

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

INFORMATION ITEM

February 1, 2010

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: First Reading-Transportation - Policy 4:110

This policy has been updated to show the effect of the McKinny-Vento Homeless Act, additional requirements for strobe lights being illuminated, additional procedures for the acceptance of complaint calls about driving, and contracts for charter bus services must have a clause that a criminal background check was done on their drivers. Additionally, we are required to do pre and post trip inspections, have a 2 way radio that is properly functioning, and be sure that the driver does a check after each shift to make sure kids are not still on the bus.

## Operational Services

### Transportation 1

The District shall provide free transportation for any student in the District who resides: (1) at a distance of one and one-half miles or more from his or her assigned school, unless the School Board has certified to the Illinois State Board of Education that adequate public transportation is available, 2 or (2) within one and one-half miles from his or her assigned school where walking to school or to a pick-up point or bus stop would constitute a serious hazard due to vehicular traffic or rail crossing, and adequate public transportation is not available. 3 A student's parent(s)/guardian(s) may file a petition with the Board requesting transportation due to the existence of a serious safety hazard. 4 Free transportation service and vehicle adaptation is provided for a special education student if included in the student's individualized educational program. 5 Non-public school students shall be transported in accordance with State law. 6 Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act. 7

Bus schedules and routes shall be determined by the Superintendent or designee and shall be altered only with the Superintendent or designee's approval and direction. In fixing the routes, the pick-up and discharge points should be as safe and convenient for students as possible.

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

**1** State or federal law controls this policy's content. Each district must have a pre-trip and post-trip inspection policy (625 ILCS 5/12-816, amended by P.A. 96-818).

**2** The following districts must provide free transportation as described in the sample policy: community consolidated districts, community unit districts, consolidated districts, consolidated high school districts, and combined school districts if the combined district includes any district that was previously required to provide transportation (105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510(a). Districts that are not required to provide free transportation may do so (Id.). Districts may provide transportation within 1-1/2 miles and may charge for such transportation (105 ILCS 5/29-2).

Optional provision: (105 ILCS 5/29-3.1)

The District may provide transportation to and from school-sponsored activities and may charge for such transportation.

**3** 105 ILCS 5/29-3 and 23 Ill.Admin.Code §1.510.

**4** Required by 105 ILCS 5/29-3. If a petition is filed, the district must conduct a study and forward its findings to the Illinois Department of Transportation for review.

**5** 23 Ill.Admin.Code §§226.20d(5), 226.910, and 226.960.

**6** 105 ILCS 5/29-3.2 and 5/29-4.

**7** 42 U.S.C. §11431 et seq., amended by the No Child Left Behind Legislation of 2001. This federal legislation requires a district to provide transportation to a homeless student at the request of the parent/guardian (or in the case of an unaccompanied youth, the Liaison for Homeless Children), to and from the school of origin [42 U.S.C. §11432(g)(1)(J)(iii)]. The term *school of origin* means the school that the student attended when permanently housed or the school in which the student was last enrolled [42 U.S.C. §11432(g)(3)(G)]. Transportation must be arranged as follows:

1. If the homeless student continues to live in the area served by the school district in which the school of origin is located, the student's transportation to and from the school of origin shall be provided or arranged by the district in which the school of origin is located [42 U.S.C. §11432(g)(1)(J)(iii)(I)].
2. If the homeless student's living arrangements in the area served by the district of origin terminate and the student, though continuing his or her education in the school of origin, begins living in an area served by another school district, the district of origin and the district in which the homeless student is living shall agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally [42 U.S.C. §11432(g)(1)(J)(iii)(II)].

No school employee may transport students in school or private vehicles unless authorized by the administration. **8**

Every vehicle regularly used for the transportation of students must pass safety inspections in accordance with State law and Illinois Department of Transportation regulations. **9** The strobe light on a school bus may be illuminated any time a bus is bearing one or more students. **10** The Superintendent shall implement procedures in accordance with State law for accepting comment calls about school bus driving. **11**

All contracts for charter bus services must contain the clause prescribed by State law regarding criminal background checks for bus drivers. **12**

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

**8** Optional. This presents an opportunity for each board to discuss this issue with the superintendent and direct the superintendent to include it in the curriculum for the required in-service on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel (105 ILCS 5/10-22.39, amended by P.A. 96-431). See 5:120, *Ethics* (f/n 2), and 5:100 *Staff Development* (f/n 3), for more detailed discussions. Include policies 5:100, *Staff Development* and 5:120, *Ethics*, in the cross references when this sentence is used.

**9** 625 ILCS 5/13-109.

625 ILCS 5/11-1414.1, amended by P.A. 96-410, requires districts to transport students to and from any curriculum-related school activity in a school bus or vehicle as defined at 625 ILCS 5/1-182, amended by P.A. 96-410. This transportation includes: (1) to and from home and school, (2) tripper or shuttle services between school attendance centers, (3) to and from a vocational or career center or other trade-skill development site, (4) to and from a regional safe school, (5) to and from a school-sponsored alternative learning program, and (6) trips directly related to the regular curriculum of a student for which he or she earns credit.

105 ILCS 5/29-6.3, amended by P.A. 96-410, requires districts to transport students to and from specified interscholastic or school-sponsored activities in: (1) a school bus (see definition in above paragraph), (2) a vehicle manufactured to transport not more than 10 persons including the driver, or (3) a multifunction school-activity bus manufactured to transport not more than 15 persons including the driver (defined at 625 ILCS 5/1-148.3a-5, added by P.A. 96-410). These activities do not require student participation as part of the education services of the district and are not associated with the regular class-for-credit schedule or required 5 clock hours of instruction.

**10** 625 ILCS 5/12-815.

**11** 625 ILCS 5/12-821(b), amended by both P.A. 95-176 and 96-410, requires districts that own school busses (P.A. 95-176) and multifunction school activity busses (P.A. 96-410) to establish procedures for accepting comment calls and responding to them. In accordance with good governance principles, this duty is delegated to the superintendent. For a sample procedure, see 4:110-AP2, *Pre-Trip and Post-Trip Inspection; Bus Driving Comments*.

**12** 105 ILCS 5/10-20.21a, requires all contracts for providing charter bus services to transport students to or from interscholastic athletic or interscholastic or school sponsored activities to contain clause (A) except that a contract with an out-of-state company may contain clause (B) or clause (A). The clause must be set forth in the contract's body in at least 12 points typeface and all upper case letters:

(A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

(B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

### Pre-Trip and Post-Trip Vehicle Inspection 13

The Superintendent or designee shall develop and implement a pre-trip and post-trip inspection procedure to ensure that the school bus driver: (1) tests the two-way radio and ensures that it is functioning properly before the bus is operated, and (2) walks to the rear of the bus before leaving the bus at the end of each route, work shift, or work day, to check the bus for children or other passengers in the bus.

- LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.  
105 ILCS 5/10-22.22 and 5/29-1 et seq.  
105 ILCS 45/1-15.  
625 ILCS 5/1-148.3a-5, 5/1-182, 5/11-1414.1, 5/12-815, 5/12-816, 5/12-821, and 5/13-109.  
23 Ill.Admin.Code §§1.510 and 226.935.  
92 Ill.Admin.Code §440-3.
- CROSS REF.: 5:100 (Staff Development), 5:120 (Ethics), 5:280 (Educational Support Personnel - Duties and Qualifications), 6:140 (Education of Homeless Children), 7:220 (Bus Conduct)
- ADMIN. PROC.: 4:110-AP2 (Pre-Trip and Post-Trip Inspection; Bus Driving Comments), 6:140-AP (Education of Homeless Children)

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(1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THESE FINGERPIRNTS SHALL BE CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE DEPAARTMENT OF STATE POLICE AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES THE FINGERPRING CHECK HAS RESULTED IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY.”

**13** 625 ILCS 5/12-816(a), amended by P.A. 96-818, requires school districts to have a school bus pre- and post-trip inspection policy with the components as contained in this policy. See also 23 Ill.Admin.Code §1.510(i)(3) and 92 Ill.Admin.Code §440-3. For a sample procedure, see 4:110-AP2, *Pre-Trip and Post-Trip Inspection; Bus Driving Comments*. School district contracts with a private sector school bus company must require the company to have a pre- and post-trip inspection policy that is equivalent to this section of the policy (625 ILCS 5/12-816(b), amended by P.A. 96-818).

Each school bus must contain an operating two-way radio while the school bus driver is in possession of a school bus (625 ILCS 5/12-813, amended by P.A. 96-818). The two-way radio must be turned on and adjusted in a manner that would alert the driver of an incoming communication request. Two-way radios may not be as effective as cell phones: they do not work when the bus driver is out of the bus with children (the radio is in the bus but the driver is with the children on a field trip, for example) and their range may be inferior to that of cell phones. Bus drivers may still have cell phones although they are generally prohibited from using them while the bus is in motion (625 ILCS 5/12-813.1). Four important exceptions allow a driver to use a cell phone while operating a bus: (1) in an emergency situation to communicate with an emergency response operator; a hospital; a physician’s office or health clinic; an ambulance service; a fire department, fire district, or fire company; or a police department; (2) in the event of a “mechanical breakdown or other mechanical problem;” (3) if “a cellular radio telecommunication device ... has a digital two-way radio service capability owned and operated by the school district, when that device is being used as a digital two-way radio;” and (3) when the bus is parked (625 ILCS 5/12-813.1(c)).

## **Operational Services**

### **Transportation**

The District shall provide free transportation for students in the District residing within one and one-half miles from their assigned schools where walking to school or to a pick-up point or bus stop would constitute a serious hazard due to vehicular traffic or rail crossing, and adequate public transportation is not available. A student's parent(s)/guardian(s) may file a petition with the Board of Education requesting transportation due to the existence of a serious safety hazard. Free transportation services and vehicle adaptation for special education students shall be provided if included in the students' individualized educational programs. The District may provide transportation to and from school-sponsored activities. Non-public school students shall be transported in accordance with State law.

Bus schedules and routes shall be determined by the Superintendent or designee and shall be altered only with the Superintendent or designee's approval and direction. In fixing the routes, the pickup and discharge points should be as safe and convenient for students as possible.

No school employee may transport students in school or private vehicles unless authorized by the administration.

Every vehicle regularly used for the transportation of students must pass safety inspections in accordance with State law and Illinois Department of Transportation regulations.

LEGAL REF.: 105 ILCS 5/10-22.22 and 5/29-1 et seq.  
625 ILCS 5/1-182, 5/11-1414.1, and 5/13-109.  
23 Ill. Admin. Code §§ 1.510a and 226.935.

CROSS REF.: 5:280 (Teacher Aides, Coaches, and Bus Drivers)

ADOPTED: May 20, 2002