Common Sense Initiative

Mike DeWine, *Governor* Jim Tressel, *Lt. Governor*

Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Education and Workforce

Rule Contact Name and Contact Information: Brittney Kneisel
Brittney.Kneisel@education.ohio.gov

Regulation/Package Title (a general description of the rules' substantive content):

Pupil Transportation

Rule Number(s): 3301-83-01, 3301-83-06, 3301-83-08, 3301-83-10, 3301-83-11, 3301-83-12, 3301-83-17, 3301-83-19, 3301-83-20

Date of Submission for CSI Review: TBD

Public Comment Period End Date: TBD

Rule Type/Number of Rules:

New/___ rules

No Change/____ rules (FYR? ___)

Amended/ 9 rules (FYR? No)

Rescinded/____ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

   Which adverse impact(s) to businesses has the agency determined the rule(s) create?

   The rule(s):

   a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**

   b. ☐ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**

   c. ☐ **Requires specific expenditures or the report of information as a condition of compliance.**

   d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**
   Please include the key provisions of the regulation as well as any proposed amendments.

Ohio Administrative Code 3301-83-01 "Calculation of pupil transportation operation payments" addresses and clarifies how pupil transportation payments to school districts, and community schools that provide pupil transportation, are calculated under R.C. 3317.0212 and R.C. 3317.024. The rule is amended to use the term "mass transit" in alignment with R.C. 3327.017 and Ohio Administrative Code 3301-83-19. Other changes are made to remove language that is obsolete.

Ohio Administrative Code 3301-83-06 "Personnel Qualifications," sets forth qualifications for the transportation supervisor/director, school bus driver, maintenance personnel, bus aides, and drivers of other vehicles authorized for student transportation. Language in this rule is revised in response to employers, schools and districts indicating it is difficult to obtain a driver record abstract necessary to establish the two-year driving requirement (or whether drivers have any serious traffic offenses or disqualifying offenses such as OVIs) from foreign countries. Language was added to this rule in paragraph (F) to establish motor van driving performance evaluators (MVEs) who will perform the driving evaluation portion of the pre-service training for student transportation motor van drivers . Language was added to this rule in paragraph (G) to address transportation vendors that are not compliant with Ohio law and /or do not have any

physical location in Ohio where the Ohio State Highway Patrol and Department can conduct site visits to ensure compliance with Ohio law.

Ohio Administrative Code 3301-83-08 "Pupil transportation management policies" outlines the components of pupil transportation management policies intended to ensure the safety and welfare of school bus passengers. This rule is amended to correct a cross-reference.

Ohio Administrative Code 3303-83-10 "Personnel training program," outlines the pre-service and annual in-service training for bus drivers, motor van drivers, bus aides, pupil transportation director/supervisors, drivers of vehicles other than school buses, school bus mechanics, and on-the-bus instructors. This rule is revised based on feedback from stakeholders. The rule has also been updated to discontinue temporary certificates, which have not been frequently issued, at the request of Ohio preservice program instructors. Language has also been updated to require minimum annual training of four hours for motor van drivers consistent with the training for school bus drivers and aides. Language has also been revised to allow for a driving performance evaluation by a motor van driving performance evaluator (MVE) who has completed pre-service training, and an evaluation by the MVE of new drivers that includes a successful pre-trip vehicle inspection and knowledge of the motor van training curriculum, and a process for motor van driver training certificate renewal. Language has lastly been added to establish a review process when a driver's pre-service training certificate has been rescinded solely based on limited circumstances. Language has been omitted in (G)(5) and (G)(6) at the recommendation of the Ohio Pre-Service training program because those events should be for advanced driving skill development rather than for basic recertification.

Ohio Administrative Code 3301-83-11 "School bus and motor van inspections," outlines the process for daily, operational, post-trip and pre-trip bus inspections to ensure school transportation vehicles are operating safely for the transportation of students. Language was edited to correct a drafting error and contain the appropriate inspection items.

Ohio Administrative Code 3301-83-12 "Safety procedures," outlines general safety procedures and specialized procedures for school bus stops, railroad crossings and other situations. The language in the rule has been reorganized and clarified. Language has been added to ensure improved student safety to include procedures for authorized student transportation vehicles other than school buses.

Ohio Administrative Code 3301-83-17 "Authorized and unauthorized passengers," clarifies the distinction between authorized and unauthorized school bus passengers. Language is added to include school vehicles other than school buses in the unauthorized passenger rule.

Ohio Administrative Code 3301-83-19 "Authorized vehicles for transportation of pupils to and from school and school-related events," outlines the types and standards for vehicles used to

transport students to and from school and school related events. Language is added to include additional safety items and ensure consistency with changes to other rules. Paragraph (F) is added to address the specific use of a vehicle owned by the state of Ohio for non-routine transportation services by Ohio Deaf and Blind Education Services.

Ohio Administrative Code 3301-83-20 "General rules," provides general rules for pupil transportation vehicle safety. Language was added at the request of stakeholders. A reference to an exception provided in R.C. 2923.122 is added at the request of the Ohio Department of Public Safety.

3. **Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

Rule	Authorizing Statute	Amplifying Statute
3301-83-01	RC 4511.76, 3301.07	RC 4511.76, 3317.024,3317.0212
3301-83-06	RC 4511.76, 3301.07	RC 4511.76, 3327.10
3301-83-08	RC 4511.76, 3301.07, 3327.01	RC 4511.76, 3327.01
3301-83-10	RC 4511.76, 3301.07	RC 4511.76
3301-83-11	RC 4511.76, 3301.07	RC 4511.76, 3327.01
3301-83-12	RC 4511.76, 3301.07	RC 4511.76, 3301.07, 4511.62
3301-83-17	RC 4511.76, 3301.07	RC 4511.76
3301-83-19	RC 4511.76, 3301.07	RC 4511.76, 3327.08, 3327.09
3301-83-20	RC 4511.76, 3301.07, 3327.01	RC 4511.76, 3301.07, 3327.01

4. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?** ***If yes, please briefly explain the source and substance of the federal requirement.***

   No, the rules in this package do not implement a federal requirement. The rules are not being amended to enable the state to obtain or maintain approval to administer and enforce a federal law or participate in a federal program.

5. **If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

   The rules in this package do not implement federal requirements.

6. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The regulations are important for pupil transportation safety.

7. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

   The Department of Education and Workforce will continue to support the pre-service training program required of new and renewing drivers, monitor for proper training, and assist local school districts in satisfying the requirements of the rules.

8. **Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**
   If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

   No.

Development of the Regulation

9. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**
   If applicable, please include the date and medium by which the stakeholders were initially contacted.

   The Department of Education and Workforce sought feedback on the rules through open comment periods. On October 29, 2025, the Department published on its website for public comment the current Chapter 83 rules in this package. On November 4th and 6th 2025 public notices were sent to stakeholders through the EdConnection and GovDelivery regarding the postings. The public comment period closed on November 12, 2025. The Department received 2 comments and considered each when drafting the proposed rules. The Department opened a public comment period for the draft rules and the draft Business Impact Analysis on March 20, 2026. The comment period ended April 19, 2026 and the Department received three comments and considered each. The Department opened a public comment period for the revised drafts of rules 3301-83-06 and 3301-83-10 and the revised draft Business Impact Analysis on November 6, 2026.

10. **What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

    The OAC Chapter 3301-83 rules were revised based on input from and with the approval of the Department of Public Safety, whose recommendations are reflected throughout the rule package. Additional changes were made in response to various stakeholders, including the Pre-service training program.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

No scientific data was required for these proposed amendments.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? ***Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.***

The current regulations set forth in the rules have shown to be sufficient in 1) ensuring drivers are physically qualified to transport students, 2) drivers receive appropriate training, 3) drivers perform pre-trip inspections ensuring vehicles are safe to transport, and 4) ensuring bus owners establish safe bus stops and routes and general rules for passengers during transport.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

Most of the content and implementation of the policies and procedures referenced in the rules is not prescribed but is at the discretion of the bus and motor van owners. As to OAC rule 3301-83-10 Personnel training program, and rule 3301-83-11 School bus and motor van inspections, the Department of Public Safety and other stakeholders encouraged the department to keep the current requirements to ensure consistency across the state in the training preparation for bus drivers, mechanics and other transportation personnel, and to ensure all vehicles used for pupil transportation are subject to the same thoroughness in inspections to ensure all Ohio students have the safest possible transportation experience. To the extent that rule language was duplicative of statutes or other rules, language was removed.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The Department of Education and Workforce, Office of Field Services and Pupil Transportation will continue to provide updates and highlight new requirements in the regulations in trainings and presentations given to stakeholders.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

School bus, motor van and vehicle owners and drivers that transport pupils.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).
The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

Drivers are to meet qualifications and receive a certificate from the pupil transportation vehicle owner (district or contractor) before operating buses or other vehicles used to transport pupils. See R.C. 3327.10. Before this certificate may be issued, drivers must complete a pre-service training program and receive a training completion certificate from the instructor. Participation in the pre-service program for bus drivers costs approximately $85 and requires approximately 15 hours of classroom instruction and 12 hours of practical training with an on the bus instructor. Completion certificates are valid for 6 years from date of completion. To recertify, a driver must participate in the program and the fee is approximately $60. The driver will receive 9 hours of classroom instruction and must complete a skills assessment with an on the bus instructor. For motor van drivers, the pre-service training costs approximately $85 and requires approximately 4 classroom hours.

For first time bus driver applicants, the costs to receive a Commercial Driver's License (CDL) at a state-owned testing facility includes the following: CDL card, $46.50; pre-trip inspection, $10; basic maneuverability test, $10; and road test, $30. To renew a CDL, the cost is $49.25. Motor van drivers are not required to obtain a CDL.

16. Are there any proposed changes to the rules that will <u>reduce</u> a regulatory burden imposed on the business community? Please identify. *(Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors).*

For new motor van drivers, currently, rule 3301-83-10 requires a driving evaluation by an on-the-bus instructor or an employee designated by a school, district or ESC. Stakeholder comments are that the current language narrows options for new motor van driver evaluations. Changes in 3301-83-06 and 3301-83-10 establish a broader category of potential motor van evaluators (MVEs) while at the same time, ensuring minimum standards for MVE qualification and training. This change strikes balance between safety and availability.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Department and stakeholders value the pre-service program and the other driver/bus and

motor vehicle safety provisions in the rules as these provisions help to achieve consistency across the state and help to ensure safety when transporting pupils.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No. The rules include regulatory controls intended to maximize the safety of transported students. The rules are intended to ensure children's safety and, as such, it would not be appropriate to provide waivers.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Not applicable.

20. What resources are available to assist small businesses with compliance of the regulation?

The Department relies upon the local education agencies to comply with and enforce the rules. To facilitate their ability to do so, the Department provides guidance and training for school district administrators and transportation directors with regard to understanding and comprehension of the rules. The Department also relies upon pre-service instructors to train and teach drivers. The Department meets regularly with pre-service instructors to discuss any reoccurring issues and to ensure drivers are receiving the training they need to safely transport students.

The Department also works closely with the Department of Public Safety in their work to monitor and enforce regulations. The Department provides regular communications to all school employers, maintains a dedicated website for pupil transportation information, and also works with industry partners including transportation contractors and associations to assist and support anyone providing school transportation services.