Happy New Fiscal Year,

At its June 14, 2017 meeting, the State Board of Education approved a notice of rulemaking for the Operation, Maintenance, and Inspection of School Transportation Vehicles (1 CCR 301-26).

This is a follow-up to the Emergency Rules that the State Board adopted in May 2017.  This rulemaking is to adopt the Emergency Rules on a permanent basis.  Emergency Rulemaking was necessary following Senate Bill 17-083 which removed several rules in 1 CCR 301-26 due to technical issues identified during the rule review conducted by the Committee on Legal Services.  The following summarizes the technical issues and the changes included in the Emergency Rulemaking:

* Length of Bus Routes:  Pursuant to Section 22-51-108 C.R.S., the rules shall include reasonable and adequate standards of the safety in the length of bus routes. The proposed Emergency Rules require districts to make an effort to minimize student ride times while considering student educational needs and the geographic boundaries, terrain, traffic congestion, and financial resources within the district. Additionally, the proposed Emergency Rules allow local boards of education to establish a maximum student ride time, if desired.
* References to the Code of Federal Regulations:  There are several references to the Code of Federal Regulations that are not properly incorporated pursuant to Section 24-4-103 (12.5)(a)(II), C.R.S.  The proposed Emergency Rules makes the appropriate change to the references.
* Reference to a School Bus Operator Guide: In rule 18.01, under the heading "Emergency Evacuation Drills", there is a reference to a school bus operator guide.  The guide should have been adopted as part of the rules or the rules should not require compliance with the guide. The proposed Emergency Rules eliminate reference to the guide.
* Reasonable Size for Containers:  Rule 15.03(e) states that containers of chemicals and cleaning supplies must be kept to a reasonable size. The phrase "reasonable size" was found to be subjective and difficult for the regulated party to understand. The proposed Emergency Rules clarify that containers must be no more than 32 ounces in size.

In addition to the changes included in the Emergency Rulemaking, the department is recommending some additional changes to clarify various items within the rules. Specifically, the proposed changes clarify the transportation covered by these rules and clarify when warning signal lights should be activated.

A copy of the proposed rules is attached.  Additionally, a copy of the changes incorporated during the Emergency Rulemaking in May is also attached.

The rulemaking hearing will be is scheduled for in August. Prior to the hearing, you may provide written comment to these rules via email to okes\_j@cde.state.co.us or to

state.board@cde.state.co.us.   Additionally you can attend the August State Board meeting to provide oral testimony.

Thanks!

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