

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 10.64.301 pertaining to school ) PROPOSED AMENDMENT  
bus requirements )

TO: All Concerned Persons

1. On April 23, 2018, at 10:00 a.m., the Board of Public Education will hold a public hearing in the Superintendent’s conference room at 1227 11th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on April 18, 2018, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted mater interlined:

10.64.301 SCHOOL BUS REQUIREMENTS (1) The Board of Public Education adopts and incorporates the Standards for School Buses in Montana – ~~2017 (as amended)~~ 2018. A copy of this document is available from the Office of Public Instruction, Pupil Transportation Division, P.O. Box 202501, Helena, Montana 59620-2501 and is available at the following web address: ~~http://opi.mt.gov/Leadership/Management-Operations/Legal-Division/Administrative-Rules-Notices-Standards~~ www.bpe.mt.gov.

(2) The Board of Public Education adopts standards for school buses in Montana in part from the National School Transportation Specifications and Procedures, as adopted in 2015 by the Sixteenth National Congress on School Transportation (NCST). The NCST occasionally issues an interpretation on its adopted specifications and procedures. Any interpretation adopted by the NCST shall be the official interpretation of the corresponding Montana standard unless that interpretation is specifically redefined or preempted by a corresponding Montana standard, law, or regulation. The National School Transportation Specifications and Procedures and additional information regarding the NCST are available at [www.NCSTOnline.org](http://www.NCSTOnline.org).

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, 20-2-121, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, 20-10-111, MCA

4. REASON: The Board of Public Education feels it is reasonable and

necessary to amend the bus standards and this rule because HB 355 enacted during the 2017 Legislative Session revised the definition of school buses. The definition now includes vehicles designed to carry 10 or fewer passengers to and from school. SB 355 also removed the CDL requirement for drivers of this bus type.

The board also proposes to include in the authorizing and implementing statutes a citation to its constitutional authority requiring the board "to exercise general supervision over the public school system." This inclusion would recognize the board's constitutional authority to conduct rulemaking.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., April 30, 2018.

6. Peter Donovan has been designated to preside over and conduct this hearing.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the board.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply. Representative Ray L. Shaw was contacted by email on August 1, 2017 and advised that the bus standards committee would begin working on the amendments to the bus standards.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Peter Donovan

Peter Donovan  
Rule Reviewer

/s/ Sharon Carroll

Sharon Carroll  
Board Chair  
Board of Public Education

Certified to the Secretary of State March 20, 2018.