

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON EDUCATION
Darshana R. Patel, Chair
AB 2362 (Hadwick) – As Amended April 6, 2026

SUBJECT: Pupil transportation

SUMMARY: States that specified driver requirements do not apply to a school employee of a local educational agency (LEA) with fewer than 2,500 units of average daily attendance (ADA) and a frontier school district, when the employee provides transportation to students due to or because of the employee's supervision of students for a field trip, extracurricular activity, or athletic program, or when the employee provides transportation to pupils for other activities, for up to 200 hours of drive time per school year, per employee. Specifically, **this bill:**

- 1) States that specified driver requirements do not apply to a school employee of an LEA with fewer than 2,500 units of ADA and a frontier school district, when the employee provides transportation to students due to or because of the employee's supervision of students for a field trip, extracurricular activity, or athletic program, or when the employee provides transportation to pupils for other activities, not to exceed 200 hours of drive time per school year, per employee, if both of the following conditions are met:
 - a) The LEA makes a reasonable effort to secure a driver who meets the specified driver requirements; and
 - b) If the LEA is unable to secure a driver who meets the specified driver requirements.
- 2) Establishes the Rural Transportation Safety Grant Program to provide funding to small and rural LEAs for costs associated with training, inspections, and compliance related to LEA employee driver requirements. States that the grant program is subject to an appropriation by the Legislature, and requires the Superintendent of Public Instruction (SPI) to administer the program.

EXISTING LAW:

Driver requirements

- 1) Requires, except as provided below, the following specified driver requirements to apply to all drivers employed by an LEA, contracted by an LEA, or contracted by any entity with funding from an LEA, providing school-related pupil transportation for compensation. Excludes the following:
 - a) Drivers employed by any of the following: 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, excluding entities with a primary purpose of providing transportation services, serving pupils experiencing homelessness that is coordinated with the homeless continuum of care in counties that have one or otherwise designated to serve children who are homeless by a county without a continuum of care, a county probation agency, another government agency, other than an LEA, a foster family agency, as defined, and a tribal authority.

- b) The following persons who are compensated to drive a pupil: a parent or relative as defined, or a nonrelative extended family member as defined, a guardian, a caregiver given temporary or permanent custody of the pupil by a court, child welfare agency, tribal authority, or county probation department, a court-appointed educational rights holder, a court-appointed special advocate, and pupil who drives themself.
 - c) Drivers who transports a pupil who must be immediately transported to a facility in the case of a medical or psychiatric emergency, or in the case of pupils who need to be transported immediately as the result of an emergency that arises as a result of a fire, flood, earthquake, or epidemic, or because of any order of any military officer of the United States or of the state to meet an emergency created by war, or because of an immediate threat to the physical safety of the pupil or pupils.
 - d) Drivers who transport a pupil if the transportation is being provided through a Foster Youth Services Coordinating Program while a pupil's transportation plan is being finalized.
 - e) Drivers during a trip for which they are authorized by the LEA to transport one or more pupils for a field trip when the destination is more than 200 miles from the transported pupil's California school campus. (Education Code (EC) 39875)
- 2) Requires, if both of the following occur, none of the specified driver requirements to be construed to apply to a school employee of an LEA when the employee provides transportation to pupils due to or because of the employee's supervision of pupils for a field trip, extracurricular activity, or athletic program, or when the employee provides transportation to pupils for other activities, not to exceed 40 hours of drive time per school year per employee:
- a) An LEA makes a reasonable effort to secure a driver who meets the specified driver requirements; and
 - b) When an LEA is unable to secure a driver who meets the requirements, the LEA informs the parent, guardian, or court-appointed educational rights holder of the pupil being transported that the driver transporting their pupil does not meet the requirements, unless that notice will jeopardize a pupil's privacy rights. (EC 39875)
- 3) Requires a driver who provides transportation services for pupils in a vehicle with a maximum capacity of 10 or fewer persons, including the driver, to: hold a valid California driver's license for the appropriate class of vehicle, be at least 18 years of age, pass a criminal background check, including fingerprint clearance, have a satisfactory driving record, to have demonstrated irrational behavior, not have been convicted of a specified offense, participate in the Department of Motor Vehicles' (DMV) pull-notice system, Be subjected to and comply with specified drug and alcohol testing, complete a specified medical examination, submit and clear a tuberculosis risk assessment, complete initial training and subsequent required training, maintain a daily log sheet and pretrip inspection, and complete a first aid training program. Requires similar provisions for a driver who performs transportation services for pupils in a vehicle with a capacity of 10 or more persons. (EC 39877 and EC 39878)
- 4) States that to the extent that the specified driver requirements conflict with a contract entered into between an LEA and a private entity before January 1, 2024, the requirements do not apply until the expiration or renewal of that contract. (EC 39880)

- 5) Defines “LEA” to mean a school district, COE, charter school, entity providing services under a school transportation joint powers agreement, or regional occupational center or program for purposes of specified driver requirements. (EC 39881)
- 6) Requires specified driver requirements to become operative on July 1, 2025. (EC 39882)
- 7) Requires a school district governing board, county superintendent of schools, or governing body of a charter school providing for the transportation of pupils under contract as specified, or any other provision of law shall require as a condition of the contract the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of initial hire of all drivers transporting pupils for compensation. (EC 49406)

General pupil transportation

- 1) Authorizes the governing board of any school district to provide for the transportation of pupils to and from school whenever, in the judgment of the board, the transportation is advisable, and good reasons exist therefor. Authorizes the governing board to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or to contract with and pay responsible private parties for the transportation. Authorizes these contracts to be made with the parent or guardian of the pupil being transported. (Education Code (EC) 39800)
- 2) Prohibits transportation allowances from being made by the SPI for expenses incurred with respect to field trips or excursions that have an out-of-state destination. Requires a school district that transports pupils, teachers, or other employees of the school district in schoolbuses within the state and to destinations within the state, as specified, to report to the SPI on forms prescribed by him or her the total mileage of schoolbuses used in connection with educational excursions. Requires, in computing the allowance to a school district for regular transportation, a deduction from that allowance in an amount equal to the depreciation of schoolbuses used for the transportation in accordance with rules and regulations adopted by the SPI. (EC 35330)
- 3) Prohibits any school district and any owner or operator of a private school that provides transportation for pupils that owns, leases, or otherwise has possession or control of a 15-passenger van, from, on or after January 1, 2005, authorizing the operation of that van for the purpose of transporting passengers unless the person driving or otherwise operating that van has both of the following:
 - a) A valid class B driver’s license issued by the DMV; and
 - b) An endorsement for operating a passenger transportation vehicle issued by the DMV.
- 4) Defines a “15-passenger van” to mean any van manufactured to accommodate 15 passengers, including the driver, regardless of whether that van has been altered to accommodate fewer than 15 passengers. (EC 39800.5)

- 5) Establishes that a schoolbus is any motor vehicle designed, used, or maintained for the transportation of a school pupil at or below the grade 12 level to or from a public or private school or to or from public or private school activities, except the following:
 - a) A motor vehicle of any type carrying only members of the household of its owner;
 - b) A motortruck transporting pupils who are seated only in the passenger compartment, and a passenger vehicle designed for and when actually carrying not more than 10 persons, including the driver, except any vehicle or truck transporting two or more pupils who use wheelchairs;
 - c) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned or operated transit system, only during the time it is on a scheduled run and is available to the general public or on a run scheduled in response to a request from a pupil who uses a wheelchair, or from a parent of the pupil, for transportation to or from nonschool activities. However, the motor vehicle is designed for and actually carries not more than 16 persons and the driver, is available to eligible persons of the general public, and the school does not provide the requested transportation service;
 - d) A school pupil activity bus, as defined;
 - e) A motor vehicle operated by a carrier licensed by the Interstate Commerce Commission that is transporting pupils on a school activity entering or returning to the state from another state or country; and
 - f) A state-owned motor vehicle being operated by a state employee upon the driveways, paths, parking facilities, or grounds, as specified, that are under the control of a state hospital under the jurisdiction of the State Department of Developmental Services where the posted speed limit is not more than 20 miles per hour. (EC 39830 and Vehicle Code (VC) 545)
- 6) Defines “school pupil activity bus (SPAB)” to mean any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th grade level to or from a public or private school activity, or used to transport pupils to or from residential schools, when the pupils are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the pupil or place the pupil on the bus. Defines “common carrier,” “publicly owned or operated transit system,” and “passenger charter-party carrier” to mean carriers in business for the principal purpose of transporting members of the public on a commercial basis.
 - a) Requires that the driver of a SPAB to be subject to the regulations adopted by the CHP governing schoolbus drivers, except that the regulations must not require drivers to duplicate training or schooling that they have otherwise received that is equivalent to that required pursuant to the regulations, and the regulations may not require drivers to take training in first aid. Establishes that a valid certificate to drive a SPAB does not entitle the bearer to drive a schoolbus. (EC 39830.1 and VC 546)

- 7) Requires the California Department of Education (CDE) to develop or approve courses for training SPAB, transit bus, schoolbus, and farm labor vehicle drivers that will provide them with the skills and knowledge necessary to prepare them for certification. Requires the CDE to seek the advice and assistance of the DMV and the California Highway Patrol (CHP) in developing or approving those courses. (EC 40081)
- 8) Requires an original applicant for a certificate to drive a schoolbus to have successfully completed a minimum 40-hour course of instruction. Requires the course to include at least 20 hours of the applicant behind-the-wheel training in all sections of the Instructor's Behind-the-Wheel Guide for California's Bus Driver's Training Course. (EC 40082)
- 9) Requires an original applicant for a certificate to drive a SPAB or transit bus to have successfully completed a minimum 35-hour course of instruction. Requires the course to include at least 15 hours of the applicant behind-the-wheel training in all sections of the Instructor's Behind-the-Wheel Guide for California's Bus Driver's Training Course. (EC 40082)

Other

- 1) Defines "frontier school district" to mean a school district that meets either of the following conditions:
 - 2) The total number of pupils in ADA at all of the schools served by the school district is fewer than 600; or
 - 3) Each county in which a school operated by the school district is located has a total population density fewer than 10 persons per square mile.

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, "California's current 40-hour annual drive time limit for school employees transporting students does not reflect the realities of rural and frontier districts, where long distances and driver shortages are common. This restriction often forces schools to limit or cancel extracurricular activities, reducing opportunities for students.

AB 2362 provides a practical solution by increasing the limit to 200 hours for small and frontier school districts, while maintaining all existing safety requirements. The bill also establishes, contingent upon funding, a Rural Transportation Safety Grant Program to support training and compliance.

This bill ensures rural students have equal access to school activities while maintaining strong safety standards."

Key provisions of the bill. This bill would create greater exemptions to specified driver requirements established by SB 88 (Skinner), Chapter 380, Statutes of 2023, for certain school districts. Current law includes a provision authorizing an LEA employee driver to be exempt from the specified requirements for up to 40-hours when the employee provides transportation to

pupils due to or because of the employee's supervision of pupils for a field trip, extracurricular activity, or athletic program, or when the employee provides transportation to pupils for other activities. This bill would expand the 40-hour exemption to a 200-hour exemption of drive time per school year for school employee of LEAs that both have fewer than 2,500 units of ADA and are considered frontier school district, when the employee provides transportation to students due to or because of the employee's supervision of students for a field trip, extracurricular activity, or athletic program, or when the employee provides transportation to pupils for other activities, for up to 200-hours. A frontier school district either has fewer than 600 students or located in a county that has a total population density fewer than 10 people per square mile.

The bill also establishes the Rural Transportation Safety Grant Program to provide funding to small and rural LEAs for costs associated with training, inspections, and compliance related to LEA employee driver requirements. States that the grant program is subject to an appropriation by the Legislature and requires the SPI to administer the program.

Driver requirements for LEAs transporting students in vehicles other than a schoolbus or SPAB. SB 88 (Skinner), Chapter 380, Statutes of 2023, operative on July 1, 2025, establishes new requirements of drivers who transport students in vehicles, as specified, including: passing a criminal background check, including fingerprint clearance; having a satisfactory driving record; complying with specified drug and alcohol testing; completing a specified medical examination; submitting and clearing a tuberculosis risk assessment; completing initial and subsequent student transportation training; maintaining a daily log sheet and completing the daily pretrip inspection of the vehicle; completing a specified first aid training. The driver requirements created by SB 88 (Skinner) were created to ensure student and driver safety and were inspired by the existing requirements for schoolbus drivers. Additional provisions include vehicle requirements, contracted transportation provider requirements, specified exemption for certain drivers, including parents and relatives who drive their own children, and defines LEA to mean a school district, county office of education, charter school, entity providing services under a school transportation joint powers agreement, or regional occupational center or program.

SB 88 (Skinner) included a provision authorizing an LEA employee driver to be exempt from the specified requirements for up to 40 hours when the employee provides transportation to pupils due to or because of the employee's supervision of pupils for a field trip, extracurricular activity, or athletic program, or when the employee provides transportation to pupils for other activities. The 40-hour exemption is authorized only when both of the following occur: the local LEA makes a reasonable effort to secure a driver who meets the specified driver requirements; and when an LEA is unable to secure a driver who meets the requirements, the LEA informs the parent, guardian, or court-appointed educational rights holder of the pupil being transported that the driver transporting their pupil does not meet the requirements, unless that notice will jeopardize a pupil's privacy rights.

This bill would extend the 40-hour exemption to 200-hours for employee drives of LEAs with fewer than 2,500 units of ADA and a frontier school district. Some LEAs, particularly from small and rural school districts, have expressed frustrations and challenges in finding staff willing to meet the requirements of SB 88 (Skinner) and transport students.

Driver requirements for schoolbus and SPABs. There are several categories of Special Driver Certificates issued by the CHP, including school bus driver and school pupil activity bus driver. The CHP partners with the DMV and the CDE to assist with the testing of school bus driver

applicants. Drivers of a schoolbus or a SPAB must meet all of the requirements listed in the table below.

Certificate	Schoolbus	SPAB
Original training	20 hour class, 20 hour behind-the-wheel	15 hour class, 20 hour behind-the-wheel
Renewal training	10 hour per training period class behind-the-wheel or in-service	10 hour per training period class behind-the-wheel or in-service
Written testing	CHP rules and regulations, first aid	CHP rules and regulations
Driving testing	CHP pre-trip behind-the-wheel	CHP pre-trip behind-the-wheel
Commercial licensing	A or B license with Pupil Activity Bus, and School Bus endorsements, which includes Live Scan (background check)	A or B license with Pupil Activity Bus endorsement, which includes Live Scan (background check)
Training verification	CDE	CDE
Instructor	CDE certified	CDE certified

Home-to-school transportation overview. California does not require districts to transport students to and from school. Instead, state law gives discretion to the district governing board to provide pupil transportation, “whenever in the judgment of the board the transportation is advisable and good reasons exist.” Federal law requires districts to provide transportation to students with disabilities, if required by their individualized education program (IEP) and to homeless students. Starting in the 1970’s, several school districts ran large transportation programs to comply with court-ordered desegregation requirements.

According to a 2014 report by the Legislative Analyst’s Office (LAO), *Review of School Transportation in California*, approximately 12% of California students rode the school bus on a daily basis in 2011-12. Nationally, up to 50% of students ride the bus to school. The report suggests the lower rate of school bus usage in California may be partially due to the greater proportion of students who live within two miles of school in California, an estimated 70%, versus 50% nationally. According to 2009 data, California students travel to and from school using a variety of modes: 54% by automobile, 28% walking/biking, 14% by school bus, and 4% using public transit or other methods.

Approximately 275 districts, or one-quarter of the districts in the state, transport fewer than 10% of their students, while 100 districts transport more than half of their students. The districts transporting larger shares of students tend to have smaller enrollments, be located in more rural areas, and enroll larger proportions of students from low-income families. Many districts running larger transportation programs reported that they offer such services because many of their students lack viable alternatives for getting to school. Other reasons included long distances between homes and schools, and unsafe conditions affecting travel between home and school.

Home-to-School (HTS) Transportation Reimbursement funding was established by AB 181 (Committee on Budget), Chapter 52, Statutes of 2022, and amended by AB 185, Chapter 571, Statutes of 2022. It provides reimbursement funding for school districts and COEs based on the

prior year's eligible transportation expenditures and prior year Local Control Funding Formula (LCFF) transportation related add-on funding.

Despite the recent augmentation to transportation reimbursement, due to historically limited state funding for this purpose and lack of universal transportation programs, many LEAs now contract with third-party private transportation companies to transport specific student populations – primarily students with disabilities, foster youth and homeless youth. LEAs that contract with third-party providers report economies of scale. Some third-party providers operate under permits authorized and regulated by the California Public Utilities Commission as transportation network companies (TNCs) authorized to transport minors or as charter party carriers (TCPs). SB 88 (Skinner), Chapter 380, Statutes of 2023, establishes additional requirements for drivers, whether employed by an LEA, contracted by an LEA, or contracted by an entity with funding from an LEA who provide school-related transportation services to students for compensation.

Schoolbus safety. According to the National Highway Traffic Safety Administration (NHTSA), “Students are about 70 times more likely to get to school safely when taking a bus instead of traveling by car. That’s because school buses are the most regulated vehicles on the road; they’re designed to be safer than passenger vehicles in preventing crashes and injuries; and in every state, stop-arm laws protect children from other motorists.” In comparison with other forms of transportation, the NHTSA’s 2021 publication, *The Unedited Summary of School Bus Report*, shows that the fatality rate for school buses is 0.2 fatalities per 100 million vehicle miles traveled (VMT) compared to 1.5 fatalities per 100 million VMT for cars. Since 2010, school buses annually have averaged about 26,000 crashes resulting in 10 deaths – 25% were drivers; 75% were passengers. Frontal crashes account for about two passenger deaths each year.

Is there a link between taking the bus to school and lower absenteeism? According to a 2017 Educational Evaluation and Policy Analysis article, *Linking Getting to School with Going to School*, children who took the schoolbus to kindergarten had fewer absent days over the school year and were less likely to be chronically absent compared with children who commuted to school in any other way. The article reported, “Prior research in absenteeism has concluded that students with more absences have fewer opportunities to learn in school and perform more poorly on exams as a consequence of missing school. Hence, if taking the bus lowers absenteeism, then access to this resource may benefit students in ways that have implications for individual learning and, ultimately, academic success. There is also the potential for aggregate effects. Districts may benefit by mitigating the need for remedial activities, as fewer absent students implies fewer missed opportunities to learn at school. In this way, bus taking may indirectly benefit aggregate school performance.”

Types of vehicles used to transport students. Statute establishes several types of vehicles used to transport students, and the two used most frequently by LEAs are schoolbuses and SPABs.

A schoolbus includes any motor vehicle designed, used, or maintained for the transportation of a school pupil at or below the grade 12 level to or from a public or private school or to or from public or private school activities, with several exemptions, including: a SPAB; a vehicle designed for and when actually carrying not more than 10 persons, including the driver, except any vehicle transportation two or more pupils who use wheelchairs; or a motor vehicle used by a common carrier, such as a municipal transit system.

A SPAB includes any motor vehicle, other than a schoolbus, operated by a common carrier, or a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th grade level to or from a public or private school activity, and other specified uses. A driver of a SPAB is subject to the regulations adopted by the CHP governing schoolbus drivers, including a requirement to obtain a special driver's certificate. A common use of SPABs are buses operated by a passenger charter-party carrier used to transport students on field trips.

Some LEAs use other vehicles that may be used to transport students, such as a vehicle with a maximum capacity of 10 or fewer persons. Prior to SB 88 (Skinner), little state law governed drivers and vehicles used to transport students when not in a schoolbus or SPAB. Some LEAs contract with TCPs and TNCs authorized to transport minors, which provide prearranged transportation services for compensation using an online-enabled application or platform (such as smartphone apps) to connect drivers using their personal vehicles with passengers. LEAs and their contractors are required to follow specified driver requirements, many of which were established by SB 88 (Skinner). The CPUC regulates TCPs and TNCs.

Arguments in support. The Small School Districts Association (SSDA) writes, “While SSDA appreciates the inclusion of the limited exemption in SB 88, the 40-hour cap reflects a one-size-fits-all model built around traditional bus systems that do not work for many small and rural districts. These districts often face unique challenges, including persistent driver shortages and long travel distances. As a result, employees of these districts may hit their drive-time cap faster than those in more urban settings, disproportionately impacting rural students and potentially limiting their access to important educational opportunities. AB 2362 provides a practical, targeted solution by increasing the annual drive time limit from 40-hours to 200-hours for districts with fewer than 2,500 average daily attendance (ADA) and frontier school districts. AB 2362 aligns state policy with the realities of small and rural communities, ensuring students have equitable access to school activities while maintaining strong safety standards.”

Recommended Committee Amendments. *Staff recommends that the bill be amended as follows:*

- Remove the proposed 200-hour exemption school districts with fewer than 2,500 units of ADA and a frontier school district.
- Clarify and define eligibility for the Rural Transportation Safety Grant Program to include school districts with fewer than 2,500 units of ADA and a frontier school district.

Related legislation. SB 88 (Skinner), Chapter 380, Statutes of 2023, establishes requirements for drivers, whether employed by an LEA, contracted by an LEA, or contracted by an entity with funding from an LEA who provide school-related transportation services to students for compensation.

SB 878 (Skinner) of the 2021-22 Session would have required the CDE to convene a workgroup that included school transportation stakeholders and school transportation providers to develop recommendations pertaining to safety standards for drivers of unaccompanied minors to school. This bill was held on the Assembly Floor.

AB 181 (Committee on Budget), Chapter 52, Statutes of 2022, and amended by AB 185 (Committee on Budget), Chapter 571, Statutes of 2022, implemented HTST reimbursement funding for school districts COEs based on the prior year's eligible transportation expenditures and prior year Local Control Funding Formula (LCFF) transportation related add-on funding.

AB 2933 (O'Donnell) of the 2021-22 Session would have required the SPI, commencing with the 2022–23 fiscal year and for each fiscal year thereafter, to apportion to each school district, COE, entity providing services under a school transportation joint powers authority, or regional occupational program/academy that provides pupil transportation services, either 100% of its school transportation apportionment for the 2020–21 fiscal year or 100% of its reported HTST costs as determined by a specified report, whichever is greater. This bill was held in the Senate Education Committee.

AB 1052 (Leslie), Chapter 324, Statutes of 2005, requires a school district or COE that employs a driver to operate a school transportation vehicle, and the driver of that vehicle, to participate in a program that is consistent with the federal controlled substance and alcohol use testing requirements that apply to school bus drivers.

REGISTERED SUPPORT / OPPOSITION:**Support**

Association of California School Administrators
Small School Districts Association

Opposition

None on file

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