part 7470.1600 applies to any equipment or device that a student may need for their transportation, this part applies to the training and responsibilities that school-bus drivers and school-bus assistants need so they can safely transport students with disabilities. School-bus drivers and school-bus assistants assigned to a special-transportation route require this additional training because "it is important for special needs drivers and aides to be familiar with the characteristics of students transported under their care."[90]

1. Subpart 1 (assigning school-bus drivers and school-bus assistants).

This subpart makes technical and conforming changes to school-bus drivers and school-bus assistants assigned to a special-transportation route.

2. Subpart 1a (training).

Training for school-bus drivers is required by statute,[91] and the department maintains these forms and other resources on its website. Annual training helps school-bus drivers safely transport students and operate on the roads.

The department creates a new training subpart for school-bus drivers and school-bus assistants by moving requirements from subpart 3. These moved requirements contain most of the existing requirements and are updated with technical and conforming changes.[92]

A new change in the training language requires a school-bus driver and school-bus assistant to be trained in meeting the needs of the students that they will be transporting *before* transporting these students rather than the existing requirement that allows this training to be completed within one month of being assigned to a school-bus route.

[90] *Id.*, 80.
[91] Minn. Stat. § 171.321, subd. 4(d): "A school district, nonpublic school, or private contractor shall provide in-service training annually to each school bus driver."
[92] Existing rule requires training on first aid, supporting students with disabilities, and properly using and securing special equipment.

Another new training requirement cross-references to a student's emergency-evacuation plan under part 7470.1600. Given the needs and equipment that a student with a disability may have, this new training requirement is needed and reasonable so that school-bus drivers and school-bus assistants can safely evacuate not only these students but every student on the bus.

Last, the department cross-references to two federal requirements and the state's data-practices act so that school-bus drivers and school-bus assistants can protect the confidentiality of students with disabilities according to state and federal law.

3. Subpart 1b (school-bus-driver and school-bus-assistant responsibilities).

This subpart reflects the training requirements under subpart 1a and establishes a duty for a school-bus driver and school-bus assistant to safely use any needed special equipment, to protect all students when using the equipment, and to follow state and federal confidentiality laws.

4. Subpart 2 (student information).

This subpart prescribes the information for students with disabilities that a school-bus driver and school-bus assistant should be able to readily access, and the department adds new information that both employees should know. For example, the rule—in item A, subitem (2)—is updated to reflect that the information may be available electronically and that the information should include details on any special equipment a student needs, a student's behavioral conditions that may affect their safe transportation, and any needed medical care or equipment. Depending on the student's IEP, some of these restrictions may include specific details such as where other people in the vehicle can sit in relation to the student.

This information is important so that a school-bus driver and school-bus assistant can plan and train on how they will safely transport a student with a disability and how to protect the health and safety of all students being transported. These requirements are also consistent with proposed department requirements in part 7470.1600 on special equipment and reflect how "an effective driver is one who encourages acceptable student behavior on the school bus."[93]

In item B, the department clarifies that schools are responsible for providing and maintaining this student information. School-bus companies rely on schools to

[93] Department of Public Safety, *Minnesota Model School Bus Driver Training Program*, 80.

supply accurate and current transportation information so that school-bus drivers and school-bus assistants can comply with department rules and safely transport students.

The department also tailors the information that schools must provide in item B. For example, there isn't automatically a need for a school-bus driver to know about a student's disability just because the school-bus driver is transporting the student, as this would result in employees having more information than they need to do their job and doesn't protect a student's privacy.

Student privacy and rights for students with disabilities are protected under the Individuals with Disabilities Education Act, which requires schools to ensure that the student's IEP is accessible to each regular-education teacher, special-education teacher, related service provider, and any other service provider who is responsible for implementing the IEP. This means that school-bus drivers must have at least the portion of the student's IEP (not necessarily all of it) that they need to provide any services that the student needs while being transported.

In addition to clarifying requirements on student information, the department makes other clarifying and technical changes in this subpart:

- Item A, subitem (3), replaces the requirement on a student's emergency health-care information with a more specific requirement on a student's transportation needs under their IEP.
- Subitem (4) is simplified to require access to a student's emergency contacts, whether it be the student's parents or guardians, or some other person who should be notified if there is an emergency involving the student.
- Subitem (5) adds a new requirement that a school-bus driver, school-bus assistant, and school-bus company should have access to an emergency-evacuation plan for every student with a disability if the student needs a specifically tailored plan for emergency situations. Although both the school-bus driver and school-bus assistant must be trained on the plan, this information should also be readily accessible.

5. Subpart 3 (driver training).

Training requirements in subpart 3 are moved to subpart 1a.

Renumbering, Repealer, and Effective Date

The renumbering and repealer changes are uncoded changes. The need and reasonableness for the repealed rule parts and subparts have been discussed in the rule-by-rule analysis.

1. Renumbering.

With the mix of repealers and new lettered subparts (1a, 1b, 2a, etc.), the revisor will reorganize the rule chapter to be more cohesive. This technical change is both needed and reasonable because the department is repealing rules that have since been incorporated into statute and because the rule chapter has enough "room" to allow for renumbering. The renumbering will also arrange requirements more logically.

2. Repealer.

The following parts and subparts are repealed:

- **7470.0100:**
  - Subp. 2: obsolete term
  - Subp. 3: obsolete term
  - Subp. 4: unnecessary term
  - Subp. 5: obsolete term
- **7470.1000:**
  - Subp. 1: obsolete and duplicative requirements
- **7470.1200:** obsolete requirement and replaced with new language in part 7470.1000, subpart 3a
- **7470.1700:**
  - Subp. 3: moved to subpart 1a.

3. Effective date.

The department proposes a delayed effective date so that the new rules won't become effective in the middle of the school year. A delayed effective date of August 1 is needed and reasonable because the delay will allow the department to do outreach at summer conferences hosted by school-bus associations and to educate school-bus companies and school districts on the new rule before the start of the 2027-2028 school year.

Conclusion

In the SONAR, the department has established the need for and the reasonableness of each of the proposed amendments to Minnesota Rules, chapter 7470. The department has provided the necessary notice and complied with all applicable APA rulemaking requirements.

Based on the evidence and information in the SONAR, the proposed amendments are both needed and reasonable.

Bob Jacobson, Commissioner
Department of Public Safety

October 15, 2026