



Book	Policy Manual
Section	Volume 34, No. 1 - October 2021
Title	Revised Policy - Vol. 34, No. 1 - October 2021 - TRANSPORTATION
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#### 8600 - **TRANSPORTATION**

It is the policy of the School Board to provide transportation for students when the distance between their home and school makes the service advisable. This policy and any administrative guideline implementing it shall be implemented in compliance with Federal and State law, regulations of the Indiana State Board of Education and the State School Bus Committee.

Each September, the School Corporation must review the Corporation's school bus routes and school bus safety policies to improve the safety of students and adults.

**[X]** School buses shall be purchased, housed, and maintained by the Board for the transportation of students between their home areas and the schools of the Corporation to which they are assigned. All use of tobacco, including smoking is prohibited on a school bus. A school bus is a motor vehicle that is designed and constructed for the accommodation of at least ten (10) passengers and used for the transportation of school children to and from school, school athletic games or contests, and other school functions. The term "school bus" does not include a privately owned automobile with a capacity of not more than five (5) passengers that is used for the purpose of transporting school children to and from school.

**[X]** The Board may enter into a contractual agreement with a qualified contractor for the transportation of students.

~~**[ ] The Board may enter into a fleet contract with a fleet contractor under the provisions of Indiana law and such contracts may include a provision allowing the school bus drivers to be eligible for life and health insurance benefits and other fringe benefits available to other Corporation personnel.**~~

~~**[ ] The Board may enter into a fleet agreement with a transportation network company (TNC) to transport Corporation students if the Corporation conducts an expanded criminal history check and expanded child protection index check for every TNC driver who will transport Corporation students.**~~

**[X]** The Board may enter into an agreement with an agency or organization serving persons with a developmental disability in which a school bus or special purpose bus used by the Corporation may be used to transport persons with a developmental disability who are at least two (2) years of age to and from programs for persons with a developmental disability.

~~[ ] The Board may allow, by written authorization the use of a school bus or a special purpose bus for the transportation of adults at least sixty five (65) years of age or adults with developmental or physical disabilities.~~

A special purpose bus is any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers that meets the Federal school bus safety standards, except the requirement for stop arms and flashing lights, and that is used by the Board for transportation purposes not appropriate for school buses. A special purpose bus is not required to be constructed, equipped, or painted as specified for regular school buses.

A special purpose bus may not be used to provide transportation of school children between their residence and school (except for persons enrolled in a special program, i.e., for the habilitation or rehabilitation of students with developmental disabilities, orthopedic impairments, or multiple disabilities between their residence and the school).

[ X ] A special purpose bus may be used for transportation of students from one school to another school.

[ X ] A special purpose bus may be used to transport students and their supervisors, including coaches, managers, and sponsors to athletic, other extracurricular school activities, and field trips.

**[START OF OPTION]**

[ X ] A special purpose bus may be used to transport homeless or foster students. If more than seven (7) students are being transported to schools in the same school corporation, a school bus or a special purpose bus must be used. If seven (7) or fewer students are being transported to schools in the same school corporation, a special purpose bus or an "appropriate vehicle" may be used to transport the students. The driver must meet the qualifications for the driver of a school bus or special purpose bus set forth in State statute, as applicable, if a school bus or special purpose bus is used.

An "appropriate vehicle" is defined as a vehicle that:

- A. is owned by the Corporation or contracted for by the Corporation and
- B. has a seating capacity of not more than eight (8) passengers including the driver. The term "appropriate vehicle" includes a car, truck, sport utility vehicle, or minivan.

**[END OF OPTION]**

**[START OF OPTION]**

[ X ] A special purpose bus may be used to transport students for career and technical education programs. If more than seven (7) students are being transported to or from a career and technical education program, a school bus or a special purpose bus must be used. If seven (7) or fewer students are being transported to or from a career and technical education course an appropriate vehicle may be used to transport the students. The driver of the vehicle used to transport students to or from technical education programs must meet the qualifications for a driver of a school bus or special purpose bus set forth in State statute, as applicable, if a school bus or special purpose bus is used. A special purpose bus may be used to transport students from school to school or to/from school and a career and technical education program but may not be used to transport students between their residence and a career and technical education program.

An "appropriate vehicle" is defined as a vehicle that:

- A. is owned by the Corporation or contracted for by the Corporation; and
- B. has a seating capacity of not more than eight (8) passengers including the driver.

The term "appropriate vehicle" includes a car, truck, sport utility vehicle, or minivan.

**[END OF OPTION]**

If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid operator's, chauffeur's, commercial drivers, or public passenger chauffeur's license. If the special purpose bus has a capacity of more than fifteen (15) passengers or is used to provide transportation:

- A. between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling;
- B. between an individual's residence and the preschool facility site for preschool children who attend preschool offered by the Corporation; or
- C. between an individual's residence and the program for persons with a developmental disability;
- D. the operator must meet the requirements of a regular school bus driver.

Transportation of eligible vocational or special education children between their home areas and schools outside the Corporation shall be arranged through the use of Corporation-owned vehicles, through cooperation with other corporations, through commercial carriers, and/or by other means in the most efficient and economical manner.

The Board shall provide transportation to non-public school students with legal settlement in the Corporation when seats are available on a bus on an existing route. This transportation shall be provided without charge when the Board does not incur additional expense, and shall be to and from the students' non-public school or the point on an established bus route that is nearest or most easily accessible to the non-public school.

Vehicle routes shall be established so that an authorized vehicle stop is available within reasonable walking distance of the home of a student entitled to transportation services.

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus.

If the vehicle is equipped with safety belts that meet the standards stated in Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) and are standard equipment installed by the manufacturer, then each occupant shall have a safety belt properly fastened around his/her body at all times when the vehicle is in forward motion, as required by State statute.

If a school bus driver must load or unload an elementary school student at a location that requires the student to cross a roadway that is a U.S. route or state route, the Superintendent shall present the school bus route to the Board for approval.

**[NOTE: SELECT THE FOLLOWING OPTION ONLY IF YOU ARE A RURAL SCHOOL CORPORATION]**

#### **~~[ ] Transportation of Charter School Students~~**

~~If a student who attends a charter school located in a rural school corporation resides on or along the highway constituting the regular route of a Corporation bus, the Board shall provide transportation for the charter school student when seats are available on a bus on an existing route. This transportation shall be provided without charge when the Board does not incur additional expense and shall be to and from the student's charter school or the point on an established bus route that is nearest or most easily accessible to the charter school.~~

I.C. 9-13-2-161 ("school bus" defined)

I.C. 9-19-10-2 (use of safety belt by motor vehicle occupants)

I.C. 9-21-12 (school bus operation)

I.C. 16-41-37-2.3 ("school bus" defined, smoking prohibited)

I.C. 16-41-37-4 ("school bus" defined, smoking prohibited)

**I.C. 20-18-2-1.7 (definition of appropriate vehicle)**

I.C. 20-26-5-4(a)(5) (purchase of buses) and (8) (employ drivers)

I.C. 20-27-3 (State School Bus Committee)

**I.C. 20-27-5-6 (definition of appropriate vehicle)**

I.C. 20-27-9 (use of school buses)

I.C. 20-27-11-1

I.C. 20-27-10-0.5

I.C. 20-27-12-0.1

I.C. 20-27-12-0.3

I.C. 20-27-12-5

Hoagland v. Franklin Township Community School Corporation, No. 49S02-1410-PL-643, 27 N.E.3d 737 (Ind. 2015) (school corporation may discontinue transportation services for students)

Archdiocese of Indpls. v. MSD of Lawrence Twp., 945 N.E.2d 757 (Ind. App. 2011); Frame v. South Bend Schools, 480 N.E.2d 261 (Ind. App. 1985) (transporting non-public school students)

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## Legal

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