



November 28, 2025

Submitted via Regulations.gov

Jesse Elison  
Chief Counsel, Federal Motor Carrier Safety Administration  
U.S Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

***RE: FMCSA-2025-0622; Commercial Driver's License Standards: Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses***

Dear Mr. Elison:

On behalf of the more than 3 million members of the National Education Association (NEA), the nation's largest professional organization representing teachers and education support professionals, we submit the following response to the U.S. Department of Transportation's (DOT) interim final rule on the issuance of non-domiciled commercial drivers licenses (CDLs), as published in the Federal Register on September 29, 2025. We are deeply concerned about this interim final rule and its harmful impact on public schools, school bus operations, and the students who depend on reliable transportation. This rule will impose sweeping restrictions on lawful, work-authorized individuals who have long been essential to the nation's school transportation workforce. Therefore, we urge DOT to withdraw this interim final rule.

**Background**

Post- 9/11, the Federal Motor Carrier Administration (FMCSA) limited CDL access to Lawful Permanent Residents (LPRs) and U.S. citizens. Asylees, refugees, and other work authorized immigrants could instead register for a non-domiciled CDL, a license originally intended for drivers who do not live in the United States. This new regulation, published in the Federal Register as "Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses (CDL)," orders states to halt issuing even non-domiciled CDLs to lawfully present refugees and asylees, amongst other immigrant populations.

The new DOT rule states that:

- Only individuals in lawful employment-based nonimmigrant status, e.g., H-1B (specialty occupation workers), L-1 (intracompany transferees) O-1 (individuals of extraordinary ability), E-2 (treaty investors), H-2A or H-2B (temporary agricultural or non-agricultural workers) are eligible for a commercial learner's permit (CLP) or CDL.
- Employment Authorization Document (EAD)-only holders, including asylum seekers, asylees, refugees, DACA recipients, Temporary Protected Status (TPS) holders, pending Adjustment of Status (AOS) Form I-485 applicants, are no longer eligible.
- Non-citizen applicants (except U.S. permanent residents) must provide an unexpired foreign passport and an unexpired I-94 or I-94A Arrival/Departure Record indicating one of the specified employment-based nonimmigrant categories every time a CDL or CLP is issued, renewed, transferred, or upgraded.
- States must immediately pause issuance or renewal of non-domiciled CDLs/CLPs until their processes comply.
- States must verify immigration status through the Systematic Alien Verification for Entitlements (SAVE) system prior to issuance.
- Each CDL or CLP must expire no later than the driver's authorized period of stay (Form I-94/94A date) or within one year, whichever is sooner.
- State motor vehicle commissions are required to upload application documents into the DHS' immigration system and keep copies of applications for two years. It's likely employers will be confirming CDLs for compliance.

These requirements create unprecedented administrative burdens for states and employers and fundamentally alter who is permitted to work as a CDL-qualified driver in the United States. The NEA is particularly concerned that these restrictions will disproportionately impact school districts, as school bus drivers are integral members of school communities and education teams.

### **Impact on Public Schools and Students**

The Department's rule impacts not just commercial trucking; it also impacts public schools. FMCSA guidance confirms that school bus drivers operating a vehicle designed to transport 16 or more people or weighing 26,001 pounds or more must hold a CDL.<sup>1</sup> Therefore, the interim final rule directly affects the workforce that transports millions of American schoolchildren.

Public schools are already facing an unprecedented school bus driver shortage. National data show that school bus driver employment remains 9.5% below 2019 levels, with 21,200 fewer school bus drivers in August 2025 than in August 2019.<sup>2</sup> Additionally, 80% of school leaders

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<sup>1</sup> <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/school-or-church-bus-driver-required-obtain-cdl>

<sup>2</sup> <https://www.epi.org/blog/the-school-bus-driver-shortage-has-improved-slightly-but-continues-to-stress-k-12-public-education/>

report that bus driver shortages negatively impact transportation operations.<sup>3</sup> Transportation challenges are not just logistical, they are educational. Restricting access to CDLs will immediately disqualify thousands of lawful, work-authorized immigrant drivers and intensify a crisis already affecting school attendance and student safety.

Given the dire state of bus driver shortages, many states have enacted school transportation bills since 2020 to try and address some of the issues surrounding these challenges.<sup>4</sup> While states and districts are being proactive in seeking solutions, this interim final rule will be a setback to all the progress they have tried to make in this space.

Approximately 50% of U.S. schoolchildren, 23.5 million students, ride a school bus each day.<sup>5</sup> A disruption of bus services could therefore affect tens of millions of students and families. When districts cannot hire enough drivers, students face reduced routes, longer commute times, delays, canceled extracurriculars, and lost instructional time. This disruption also creates additional workload and stress for educators and education support professionals who must adjust schedules and coordinate alternative transportation options. Students with disabilities are particularly affected, as special-needs routes are often the hardest to staff. For many families, school buses are not optional. They are the only means through which students can reliably access education, therapies, and legally required services.

Research has identified a strong connection between reliable transportation and reductions in chronic absenteeism, underscoring the academic consequences of transportation disruptions.<sup>6</sup> The NEA emphasizes that consistent and safe student transportation is foundational to educational equity and the ability of schools to deliver high-quality instruction. By shrinking the pool of eligible drivers, the interim final rule will deepen these harms and extend them to millions of families nationwide.

## **Recruitment Challenges & the Role of Immigrant Workers**

School districts struggle to recruit drivers because pay is low and schedules are split. Nationally, the median annual wage for school bus drivers is approximately \$47,040, with some regions reporting averages closer to \$39,000.<sup>7</sup> The NEA recognizes that immigrant workers, including refugees, asylees, DACA recipients, and other EAD-authorized individuals, play a vital role in filling these positions, ensuring that students can safely access education. Removing their eligibility for CDLs removes a critical staffing pipeline for schools already operating under severe shortages. The rule directly harms lawfully present individuals who rely on these jobs while simultaneously harming the school districts that rely on their services.

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<sup>3</sup> <https://www.k12dive.com/news/school-transportation-challenges-impacting-academics-attendance/759195/>

<sup>4</sup> <https://www.ncsl.org/state-legislatures-news/details/states-tackle-challenges-of-getting-students-to-and-from-school>

<sup>5</sup> <https://www.bts.gov/topics/passenger-travel/back-school-2019>

<sup>6</sup> <https://www.ecs.org/the-road-to-attendance-chronic-absenteeism-and-school-bus-driver-shortages/>

<sup>7</sup> <https://www.bls.gov/oes/tables.htm>

## **Lack of Safety Basis**

The Department's interim final rule will negatively impact school bus service and will be a disservice to students. The agency presents no evidence of a safety concern for students whose driver may have immigration status classified as "non-domicile." The Department gives five examples of fatal crashes involving non-domicile CDL drivers in 2025, however, none of these examples involved public buses or school buses; all were large trucks.

Contrary to the examples given, FMCSA recorded 5,279 fatal truck crashes in 2022, with drivers without non-domicile status accounting for the overwhelming majority of these crashes.<sup>8</sup> School buses are widely recognized as one of the safest forms of transportation. The National Highway Traffic Safety Administration (NHTSA) reports that school transportation accounts for less than 1% of all traffic fatalities. The NEA maintains that immigrant school bus drivers are integral to maintaining safe, reliable transportation, and there is no evidence that their immigration status affects safety performance.

## **Discriminatory and Harmful Effects**

Given that the Department has not made a case that non-domiciled drivers pose a safety or performance concern, the conclusion must be that these drivers are being targeted in a discriminatory, arbitrary, and capricious manner. This rule removes caring, experienced bus drivers from the workforce based solely on immigration paperwork. It is not based on performance, safety, or any documented risk.

School bus drivers are part of the education community. They are the first and last school representative's students see each day. By reducing the number of eligible drivers without any demonstrated safety benefit, this interim final rule undermines public education and harms both families and workers.

## **Conclusion**

We strongly urge FMCSA to withdraw this interim final rule. It provides no public safety benefit, risks severe disruption to school transportation systems, and exacerbates the nationwide school bus driver shortage, placing additional burden on students, families, and school communities.

The NEA respectfully submits these recommendations for consideration. Please do not hesitate to contact me or Daaiyah Bilal-Threats, Senior Director, at [DBilal@nea.org](mailto:DBilal@nea.org) should you have any questions or need further clarification.

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<sup>8</sup> <https://www.fmcsa.dot.gov/safety/data-and-statistics/large-truck-and-bus-crash-facts-2022-1>

Sincerely,

A handwritten signature in black ink that reads "Rebecca S. Pringle". The signature is written in a cursive style with a large, looping initial 'R'.

Rebecca S. Pringle  
President  
National Education Association

cc:

A handwritten signature in black ink that reads "Daaiyah Bilal-Threats". The signature is written in a cursive style with a large, looping initial 'D' and a long horizontal stroke at the end.

Daaiyah Bilal-Threats  
Senior Director, Education Policy and Implementation Center  
National Education Association