RESIDENCY AND TRANSPORTATION

PRESENTED BY:
ROGER DORSON ~ COORDINATOR, SCHOOL ADMINISTRATIVE SERVICES

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Missouri Department of Elementary and Secondary Education

Governance Areas

1. Boundary issues
2. Parent and/or patron concerns
3. Building issues
4. Board of Education issues
5. Transportation Hardship Requests
6. Calendar questions
7. Residency

Residency – §167.020, RSMo

- Determines right to register in a Missouri Public school
- Residency established through
  - Meeting statutory definition
  - Waiver of proof of residency
  - Meeting an exception to the statutory definition

http://dese.mo.gov/schoolaw/freqaskques/Residency.htm

http://dese.mo.gov/divadm/govern/Checklist.html

Statutory Definition of Residency

- Student resides and is domiciled within the district with a parent, military guardian or court-ordered legal guardian
- Raises the presumption of residency
- Based on the student's physical presence in the district

Waiver of Proof of Residency

- Student resides in district alone or with someone other than parent/guardian
- Waiver based upon hardship or good cause
- 45 day timeline for review of request
- Student enrolled until waiver acted upon, unless superintendent certifies danger
- Denial of waiver appealed to circuit court
- Standard established in Horton v. Marshall

Exceptions to the Statutory Definition

- Homeless
- Interdistrict Transfer Program
- Ward of the State
- Juvenile Court Placement
- Transportation Hardship Reassignment
- Orphaned, one parent living, no parental support
- Foster child seeking to remain in district

Enrollment of Homeless Children/Youth

- Homeless is an exception to residency requirement (§167.020.6, RSMo)
- Federal Law – immediate school enrollment required
- Contact district's homeless coordinator for more information on enrolling homeless children/youth – review schools residency and homeless policies

Federal No Child Left Behind Act* defines "homeless children and youth" as:

- Lacking a fixed, regular and adequate nighttime residence and includes those who are:
  - Sharing housing of other persons due to loss of housing, economic hardship or similar reasons
  - Living in motels, hotels, trailer parks, or camping groups due to lack of alternative adequate accommodations
  - Living in emergency or transitional shelters
  - Abandoned in hospitals
  - Awaiting foster care placement – those incarcerated and placed in foster care are <u>not</u> considered homeless

*See http://www.nclb.gov/

Guardianships

- Chapter 475, RSMo
  - Allows any person to file a petition in court for the appointment of guardianship of a minor
  - Issues:
    - Usually requires hiring an attorney
    - Payment of court costs
- §475.060(11), RSMo
  - Petition for the appointment of a guardian of a minor may be filed for the sole and specific purpose of:
    - School Registration or
    - Medical insurance coverage
    - Popularly known as "educational guardianship"

Power of Attorney

(Is not a guardianship)

- §475.024, RSMo
  - Temporary delegation of powers of parent
    - Parent of a minor may by a properly executed power of attorney
      - Delegate to another individual for a period not exceeding one year any of his or her powers regarding care or custody of the minor child
  - Does not require an attorney
  - Does not require going to court

School Transportation Web Site
http://dese.mo.gov/divadm/trans

Contact Us | Site Map | Jobs | missouri.gov

Missouri DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION

Google Search Go

Advanced Search

- About School Transportation
- Administrator's Handbook
- Certified Driver Instructors
- Document Preparation Manual
- Financial Reports
- Monthly Memos
- School Bus Standards
- State Aid Summary
- Transportation Aid Calculator (xls)

Home >> Admin. & Fin. Services >> School Transportation

Transportation News & Updates

Finance/Transportation/Governance Information

The School Finance Memo is a monthly memo that contains various topics relevant to school finances, budgeting, school transportation, and governance related issues.

- May 2013

How Do I Find?

- Department of Revenue
- Driver's License, Bus Driver
- FAQs
- Licensing School Buses
- MO Association for Pupil Transportation (MAPT)
- MO Safety Center
- National Highway Traffic Safety Administration (NHTSA)
- Related Links
- School Food Services

Transportation

School Bus Definition and Use

The term school bus means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes (Section 302.010, RSMo).

- School buses that are school district owned vehicles cannot be used for purposes other than transporting students(Section 301.260 and 302.010, RSMo).
- Commercially licensed, contractor owned, school buses that have the school bus signs covered in such a way that it does not appear as a school bus can be used for other purposes (Section 304.075, RSMo).

School Buses and Seat Belts

- School buses are equipped with a passive restraint system called compartmentalization that means that the seating area of a school bus is built with specially padded high-back, wider, thicker seats that protect people in school buses during accidents.

- No metal surfaces are exposed and seats are spaced close together to contain the students in cushioned compartments.

- There is no safer means of ground transportation than a yellow school bus.

Non-Conforming Van Use

- Since July 1, 2001, any vehicle that transports 11 or more passengers including the driver that is newly purchased, leased, or contracted must be a school bus and meet all Missouri Minimum Standards for School Buses as well as all Federal Motor Vehicle Safety Standards for School Buses (with the exception of motor coaches).
- This means that a school district cannot purchase, contract, or rent 12/15/17 passenger vans for the transportation of school children.

School Bus Maximum Capacity

The operator of a school bus cannot transport more children than the manufacturer suggests as appropriate (Section 304.060, RSMo).

Each passenger must have seating space sufficient enough to ensure that the back of each passenger can come into full contact with the seat back (and 5 CSR 30-261.010 (5)(B)3.I).

School Bus Inspections

- Every school bus used to transport children to or from school must be inspected within sixty days prior to operating the bus during the school year and in the spring by the Missouri State Highway Patrol (Section 307.375, RSMo).
- The board of education must require school bus drivers to conduct and prepare a record of the daily pretrip inspection for each school bus (5 CSR 30-261.010 (1)(K)).

Evacuation Drills

- Emergency evacuation drills on school buses are required for all students in kindergarten through sixth grade at least once per semester.
- The first drill must be completed prior to October 31.
- The public school district board of education shall prescribe emergency evacuation drill requirements for all other students (5 CSR 30-261.010 (1)(J)).

School Bus Ride Times

Maximum ride time is established by the local boards of education. There are no restrictions on ride time within the Missouri Statutes or State Board of Education Regulations.

Minimum Distance Between School Bus Stops

School bus drivers must activate the prewarning amber lights 500 feet before a school bus stop, therefore, school bus stops must be more than 500 feet apart.

Visibility Distance Required at a Bus Stop

The bus must be visible for at least three hundred feet in each direction on other highways (Section 304.050, RSMo).

When stopping, the school bus must be visible for at least five hundred feet in each direction on a highway with no shoulder and a speed limit greater than sixty miles per hour.

School Bus Travel Onto Private Property

By local board policy a school bus can travel on private property; however, written permission from all property owners should be obtained.

Early Childhood Transportation

- In transporting early childhood students, it is recommended that a school district follow the "Guidelines for the Safe Transportation of Pre-School Age Children in School Buses" prepared by the National Highway and Traffic Safety Administration (www.nhtsa.dot.gov/people/injury/buses).
- Pursuant to Missouri law the following children must be transported in a child passenger restraint system:
  - *Children under the age of four*
  - *Children under the age of 8 and 80 pounds or under the age of 16 and less than 4'9" being transported in a vehicle capable of transporting 10 or less (including the driver)*

Requirements for Transporting Students with Disabilities

- Students who have special transportation needs must have those needs detailed in the child's IEP under related services.
- These needs may include the requirement for a handicapped aide on the bus with the child, curb-to-curb service, transportation for a student with disabilities living less than one mile from school, transportation for special education summer school, and other transportation as required for educational purposes during the regular school day (supervised by a certificated teacher).
- If written into the child's IEP these expenses are considered eligible for state transportation aid (with the exception of OT and PT).

Drivers' License and School Bus Endorsement Requirement

- A CDL w/passenger endorsement <u>and</u> a School Bus Endorsement (SBE) are needed for any driver of a vehicle that is 26,000 lbs or greater (including mechanics).

- A Class E Operator's License <u>and</u> SBE are needed for any driver of a vehicle that is less than 26,000 lbs. and who is compensated for transporting school children (Section 302.010, RSMo).

- Effective September 30, 2005, the School Bus Endorsement on the driver's license replaced the school bus permit.

School Bus Endorsement (SBE) Exceptions

- The term school bus operator shall not include any person who transports school children, in a vehicle that is capable of transporting 15 or less including the driver, as an incident to employment with a school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor, unless such person is under contract with or employed by a school district as a school bus operator (Section 302.010, RSMo).
- Only "school bus operators" and CDL-licensed school bus drivers are required to have a SBE.
- All school bus drivers must have the proper driver's license for the vehicle they are operating.

Bus Drivers Over the Age of 70

A driver who is <u>over</u> 70 years of age must renew their license with SBE every year with a:

- Acceptable test result for the road test
- SBE application form
- Applicable DOR fees

School Bus Drivers Physical

School bus drivers must have a physical examination annually, no more than ninety days before the beginning of the school year (5 CSR 30-261.040).

Only drivers employed with a school bus contractor who drive more than home-school-home routes are required, by federal regulation, to have DOT physicals; however, local school district and/or contractor policy may require DOT physicals for other drivers.

Anyone who is licensed in Missouri to perform physical examinations can perform a school bus driver physical (5 CSR 30-261.040).

School Bus Driver Training

- All school bus drivers must have 8 hours of annual training.

- The district or contractor should retain the documentation of this training in the employee's training file.

Criminal History Background Check

School districts must ensure that all new school bus drivers have a criminal history background check through the Missouri State Highway Patrol vendor

(http://dese.mo.gov/divteachqual/teachcert/)

Contracts with Individuals

- Districts may enter into a written contract with individuals that agree to transport children in their private vehicles.

- The contract must be stated in terms of reimbursement for mileage, not hourly, in an amount equal to or less than the current AAA rating of the "average cost of operating a car" (currently 59.6 cents per mile 2012) to avoid the requirement that anyone paid to transport school children must have a SBE.

Contracts with Individuals (cont.)

- If the individual is paid a lump sum amount, an hourly wage or more than the current AAA rating of the "average cost of operating a car" the individual is considered to be receiving pay for transporting school children. In this case, the driver must have a SBE.

- These individuals must agree to be properly licensed and to provide transportation in a safe, inspected, insured, licensed vehicle (5 CSR 30-261.045).

- Parent contracts operate under the same guidelines.

Ridership

- Students living more than three and one-half miles from school must be provided transportation service.
- All students can be transported by local board decision (Section 167.231, RSMo).
- Funding is available for students who live one mile or more from school.
- No funding is available for students who live less than one mile from school (except when required by an IEP).

Ridership Recordkeeping

- 2014-15 ridership lists should be finalized on October 8, 2014, and February 11, 2015.
- The two ridership lists, developed on the second Wednesday of October and February for the respective semesters, should be an accurate reflection of students living one mile or more from school and students living less than one mile from school who are riding the school bus on a regular (minimum of once per week) basis.
- These lists should not include students living one mile or more from school and living less than one mile from school who do not ride the bus on a regular basis.

School Bus Route Definition

- A bus route begins when a bus leaves a point (home, school, etc.) empty and proceeds on a predetermined route, picking up pupils, traveling to a school(s) to drop off students, and then returning the pupils to a designated point after school (5 CSR 30-261.010 (5)(A)(3)).

- The local board must approve preliminary bus routes by October 31 of each year and any revisions by June 30.

"Accurate and Verifiable Mileage Tracking

Mileage must be tracked using actual odometer readings. A variety of methods may be used for tracking school bus mileage.

- Odometers are read yearly, monthly, weekly, or daily and trip sheets are completed every time the bus is used for anything other than the regular route.
- Trips sheets should include, at minimum:
  - Odometer Readings-Beginning and Ending
  - Date and Time
  - Purpose of Trip
  - Other information needed for the district's and/or contractor's records.

Eligible Miles Definition

- Eligible transportation miles are those miles traveled from where the bus is kept at night until it returns to the same location after the pupils have been returned home, as long as it is used only to transport pupils to and from school (at the beginning and ending of the regular school day).
- Eligible miles include handicapped summer school route miles, but do not include non-handicapped summer school route miles.
- Eligible transportation miles are eligible for state transportation aid (5 CSR 30-261.010(5)(A)(1) and 5 CSR 30-261.040).

Ineligible Miles Definition

- All miles that are driven for any purpose other than transporting students to and from school during the regular school term are ineligible for state transportation aid.
- Non-handicapped summer school routes, non-handicapped early childhood routes, field trips, athletic trips, and other extra-curricular activity trips are examples of ineligible miles.
- Miles traveled to rerun a route or part of a route to transport students participating in before-school or after-school activities or training (including remediation and extra-curricular) are also ineligible miles.
- All ineligible miles shall be recorded and subsequently reported on the Application for State Transportation Aid (5 CSR 30-261.010(5)(A)(2) and 5 CSR 30-261.040 (3)(B)).

Pupils Transported in Vehicles Other Than School Buses

As school districts are considering acquiring school buses for this next school year, the rule changes to 5 CSR 30-261.045 made several years ago should be considered.

- A primary purpose of the change was to increase student safety following testing by the National Transportation Safety Board and the recommendations on the use of nonconforming vans.
- After July 1, 2001, any newly purchased, newly leased, newly placed into service, newly contracted vehicles or vehicles replaced under contracted services with a rated *capacity to carry more than ten passengers including the driver*, and used to transport students, must meet state and federal specifications and safety standards applicable to school buses.

Pupils Transported in Vehicles Other Than School Buses (cont.)

- The rule allows contract common carriers, which meet federal DOT standards, to be used for field trips.
- The rule also established requirements for the transportation of students in vehicles designed for transporting ten or less passengers.
- A July 1, 2001, rule change allows districts to phase out their use of nonconforming vans according to the district's bus replacement schedule.

2012-13 Transportation Data Collection

- The transportation data are collected through the Annual Secretary of the Board Report via the ASBR web submission process.

- The data required for the Application for State Transportation Aid (ridership, days operated, mileage) and School Bus and Facility Depreciation Schedules have not changed.

- The ASBR is submitted on the WEB-based format by August 15 of each year.

Certified School Bus Driver Instructor Program

The Certified School Bus Driver Instructor Program is a program to train and certify individuals as school bus driver trainers.

- This program helps a school district maintain a trained staff of drivers.
- The Certified School Bus Driver Instructor training program is jointly sponsored by Central Missouri State University-Missouri Safety Center, Missouri School Bus Contractors Association (MSBCA), Missouri Association of Pupil Transportation (MAPT), and the Department of Elementary and Secondary Education's School Governance Section.

Certified School Bus Driver Instructor Program (cont.)

- This program is usually conducted during the months of June and July and provides individuals with classroom and hands-on practical instruction activities.
- The goal is to provide each trainee with a model curriculum and instructional skills necessary to design and implement a school bus driver training program (Section 302.272, RSMo).
- To retain the certification a trainer must attend a recertification course at least every three years.

Questions

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