

**RULE IMPACT STATEMENT**  
**STATE DEPARTMENT OF EDUCATION**

**Title 210**

**Chapter 30**  
**Subchapter 5**

a. **What is the purpose of the proposed rule change?**

The purpose of the proposed rule change is to update State Department of Education rules regarding transportation of students.

First, the proposed change to the rule adds a procedure to the provision of the rule regarding certification of school bus drivers at 210:30-5-1(g), whereby licensed drivers of commercial motor vehicles who have monocular vision conditions may apply for a waiver of the vision requirements under certain circumstances in order to be able to obtain a certification as a school bus driver. The waiver procedure ensures that the school bus driver certification requirements remain in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*

Second, the proposed change to the rule adds a requirement to the provision of the rule regarding renewal of a school bus driving certificate at 210:30-5-1(g)(2)(C). The proposed change would require that any driver seeking to renew a certificate which has been expired for more than one year shall complete a bus driver refresher course approved by the State Department of Education.

Third, the proposed change to the rule adds a requirement for school bus inspections current set forth in 210:30-5-1(e)(2), whereby all certified school bus drivers shall be required to conduct a post-trip inspection of the vehicle to ensure that no schoolchildren have been left on the bus.

Fourth, the proposed change to the rule corrects and clarifies the procedure currently in the rule whereby an individual who has not been licensed to inspect school buses by the Oklahoma State Department of Public Safety may become qualified to perform annual school bus inspections under an alternate procedure. The proposed change to the rule also corrects an inaccurate citation to specific provisions of the Federal Motor Carrier Safety Act.

Finally, the proposed change to the rule reorganizes the rule, which deals with several different transportation topics, by removing subsections (b)-(g) of 210:30-5-1 and renumbering subsections (b)-(g) of 210:30-5-1 as separate sections, which will be considered separate rules. Dividing this long rule into separate rules will provide more clarity to the public and make future changes to the rule less confusing.

b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**

School districts will now have the ability to hire licensed drivers of commercial motor vehicles who have monocular vision conditions and who can document a record of safe driving with the monocular vision condition. Certified school bus drivers will now have to conduct a post-vehicle inspection of the school bus after completion of a route in order to ensure that no children have been left behind on the bus.

- c. **What classes of persons will benefit from the proposed rule change?**  
Licensed drivers of commercial motor vehicles with at three years' experience in driving a commercial motor vehicle while the driver has had a monocular vision condition will be now be able to apply to the State Department of Education for a waiver of the existing vision requirements in order to obtain certification to drive a school bus. Prospective school bus inspectors will now have more clarity regarding the qualifications for becoming a school bus inspector. Students and parents of students who use school transportation will benefit from the additional safety requirements.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**  
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time, except that school bus drivers seeking a renewal of a certificate which has been expired for more than one year may now be required to pay additional costs associate with a school bus driver education refresher course required as a prerequisite to renewal.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**  
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. The minimal required additional record keeping will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**  
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**  
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**  
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**  
The changes in the proposed rule are designed to (1) minimize the risk of school children being left on a school bus at the end of a bus route as a result of a circumstances in which the presence of a small child left behind might potentially be overlooked, e.g., a preschool child or a special needs child who falls asleep in a seat and might not be otherwise observed by the bus driver at the end of the route; (2) increase safety of operation and maintenance of school buses by requiring drivers whose certificates have expired for more than one year complete a refresher course in school bus driving; (3) protect the agency from allegations of violations of State and/or federal laws prohibiting discrimination on the basis of disabilities against individuals with monocular vision conditions. The proposed rule is intended to accomplish this by providing a procedure whereby such drivers who are licensed to operate commercial motor vehicles and have demonstrated an ability to safely operate a commercial motor vehicle may seek a waiver from the agency of the vision requirements in one eye.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**  
See paragraph i.