



## **Student Transportation**

### ***Under what circumstances are school districts required to provide student transportation?***

School districts are responsible for providing transportation to each student in pre-kindergarten disability programs and each student in kindergarten through grade 12 in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available.<sup>1</sup>

More specifically, a school district must provide transportation for:

- ❖ A K-12 student in a public school who lives more than a reasonable walking distance (2 miles) from school;<sup>2</sup>
- ❖ A K-6 student who lives less than two miles from his or her public elementary school, if the student would encounter hazardous walking conditions to or from school;<sup>3</sup>
- ❖ A student in a prekindergarten program for children with disabilities;<sup>4</sup>
- ❖ A student with a disability who meets one of the following criteria for specialized transportation services, as documented in the student's Individualized Education Program (IEP)<sup>5</sup>:
  - ◆ Medical equipment required (i.e., wheelchair, crutches, walker, cane, tracheotomy equipment, or positioning or unique seating devices);
  - ◆ Medical condition requiring a special transportation environment according to a physician's prescription (e.g., tinted windows, dust-controlled atmosphere, or temperature control);
  - ◆ Aide or monitor required due to disability and specific need of student;
  - ◆ Shortened day required due to disability and specific need of student; or
  - ◆ School assigned is located in an out-of-district school system.<sup>6</sup>
- ❖ A pregnant student or student parent (or child of the student) in a teenage parent program;<sup>7</sup> and
- ❖ A student transported from one school to another for an instructional program (e.g., vocational students, dual enrollment students, and students with disabilities).<sup>8</sup>

<sup>1</sup> Section 1006.21(3)(a), F.S.

<sup>2</sup> Section 1006.21(3)(a), F.S.; rule 6A-3.001(3), F.A.C

<sup>3</sup> Section 1006.21(3)(b), F.S.

<sup>4</sup> Section 1006.21(3)(a), F.S.

<sup>5</sup> If a student is found eligible for an Exceptional Student Education program for students with disabilities, an education plan is developed for the student. This plan is referred to as an Individual Educational Plan (IEP). Rule 6A-6.03028, F.A.C.

<sup>6</sup> Florida Department of Education, *Transportation and Students with Disabilities, Technical Assistance Paper ESE 311094*, at 1 (July 2001), available at <http://www.fldoe.org/ese/pdf/y2001-13.pdf>; see s. 1011.68(1)(d), F.S.

<sup>7</sup> Section 1006.21(3)(e), F.S.

<sup>8</sup> Section 1011.68(1)(d), F.S.

In the 2007-08 academic year, approximately 1,015,233 students statewide were transported with an inventory of 15,899 buses.<sup>9</sup>

***Is a school district authorized to transport students other than those required by law?***

Yes. School districts are permitted to transport students other than those required by law.<sup>10</sup> However, school districts do not receive state funding for those students.<sup>11</sup>

School districts frequently authorize courtesy rides for students the district is not required by law to transport. The decision to provide transportation to these students is often based upon walking conditions determined unsafe by the district's local criteria, but which are not covered by the state criteria. For example, a school district may determine that it is unsafe for middle school students to cross a bridge that lacks a pedestrian walkway.<sup>12</sup> In the 2007-08 academic year (most recent year for which data is available), school districts transported an average 80,984 "courtesy riders" who were ineligible for state funding, which represented 7.39 percent of total ridership.<sup>13</sup>

***What responsibilities do school districts and superintendents have regarding school bus safety?***

A district school board must designate and adopt a plan for adequate examination, maintenance, and repair of transportation equipment.<sup>14</sup> Furthermore, a school district is required to conduct a safety inspection of each school bus at least once every 30 days.<sup>15</sup>

The school superintendent must:

- ❖ Develop safety regulations and promote proper safety practices for all operators.<sup>16</sup>
- ❖ Prepare and recommend to the school board plans for purchase of and contract for safe school buses to transport students to and from school or school activities.<sup>17</sup>
- ❖ Make periodic, objective surveys of school bus and garage equipment, routes, safety practices, repair and operating costs, and when unsatisfactory conditions are discovered, recommend corrective measures to the district school board.<sup>18</sup> The district school board must

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<sup>9</sup>Florida Department of Education, *The Quality Link, Florida School District Transportation Profiles, Survey Data for School Year 2007-2008 Profiles, Appendix B*, at B-2 and B-8 (March 2010), available at <https://www.fldoe.org/transportation/pdf/tan-10-01c.pdf> [hereinafter *Survey Data*].

<sup>10</sup> Section 1006.21(3)(c), (d), (f), and (g), F.S.

<sup>11</sup> See Florida Department of Education, *Student Transportation General Instructions 2010-2011* (2010), available at <http://www.fldoe.org/fefp/pdf/1011TransIns.pdf>.

<sup>12</sup> Florida Office of Program Policy Analysis and Government Accountability, *Government Program Summaries, Student Transportation, May 4, 2010*, <http://www.oppaga.state.fl.us/profiles/2056/> (last visited July 19, 2010).

<sup>13</sup> *Survey Data*, *supra* note 9 at B-3.

<sup>14</sup> Section 1006.22(10), F.S.

<sup>15</sup> Rule 6A-3.0171(8)(c), F.A.C.

<sup>16</sup> Rule 6A-3.0171(1)(d), F.A.C.

<sup>17</sup> Rule 6A-3.0171(1)(e), F.A.C.

<sup>18</sup> Rule 6A-3.0171(1)(h), F.A.C.

withdraw a school bus in unsafe condition until the bus meets all requirements of law and rules of the State Board of Education.<sup>19</sup>

### **Are school buses safe?**

School buses in service in Florida must comply with the Federal Motor Vehicle Safety Standards and the Florida School Bus Specifications.<sup>20</sup> School buses purchased each year must conform to the National School Transportation Specifications and Procedures of the National Conference on School Transportation, Federal Motor Vehicle Safety Standards and to specifications prescribed by the state board for body, chassis, and special equipment. Each school bus must meet the requirements of the Florida School Bus Specifications applicable for the year the bus was manufactured or the previous year if specifications were not revised and approved for a specific year.<sup>21</sup>

In a 2002 report, the Transportation Research Board of the National Academy of Sciences found that school buses represent 25 percent of the miles traveled by students but account for less than 4 percent of the injuries and 2 percent of the fatalities.<sup>22</sup> Each year approximately 800 school-aged children are killed in motor vehicle crashes during normal school travel hours. Of these 800 deaths, an average of 20 (2 percent) are school bus-related; 5 school bus passengers and 15 pedestrians.<sup>23</sup>

At the time of initial employment, a school bus operator must have five years of licensed driving experience and have submitted to the school superintendent a written application for employment. Each school bus driver must also be fingerprinted and undergo a criminal history background check.<sup>24</sup>

Prior to transporting students on a school bus, Florida law requires school bus drivers to:

- ❖ Successfully complete a 40-hour preservice training program.
- ❖ Hold a valid commercial driver's license.
- ❖ Demonstrate the ability to prepare written reports.
- ❖ Be physically capable of operating the vehicle as determined by a physical examination.
- ❖ Demonstrate physical and mental capabilities required to carry out assigned responsibilities.<sup>25</sup>

School districts are required to inspect each school bus driver's traffic infraction history and review weekly updates.<sup>26</sup> In addition, all school bus drivers are subject to substance abuse and alcohol detection testing.<sup>27</sup>

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<sup>19</sup> Section 1006.22(11), F.S.

<sup>20</sup> Section 1006.25(2), F.S.; 49 C.F.R. s. 571; and rule 6A-3.0291(1), F.A.C.; see also 6A-3.003, F.A.C.

<sup>21</sup> Rule 6A-3.0291(1), F.A.C.

<sup>22</sup> Transportation Research Board, *Special Report 269: The Relative Risks of School Travel – A National Perspective and Guidance for Local Community Risk Assessment*, at 5 (2002), available at <http://onlinepubs.trb.org/Onlinepubs/sr/sr269.pdf>.

<sup>23</sup> *Id.*

<sup>24</sup> Rule 6A-3.0141 (2), F.A.C.

<sup>25</sup> Rule 6A-3.0141 (4), F.A.C.

<sup>26</sup> Rule 6A-3.0141 (6), F.A.C.

<sup>27</sup> Rule 6A-3.0141(11), F.A.C.; see also 49 C.F.R. s. 382 and 391.

### ***Are school buses required to have safety belts?***

A new school bus purchased on or after January 1, 2001, and used to transport students in grades preK through 12, must have all passenger seats equipped with safety belts (lap belts)<sup>28</sup> or another federally approved restraint system. School buses purchased on or before December 31, 2000, are not required to have safety belts.<sup>29</sup> Each passenger on a school bus equipped with safety belts or another restraint system must wear a safety belt at all times while the bus is in operation.<sup>30</sup>

School districts are required to give first priority to elementary schools in the allocation of school buses equipped with safety belts or another restraint system.<sup>31</sup>

### ***May a school district use vehicles other than school buses to transport students?***

Yes. A district school board may use vehicles other than buses to transport students when transportation is:

- ❖ For physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.
- ❖ Part of a contract for a specialized educational program between a district school board and delivered by a service provider who provides instruction, transportation, and other services.
- ❖ Provided through a public transit system.
- ❖ For trips to and from school sites, agricultural education sites, or agriculture-related events or competitions (not for customary transportation to and from a student's residence).<sup>32</sup>

### ***What is a hazardous walking condition for students?***

For walkways parallel to the road, Florida law specifies that a "hazardous walking condition" exists when:

- ❖ The walkway adjacent to the road is less than 4 feet wide or does not have a surface that allows the student to avoid walking on the road surface; or
- ❖ The walkway, if the road is uncurbed and has a posted speed limit of 55 miles per hour, is not set off the road by at least 3 feet from the road's edge.<sup>33</sup>

However, a hazardous walking condition does not exist if the road along which the student must walk:

- ❖ Is in a residential area having a posted speed limit of 30 miles per hour or less or having little or no transient traffic; or

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<sup>28</sup> "Safety belt" means a seat belt assembly that meets the requirements established under Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208. Section 316.614(3)(b), F.S.

<sup>29</sup> Section 316.6145(1)(a), F.S.

<sup>30</sup> Section 316.6145(2), F.S.

<sup>31</sup> Section 316.6145(4), F.S.

<sup>32</sup> Section 1006.22(1)(a)1.-4., F.S.

<sup>33</sup> Section 1006.23(4)(a)1., F.S.

- ❖ Has a traffic volume less than 180 vehicles per hour, per direction, during times that students walk to and from school.<sup>34</sup>

For walkways perpendicular to the road, state law establishes that a hazardous walking condition exists when a student walking to and from school must cross a road that:

- ❖ Has a traffic volume exceeding 360 vehicles per hour, per direction (including all lanes), and the intersection at which the student must cross does not have a crossing guard, traffic enforcement officer, stop sign, or traffic control signal, during times that students walk to and from school; or
- ❖ Has a traffic volume exceeding 4,000 vehicles per hour and does not have crossing guards or traffic enforcement officers during times that students walk to and from school.<sup>35</sup>

### **How is a hazardous walking condition identified and corrected?**

Upon request to the district school superintendent or the superintendent's designee, a representative of the school district must inspect a walking condition within the 2-mile limit which is reported as potentially hazardous.<sup>36</sup> The walking condition must also be inspected by a representative from the state or local government with jurisdiction over the perceived hazardous road. The superintendent or designee and the government representative must mutually determine whether the walking condition is hazardous under the state criteria, and the superintendent or designee must report the determination to the Department of Education.<sup>37</sup>

If it is determined that a walking condition is hazardous under the state criteria, the district school board must ask the state or local government whether it intends to correct the hazardous condition and, if so, the projected completion date.<sup>38</sup> Current law specifies that the Legislature intends state or local government to correct hazardous walking conditions within a reasonable period of time.<sup>39</sup> A school district may use the state's school transportation funds to transport students<sup>40</sup> encountering hazardous walking conditions until the hazardous conditions are corrected or the projected completion date is reached, whichever occurs first.<sup>41</sup>

### **What funding does a school district receive for student transportation?**

For FY 2010-11, the Legislature appropriated approximately \$430.7 million to school districts in order to fund transportation services.<sup>42</sup> State student transportation funds are allocated to school districts based on each district's average bus occupancy, county-by-county differences in cost of

<sup>34</sup> Section 1006.23(4)(a)2., F.S.

<sup>35</sup> Section 1006.23(4)(b), F.S.

<sup>36</sup> Section 1006.23(3), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> Section 1006.23(2)(b), F.S.

<sup>39</sup> Section 1006.23(2)(a), F.S.

<sup>40</sup> For the purposes of complying with the provisions of law related to hazardous walking conditions, "student" means any public elementary school student whose grade level does not exceed grade 6. Section 1006.23(1), F.S.

<sup>41</sup> Sections 1006.23(2) and 1011.68(1)(e), F.S.

<sup>42</sup> Specific Appropriation 78, s. 2, ch. 2010-152, L.O.F.

living (Florida Price Level Index),<sup>43</sup> the extent of rural population in the district, and the increased costs associated with transporting students with disabilities.<sup>44</sup> In FY 2007-08 (most recent year in which expenditure data is available), school districts spent approximately \$1.1 billion for school transportation, with approximately \$483.5 million (43.79 percent) derived from the state's school transportation funds and the remainder (56.21 percent) from local district sources.<sup>45</sup>

***Where can I get additional information?***

***Florida Department of Education***

School Transportation Management

(850) 245-9795

<http://www.fldoe.org/transportation>

***Florida House of Representatives***

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov>

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<sup>43</sup> The Florida Price Level Index (FPLI) was established by the Legislature as the basis for the calculation of the District Cost Differential (DCD) in the Florida Education Finance Program. Use of the FPLI in the DCD assumes that the FPLI measures the relative costs of maintaining a given standard of living across Florida's counties. The FPLI is used as a Cost of Living Index in the DCD. University of Florida, Bureau of Economic and Business Research, Economic Analysis Program, *2009 Florida Price Level Index*, at 1 (Jan. 26, 2010), available at [http://www.bebr.ufl.edu/system/files/FPLI\\_SP+2009+Final.pdf](http://www.bebr.ufl.edu/system/files/FPLI_SP+2009+Final.pdf).

<sup>44</sup> Section 1011.68(2), F.S.; see also Florida Department of Education, Bureau of School Business Services, Office of Funding and Financial Reporting, *2009-10 Funding for Florida School Districts Statistical Report*, at 30-33 (Sept. 2009), available at <http://www.fldoe.org/febp/pdf/febpdist.pdf>.

<sup>45</sup> Florida Department of Education, *The Quality Link, Florida School District Transportation Profiles*, Expenditure Data for *School Year 2007-2008 Profiles, Appendix C*, at C-18 (March 2010), available at <https://www.fldoe.org/transportation/pdf/tan-10-01c.pdf>.