

A bill for an act
relating to student transportation; establishing procedures and standards for
contracting for private student transportation services; amending Minnesota
Statutes 2006, sections 123B.88, by adding a subdivision; 123B.91, subdivision
1; proposing coding for new law in Minnesota Statutes, chapter 123B.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 123B.88, is amended by adding a
subdivision to read:

Subd. 23. **District planning.** (a) Each year a district must reevaluate routes, bus
stops, and school start times for potential cost savings and improved effectiveness and
present its findings to the school board.

(b) Every three years, or as needed, a district must review student distance from
school and how it is determined and review the benefits and costs of contracting for some
or all of its transportation services and present its findings to the school board.

Sec. 2. Minnesota Statutes 2006, section 123B.91, subdivision 1, is amended to read:

Subdivision 1. **Comprehensive policy.** Each district shall develop and implement
a comprehensive, written policy governing pupil transportation safety, including
transportation of nonpublic school students, when applicable. The policy, at minimum,
must contain:

(1) passenger safety, including:
(i) provisions for appropriate student bus safety training under section 123B.90;
~~(2)~~ (ii) rules governing student conduct on school buses and in school bus loading
and unloading areas;

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- 2.1 ~~(3)~~ (iii) a statement of parent or guardian responsibilities relating to school bus
2.2 safety;
- 2.3 ~~(4)~~ (iv) an intradistrict system for reporting school bus accidents or misconduct and
2.4 a system for dealing with local law enforcement officials in cases of criminal conduct on
2.5 a school bus;
- 2.6 ~~(5)~~ (v) a discipline policy to address violations of school bus safety rules, including
2.7 procedures for revoking a student's bus riding privileges in cases of serious or repeated
2.8 misconduct;
- 2.9 ~~(6)~~ (vi) a system for integrating school bus misconduct records with other discipline
2.10 records;
- 2.11 ~~(7)~~ (vii) where applicable, provisions governing bus monitor qualifications, training,
2.12 and duties;
- 2.13 (viii) a defined list of students eligible for transportation and a list of fees the district
2.14 may charge for transportation; and
- 2.15 (ix) maximum student ride times;
- 2.16 ~~(8)~~ (2) driver and vehicle safety, including:
- 2.17 (i) rules governing the use and maintenance of type III vehicles, drivers of type III
2.18 vehicles, qualifications to drive a type III vehicle, qualifications for a type III vehicle, and
2.19 the circumstances under which a student may be transported in a type III vehicle;
- 2.20 (ii) consequences for a driver not meeting the qualification requirements in unit (i);
- 2.21 (iii) a system to annually verify that each driver is qualified to drive the vehicle to
2.22 which the driver is assigned by reviewing the driver's motor vehicle records and verifying
2.23 that the driver has a valid license and no disqualifying violations;
- 2.24 (iv) a system to annually verify that driver's physical examinations are up to date;
- 2.25 (v) a system to retain and document each driver's most recent motor vehicle record;
- 2.26 (vi) a system to conduct preemployment, random, reasonable suspicion, and
2.27 postaccident controlled substance testing as required by federal law;
- 2.28 ~~(9)~~ (vii) operating rules and procedures;
- 2.29 ~~(10)~~ (viii) emergency procedures;
- 2.30 ~~(11)~~ (ix) a system for maintaining and inspecting equipment; and, including a
2.31 vehicle purchasing and replacement policy;
- 2.32 (x) using information obtained through driver's daily pretrip and posttrip inspections
2.33 to repair and maintain vehicles;
- 2.34 (xi) ensuring that all vehicles used for student transportation are presented for
2.35 inspection during annual Department of Public Safety school bus inspections; and

(xii) a system that annually reviews all inspection reports and ensures that all violations are corrected; and
(12) (3) any other requirements of the school district.

Sec. 3. **[123B.911] CONTRACTOR PROVIDED STUDENT TRANSPORTATION SERVICES.**

Subdivision 1. Definitions. (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "District employee" means a public employee as defined in section 179A.03, subdivision 14, and applies exclusively to student transportation employees in a kindergarten through grade 12 school district.

(c) "Employee of a private contractor" means an employee of a private contractor as defined by this subdivision, an employee of a subcontractor or independent contractor that provides student transportation services to a private contractor, or a former employee of a private contractor or subcontractor of a former independent contractor.

(d) "Private contractor" means an entity that enters into a privatization contract with a kindergarten through grade 12 public school district.

(e) "Privatization contract" means an enforceable agreement or combination or series of agreements by which a private contractor agrees with a school district to provide services in place of services previously provided by employees of the school district, or services that could be provided by employees of the school district.

(f) "Services" means all aspects of services provided by a private contractor to a school district or by a subcontractor to a private contractor to implement a privatization contract.

(g) "Subcontractor" means a subcontractor of a private contractor for work under a privatization contract or an amendment to a privatization contract.

Subd. 2. School district requirements. (a) This section applies to school districts that contract with private student transportation providers or put out a request for proposal for privatization contracts in student transportation.

(b) A school district must obtain the following from the private contractor:

(1) a list of all drivers providing transportation for the district and a copy of each driver's motor vehicle record;

(2) an annual summary of the driver's substance abuse tests required by federal law. The summary information must include the number of drivers in the testing pool, the number of tests conducted each year, and the test results certified by the private contractor;

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(3) the length of continuous employment of the responder's current employees identified by their job classification, which may include any relevant prior experience. For the purposes of this section, "length of continuous employment" is the date of hire to the present with summer and other regular school breaks not considered interruptions to employment;

(4) the number of hours of accompanied behind-the-wheel training for drivers, minimum length of time holding a valid driver's license, minimum length of time holding a valid school bus endorsement for drivers, and minimum completed hours of training and a content summary of the training;

(5) the responder's current annual rate of employee turnover as measured by the number of new employees hired by the contractor in each classification during the most recent school year, divided by the average number of employees employed at one time in that classification during the same regular school year;

(6) the driver and aide recruitment and retention plan of the contractor, which must include, but is not limited to:

(i) an explanation of the actions the contractor has taken or will take to recruit qualified drivers for this contract;

(ii) the process for screening applicants to be certain that they meet the requirements of the specifications;

(iii) an explanation of the training that drivers and aides receive prior to assignment to routes;

(iv) an explanation of the actions of the employer to retain qualified drivers to meet requirements of the specifications in this subdivision, including an explanation of wage rates, summary of available health insurance benefits, and employee premiums for such plans and policies on compensated absences such as paid vacations, holidays, and sick leave; and

(v) annually or by request, whichever is more frequent, written reports to the district summarizing:

(A) the number of accidents and traffic violations, including those with and without injuries; a short description of each accident, including, but not limited to, injuries sustained; damage to bus or property, whether the accident was determined to be preventable or not; and the length of continuous employment of the driver involved; and

(B) the remedies undertaken by the contractor, including, but not limited to, new policies and procedures, training for the driver in question, or termination;

(7) any complaints issued by a federal, state, or local enforcement agency relating to alleged violations of relevant laws or rules, including those relating to employee safety

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and health and labor relations, along with any court decisions, administrative findings, or penalties for violations of those laws and rules, listing the date, the court or agency, and the law or rule found to be violated;

(8) annual proof of insurance;

(9) annual certification by the private contractor that it has provided annual driver training as required by law;

(10) an annual list of vehicles used for the district's student transportation, including the make and model year of all vehicles used;

(11) copies of all Department of Public Safety vehicle inspection records for all vehicles used in the district; and

(12) a summary of the contractor's inspection results across all districts it serves.

(c) A school district must:

(1) open its student transportation contract to new carriers every four years or as needed;

(2) use a competitive bid or quotation process to choose a provider;

(3) annually compare its rates with neighboring districts;

(4) have a written and signed contract with each of the private contractors it uses to provide student transportation; and

(5) annually measure contractor performance.

(d) Notwithstanding section 123B.52, a school district may award a transportation contract in the interest of student safety and cost-effectiveness.

Subd. 3. **Private contractor disclosure.** A private student transportation contractor in agreement or seeking agreement with a school district must disclose the information necessary for school districts to comply with subdivision 2, paragraph (b).

Sec. 4. [123B.912] SCHOOL BUS DRIVERS.

Subdivision 1. **Driver pay.** School bus drivers must be paid for the actual time worked. If a route pay system or hourly estimation is used, drivers must be scheduled and paid a minimum of an additional 15 minutes to allow for proper inspection of buses.

Subd. 2. **Right to refuse.** School bus drivers who document needed bus repairs shall have the right to refuse to operate the bus immediately for a safety-related repair and after 48 hours for a non-safety-related repair. The driver shall be provided an alternate bus, if available, and time to inspect it. The driver shall not be penalized in any way for fees, fines, or consequences incurred by the employer for delays or failure to operate the route. Nothing in this section may diminish the rights, pay, or benefits of drivers covered by a collective bargaining agreement with an exclusive representative.

6.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.