



FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

What Would SB 88 Do?

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Ask SSC . . . Senate Bill (SB) 88 (Skinner, D-Berkeley) was amended several times before being approved by the Legislature. Now that the bill is with Governor Gavin Newsom, I want to know the impact it would have on local educational agencies (LEAs) and if there are exemptions?

You are correct that SB 88 was amended several times before being approved by the Legislature and sent to Governor Newsom (see the August 2023 *Fiscal Report* article, "[Pupil Transportation Bill Significantly Amended](#)," for the noteworthy amendments).

Now that the bill can no longer be amended, we will provide a synopsis of what the bill would do, who is exempt from the bill's requirements, and when the measure would take effect if signed into law by the Governor.

What Would SB 88 Do?

SB 88 would establish new requirements for drivers, whether employed by an LEA, contracted by an LEA, or contracted by an entity with funding from an LEA, who are compensated to provide school-related transportation services to students. Specifically, the bill requires a compensated driver transporting students in a vehicle with a maximum capacity of ten persons (including the driver) to comply with all of the following safety standard requirements:

- Be at least 18 years old, hold a valid California driver's license for the appropriate class of vehicle, and have a satisfactory driving record
- Pass a criminal background check, including fingerprint clearance
- Not have demonstrated irrational behavior to the extent that a reasonable and prudent person would have reasonable cause to believe that the driver's ability to perform the duties of a driver may be

impaired

- Not have been convicted of a sex offense or violent felony
- Provide their employer, or the private entity contracting with the LEA, a report showing the driver's current public record as recorded by the Department of Motor Vehicles (DMV) and require that they participate in the DMV's pull-notice system
- Comply with drug and alcohol testing subject to cannabis discrimination limitations
- Complete a medical examination and provide a copy of the medical examiner's certificate of clearance. This exam and the certificate of clearance must be completed every two years for those under 65 years old, and annually for those 65 years old and older
- Submit and clear a tuberculosis risk assessment
- Not drive for more than ten hours within a work period, or after the end of the sixteenth hour after coming on duty following eight consecutive hours off duty
- Complete initial and subsequent student transportation training
- Maintain a daily log sheet and complete the daily pre-trip inspection of the vehicle being driven that day
- Hold a valid and current first aid certificate

In addition, vehicles used to provide student transportation for compensation by an LEA must:

- Be equipped with a first aid kit and fire extinguisher
- Be inspected every 12 months (or every 50,000 miles) at a facility licensed by the Bureau of Automotive Repair to ensure that the vehicle passes a 19-point vehicle inspection. This requirement does not apply to vehicles owned or contracted with a LEA already subject to a statutory inspection program

For LEAs that contract with a private entity for pupil transportation, the LEA is required to obtain a written attestation from the private entity that includes all of the following:

- They do not have any applicable law violations at the time of applying for the contract
- They will maintain compliance with applicable laws for the duration of the contract
- That only drivers who meet the above safety requirements will be transporting students

- That they have all of the required report and documents on file pursuant to the above requirements

Who Is Exempt From the Increased Safety Standards Requirements?

While originally this bill would have applied the above requirements to any driver being compensated for transporting pupils, Senator Nancy Skinner agreed to exempt the following drivers from the bill's requirements:

- Individuals employed by a municipally owned transit system offering supplementary service, a congregate care facility licensed by the California Department of Social Services, a county human services agency, an entity serving pupils experiencing homelessness (excluding entities whose primary purpose is providing transportation services), a county probation agency, a non-LEA government agency, a foster family agency, or a tribal authority
- A parent or relative named in [Section 361.3](#) of the Welfare and Institutions Code (WIC), or a non-relative extended family member named in [Section 362.7](#) of the WIC, a guardian, a caregiver given temporary or permanent custody of the pupil, a court-appointed educational rights holder, a court-appointed special advocate, or a pupil who drives themselves
- An LEA employee that provides transportation to pupils due to or because of the employee's supervision for a field trip, extracurricular activity, or athletic program, or when the employee provides transportation for other activities (not to exceed 40 hours of drive time per school year per employee)
 - For this exemption an LEA must first make a reasonable effort to secure a driver who meets the enhanced safety requirements and then must inform the parent or guardian that the school employee driving their student does not meet the additional safety requirements outlined in the bill
- A driver who transports a pupil for a medical emergency or an emergency arising from a fire, flood, earthquake, or epidemic
- A driver providing transportation through a Foster Youth Services Coordinating Program while a pupil's transportation plan is being finalized
 - This exemption only applies for a period lasting no longer than one month after the first ride is provided to that pupil under this exemption

When Would the Bill's Provisions Take Effect?

SB 88 would not become effective until July 1, 2025, or upon the expiration of an LEA's transportation contract, whichever is later. The delayed implementation of the bill was agreed upon by the author to give LEAs time to plan for the enhanced safety requirements.

Next Steps

SB 88 is currently sitting on Governor Newsom's desk awaiting his action. He has until October 14, 2023, to sign or veto the measure. We will inform you in a subsequent Fiscal Report article once the Governor takes action on this bill. Stay tuned.