

Policy 3540: Transportation

Status: DRAFT

Original Adopted Date: 11/27/2012 | Last Revised Date: 04/25/2023 | Last Reviewed Date: 04/25/2023

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, **including expanded learning opportunities programs**, promote regular attendance, and reduce tardiness. ~~The~~ **In determining the** extent to which the district provides for **will provide** transportation services, **the Board** shall depend upon **weigh** student and community needs and a continuing assessment of financial resources: **against the cost of providing such services.**

The Superintendent or designee shall recommend to the Board the most economical, **environmentally sustainable**, and appropriate means of providing transportation services. **The district's transportation services may be provided by means of a joint powers agreement, a cooperative student transportation program, or a consortium, as permitted by law.**

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student pursuant to Education Code 35350 or the evacuation of students as necessary for their safety.

Transportation Plan

The Superintendent or designee shall develop a transportation plan in consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts and air quality management districts, parents/guardians, students, and other stakeholders. (Education Code 39800.1)

The transportation plan shall be presented to and adopted by the Board at an open meeting, with the opportunity for in-person and remote public comment, and shall be updated annually by April 1. (Education Code 39800.1)

The transportation plan shall include descriptions of the following: (Education Code 39800.1)

- 1. The transportation services offered to students**
- 2. The prioritization of transportation services for low-income students, and students in transitional kindergarten, kindergarten, and any of grades 1 to 6, inclusive**
- 3. The transportation services accessible to students with disabilities and homeless children and youth, as defined pursuant to the federal McKinney-Vento Homeless Assistance Act (42 USC 11301)**
- 4. The manner in which unduplicated students, as defined in Education Code 42238.02, will be able to access available home-to-school transportation at no cost**

Transportation Contracts

The Board may purchase, rent, or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools to provide necessary transportation services. (Education Code 35330, 39800, 39801)

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802, 39803)

Prior to contracting with a private entity for student transportation services, the district shall obtain written attestations from the entity that: (Education Code 39879)

- 1. The entity does not have any applicable law violations at the time of applying for the contract**
- 2. The entity will maintain compliance with applicable laws for the duration of the contract**

3. Under the contract, only drivers who meet the requirements specified in Education Code 39877 will work
4. The entity has on file all the reports and documents required pursuant to Education Code 39877 for the duration of the contract, including, but not limited to, updated, revised, or modified reports and documents, and that the reports and documents shall be available for inspection by the district

Any vehicle used to provide student transportation for compensation shall meet both of the following requirements: (Education Code 39879)

1. Be inspected every 12 months, or every 50,000 miles, whichever comes first, at a facility licensed by the Bureau of Automotive Repair to ensure that the vehicle passes a 19-point vehicle inspection, as adopted by the Public Utilities Commission and as specified in D.13-09-045, before allowing the vehicle to be driven, except for vehicles which are already subject to a statutory inspection program
2. Be equipped with a first aid kit and a fire extinguisher

Expenses and Fees

In lieu of providing transportation in whole or in part, the district may pay the student's parents/guardians either their actual and necessary expenses in transporting the student or the cost of the student's food and lodging at a place convenient to the school. In either case, the amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

The Board may charge a transportation fee to parents/guardians of transported students in accordance with Education Code 39807.5 and Board Policy/Administrative Regulation 3250 - Transportation Fees.

Safety and Monitoring

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

The district may install a global positioning system (GPS) on school buses and/or student activity buses in order to enhance student safety and provide real-time location data to district and school administrators, and parents/guardians.

The Superintendent or designee shall ensure the qualifications of bus drivers, **in accordance with Administrative Regulation 3542 - School Bus Drivers**, and related staff employed by the district;; provide for the maintenance and operation of district-owned school buses and other equipment;; and ensure adequate facilities for equipment storage and maintenance.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

| State References | Description |
|-------------------------|--|
| 13 CCR 2025 | Retrofitting of diesel school buses |
| 5 CCR 14100-14103 | Use of school buses and school pupil activity buses |
| 5 CCR 15240-15343 | Allowances for student transportation |
| 5 CCR 15253-15272 | District records related to transportation |
| Ed. Code 35330 | Field trips and excursions; student fees |
| Ed. Code 35350 | Authority to transport pupils |
| Ed. Code 39800 | Powers of governing board to provide transportation to and from school |
| Ed. Code 39800-39860 | Transportation services |
| Ed. Code 39801 | Contract with County Superintendent of Schools to provide transportation |
| Ed. Code 39802-39803 | Bids and contracts for transportation services |

State References

Ed. Code 39806
 Ed. Code 39807
 Ed. Code 39807.5
 Ed. Code 39808
 Ed. Code 39877-39878
 Ed. Code 39879
 Ed. Code 41850-41851.1
 Ed. Code 41860-41862
 Ed. Code 42238.02
 Ed. Code 45125.1
 Ed. Code 52311
 Ed. Code 56026
 Gov. Code 3540-3549.3
 Pen. Code 637.7
 Veh. Code 2807
 Veh. Code 4854

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[Payment of transportation costs by parents](#)
[Transportation for private school students](#)
 School bus driver requirements
 Private transportation provider requirements
[Allowances for transportation](#)
 Supplemental allowances for transportation
[Local Control Funding Formula](#)
[Criminal records summary; employees of contracting entity](#)
[Regional occupational centers; transportation](#)
 Student with a disability; definition
[Educational Employment Relations Act](#)
[Electronic tracking devices](#)
[School bus inspection](#)
 Alternatives to conventional license plates

Management Resources References

Court Decision

 Public Utilities Commission Order

 Website
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Description

Arcadia Unified School District v. California Department of Education (1992)
 2 Cal. 4th 251

[Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transportation Services, September 2013](#)

[Department of Motor Vehicles](#)
[Public Utilities Commission](#)
[Bureau of Automotive Repair](#)
[CSBA District and County Office of Education Legal Services](#)
[California Air Resources Board Zero Emission School Bus and Infrastructure Program](#)
[California Energy Commission](#)
[CSBA](#)

Cross References

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[Service Learning/Community Service Classes](#)

[Education For Foster Youth](#)

[Education For Foster Youth](#)

[Regional Occupational Center/Program](#)