

New Charter School Applicant Orientation
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Support Services Division
School Transportation
School Facilities

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Facilities Requirements for Charter Schools in Florida

The 1996 Legislature approved **House Bill 403** which authorized charter schools in Florida. The bill was signed by the Governor on May 17, 1996. Under this law, private charter entities may enter into agreements with school boards to provide educational services to district students. The facilities in which these educational services are provided must meet minimum requirements as established in the Charter School Law.

Facilities Requirements as Stated in Statute

Section 1002.33(19), F.S., is entitled "FACILITIES." Sub-section (a) reads as follows:

"A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to Chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facility. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to Section 1013.37. The local governing authority shall not adopt nor impose local building requirements or restrictions that are more stringent than those found in the Florida Building Code. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy shall be the local municipality or, if in an unincorporated area, the county governing authority,"

Section 1002.33(19)(c) reads as follows:

"Charter school facilities shall utilize facilities which comply with the Florida Building Code, pursuant to chapter 553, and the Florida Fire Prevention Code, pursuant to chapter 633."

Guidelines to Meet Statute

1. **The language of the statute may need interpretation. What does it mean?**
 - a. Chapter 553 of the Florida Statutes identifies the state minimum building codes. Chapter 633, F.S., identifies the state minimum fire safety codes. All buildings in the state are required to meet these standards as a minimum. Each local jurisdiction may add more restrictive requirements. The building codes are the Florida Building Code 2001, with 2002 Revisions, which includes Building, Plumbing, Mechanical, Fuel Gas, and Test Protocols for High Velocity Hurricane Zones. The state electrical standards are listed in Section 553.19, F.S. The state minimum fire safety standard is the Florida Fire Prevention Code, 2001.

- b. Privately owned or leased educational facilities must meet the requirements of the state minimum codes referenced in statute and local building department amendments.
- c. The Department of Education has historically provided additional requirements for school boards for public facilities designed primarily to be used by children, since the state minimum codes generally do not address the needs of children. The State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to Section 1013.37, F.S., is incorporated in Chapter 6A-2.001, Florida Administrative Code, as an attachment entitled *State Requirements for Educational Facilities 2007 (SREF)*. Use of the *State Requirements for Educational Facilities* applies to school board-owned facilities which may be used as charter schools. This document can be accessed at: <http://www.fldoe.org/edfacil/> from the OEF web page.

How do charter schools provide transportation?

Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.e. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter. Charter schools are entitled to their proportionate share of transportation funds for eligible students.

State Statutes for Student Transportation

1006.21 Duties of district school superintendent and district school board regarding transportation.—

- (1) The district school superintendent shall ascertain which students should be transported to school or to school activities, determine the most effective arrangement of transportation routes to accommodate these students; recommend such routing to the district school board; recommend plans and procedures for providing facilities for the economical and safe transportation of students; recommend such rules as may be necessary and see that all rules relating to the transportation of students approved by the district school board, as well as rules of the State Board of Education, are properly carried into effect, as prescribed in this chapter.
- (2) After considering recommendations of the district school superintendent, the district school board shall make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities, and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof; and adopt the necessary rules to ensure safety, economy, and efficiency in the operation of all buses, as prescribed in this chapter.
- (3) District school boards, after considering recommendations of the district school superintendent:
 - (a) Shall provide transportation for each student in prekindergarten disability programs and in kindergarten through grade 12 membership in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available and to transport students whose homes are more than a reasonable walking distance, as defined by rules of the State Board of Education, from the nearest appropriate school.
 - (b) Shall provide transportation for public elementary school students in membership whose grade level does not exceed grade 6, and may provide transportation for public school students in membership in grades 7 through 12, if such students are subjected to hazardous walking conditions as provided in s. 1006.23 while en route to or from school.
 - (c) May provide transportation for public school migrant, exceptional, nursery, and other public school students in membership below kindergarten; kindergarten through grade 12 students in membership in a public school; and adult students in membership in adult career, basic, and high school graduation programs in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available.
 - (d) May provide transportation for the transportation disadvantaged as defined in s. 427.011 and for other school-age children as provided for in s. 1006.261.
 - (e) Shall provide necessary transportation to pregnant students or student parents, and the children of those students, when the district school board operates a teenage parent program pursuant to s. 1003.54.
 - (f) May provide transportation for other persons to events or activities in which the district school board or school has agreed to participate or cosponsor. The district school board shall adopt a policy to address liability for trips pursuant to this paragraph.
 - (g) May provide transportation for welfare transition program participants as defined in s. 414.0252.
- (4) In each case in which transportation of students is impracticable in the opinion of the district school board, the district school board may take steps for making available educational facilities as are authorized by law or rule of the State Board of Education and as, in the opinion of the district school board, are practical.
- (5) Contiguous school districts shall make provisions for reciprocal policies and agreements for contracts for school bus transportation services, inspections, and screening requirements for public schools and public charter schools.

1006.22 Safety and health of students being transported.—Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(1)(a) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:

1. When the 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.
2. When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.
3. When the transportation is provided through a public transit system.
4. When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but is not for customary transportation between a student's residence and such sites.

(b) When the transportation of students is provided, as authorized in this subsection, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by a school district or charter school, the following provisions shall apply:

1. The vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined in 49 C.F.R. part 571, designed to transport fewer than 10 students. Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.
2. An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.
3. The driver of an authorized vehicle transporting students must maintain a valid driver's license and must comply with the requirements of the school district's locally adopted safe driver plan, which includes review of driving records for disqualifying violations.
4. The district school board or charter school must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.

(2) Except as provided in subsection (1), district school boards may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis only in the following circumstances:

(a) When a student is ill or injured and must be taken home or to a medical treatment facility under nonemergency circumstances; and

1. The school has been unable to contact the student's parent or the parent or responsible adult designated by the parent is not available to provide the transportation;
2. Proper adult supervision of the student is available at the location to which the student is being transported;
3. The transportation is approved by the school principal, or a school administrator designated by the principal to grant or deny such approval, or in the absence of the principal and designee, by the highest ranking school administrator or teacher available under the circumstances; and
4. If the school has been unable to contact the parent prior to the transportation, the school shall continue to seek to contact the parent until the school is able to notify the parent of the transportation and the pertinent circumstances.

(b) When the transportation is in connection with a school function or event regarding which the district school board or school has undertaken to participate or to sponsor or provide the participation of students; and

1. The function or event is a single event that is not part of a scheduled series or sequence of events to the same location, such as, but not limited to, a field trip, a recreational outing, an interscholastic competition or cooperative event, an event connected with an extracurricular activity offered by the school, or an event connected to an educational program, such as, but not limited to, a job interview as part of a cooperative education program;
2. Transportation is not available, as a practical matter, using a school bus or school district passenger car; and
3. Each student's parent is notified, in writing, regarding the transportation arrangement and gives written consent before a student is transported in a privately owned motor vehicle.

(c) When a district school board requires employees such as school social workers and attendance officers to use their own motor vehicles to perform duties of employment, and such duties include the occasional transportation of students.

(3) When approval is granted for the transportation of students in a privately owned vehicle, the provisions of s. 1006.24 regarding liability for tort claims are applicable. District school board employees who provide approved transportation in privately owned vehicles are acting within the scope of their employment. Parents or other responsible adults who provide approved transportation in privately owned vehicles have the same exposure to, and protections from, risks of personal liability as do district school board employees acting within the scope of their employment.

(4) Each district school board may establish policies that restrict the use of privately owned motor vehicles to circumstances that are more limited than are described in this section or that prohibit such use. Each district school board may establish written policies that provide for more extensive requirements for approval, parental notification and consent procedures, insurance coverage, driver qualifications, or a combination of these.

(5) When transportation is authorized in privately owned vehicles, students may be transported only in designated seating positions and must use the occupant crash protection system provided by the vehicle manufacturer.

(6) District school boards may contract with a common carrier to transport students to and from in-season and postseason athletic contests and to and from a school function or event in which the district school board or a school has undertaken to participate or to provide for or sponsor the participation of students.

(7) Transportation for adult students may be provided by any appropriate means as authorized by the district school board when the transportation is accepted as a responsibility by the district school board as provided in s. 1006.21.

(8) Notwithstanding any other provision of this section, in an emergency situation that constitutes an imminent threat to student health or safety, school personnel may take whatever action is necessary under the circumstances to protect student health and safety.

(9) Except as provided in s. 1006.261, transportation is not the responsibility of the district school board in connection with any event or activity that is not an event or activity offered by the district school board or an event or an activity in which the district school board or school has agreed to participate, cosponsor, or require the participation of students, and the district school board has no liability for transportation arranged and provided by parents or other parties to such events or activities.

(10) Each district school board shall designate and adopt a specific plan for adequate examination, maintenance, and repair of transportation equipment. Examination of the mechanical and safety condition of each school bus must be made as required pursuant to rule of the State Board of Education. The State Board of Education shall base the rule on student safety considerations.

(11) The district school superintendent shall notify the district school board of any school bus that does not meet all requirements of law and rules of the State Board of Education, and the district school board shall, if the school bus is in an unsafe condition, withdraw it from use as a school bus until the bus meets the requirements. The department may inspect or have inspected any school bus to determine whether the bus meets requirements of law and rules of the State Board of Education. The department may, after due notice to a district school board that any school bus does not meet certain requirements of law and rules of the State Board of Education, rule that the bus must be withdrawn from use as a school bus, this ruling to be effective immediately or upon a date specified in the ruling, whereupon the district school board shall withdraw the school bus from use as a school bus until it meets requirements of law and rules of the State Board of Education and until the department has officially revoked the pertinent ruling. Notwithstanding any other provisions of this chapter, general purpose urban transit systems are declared qualified to transport students to and from school.

(12)(a) The routing and scheduling of school buses must be planned to eliminate the necessity for students to stand while a school bus is in motion. When circumstances of an emergency nature, as defined by written district school board policy, temporarily require transporting students on school buses in excess of the rated seating capacity, the buses must proceed at a reduced rate of speed to maximize safety of the students, taking into account existing traffic conditions. Each district school board is responsible for prompt relief of the emergency condition by providing additional equipment, bus rerouting, bus rescheduling, or other appropriate remedial action, and must maintain written district school board policies to address such situations.

(b) Each district school board, after considering recommendations from the district school superintendent, shall designate, by map or otherwise, or shall provide by district school board rule for the designation of, non-transportation zones that are composed of all areas in the school district from which it is unnecessary or impracticable to furnish transportation. Non-transportation zones must be designated annually before the opening of school and the designation of bus routes for the succeeding school year. Each district school board, after considering

recommendations from the district school superintendent, shall specifically designate, or shall provide by district school board rule for the designation of, specific routes to be traveled regularly by school buses, and each route must meet the requirements prescribed by rules of the State Board of Education.

(c) Each district school board shall establish school bus stops, or provide by district school board rule for the establishment of school bus stops, as necessary at the most reasonably safe locations available. Where unusual traffic hazards exist at school bus stops on roads maintained by the state outside of municipalities, the Department of Transportation, in concurrence and cooperation with and upon request of the district school board, shall place signs at such bus stops warning motorists of the location of the stops.

(13) The State Board of Education may adopt rules to implement this section as are necessary or desirable in the interest of student health and safety.

1006.23 Hazardous walking conditions.—

(1) **DEFINITION.**—As used in this section, “student” means any public elementary school student whose grade level does not exceed grade 6.

(2) **TRANSPORTATION; CORRECTION OF HAZARDS.**—

(a) It is intended that district school boards and other governmental entities work cooperatively to identify conditions that are hazardous along student walking routes to school and that district school boards provide transportation to students who would be subjected to such conditions. It is further intended that state or local governmental entities having jurisdiction correct such hazardous conditions within a reasonable period of time.

(b) Upon a determination pursuant to this section that a condition is hazardous to students, the district school board shall request a determination from the state or local governmental entity having jurisdiction regarding whether the hazard will be corrected and, if so, regarding a projected completion date. State funds shall be allocated for the transportation of students subjected to such hazards, provided that such funding shall cease upon correction of the hazard or upon the projected completion date, whichever occurs first.

(3) **IDENTIFICATION OF HAZARDOUS CONDITIONS.**—When a request for review is made to the district school superintendent or the district school superintendent’s designee concerning a condition perceived to be hazardous to students in that district who live within the 2-mile limit and who walk to school, such condition shall be inspected by a representative of the school district and a representative of the state or local governmental entity that has jurisdiction over the perceived hazardous location. The district school superintendent or his or her designee and the state or local governmental entity or its representative shall then make a final determination that is mutually agreed upon regarding whether the hazardous condition meets the state criteria pursuant to this section. The district school superintendent or his or her designee shall report this final determination to the department.

(4) **STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING CONDITIONS.**—

(a) **Walkways parallel to the road.**—

1. It shall be considered a hazardous walking condition with respect to any road along which students must walk in order to walk to and from school if there is not an area at least 4 feet wide adjacent to the road, having a surface upon which students may walk without being required to walk on the road surface. In addition, whenever the road along which students must walk is uncurbed and has a posted speed limit of 55 miles per hour, the area as described above for students to walk upon shall be set off the road by no less than 3 feet from the edge of the road.

2. The provisions of subparagraph 1. do not apply when the road along which students must walk:

a. Is in a residential area which has little or no transient traffic;

b. Is a road on which the volume of traffic is less than 180 vehicles per hour, per direction, during the time students walk to and from school; or

c. Is located in a residential area and has a posted speed limit of 30 miles per hour or less.

(b) **Walkways perpendicular to the road.**—It shall be considered a hazardous walking condition with respect to any road across which students must walk in order to walk to and from school:

1. If the traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students walk to and from school and if the crossing site is uncontrolled. For purposes of this subsection, an “uncontrolled crossing site” is an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign or other traffic control signal is present during the times students walk to and from school.

2. If the total traffic volume on the road exceeds 4,000 vehicles per hour through an intersection or other crossing site controlled by a stop sign or other traffic control signal, unless crossing guards or other traffic enforcement officers are also present during the times students walk to and from school.

Traffic volume shall be determined by the most current traffic engineering study conducted by a state or local governmental agency.

1006.24 Tort liability; liability insurance.—

- (1) Each district school board shall be liable for tort claims arising out of any incident or occurrence involving a school bus or other motor vehicle owned, maintained, operated, or used by the district school board to transport persons, to the same extent and in the same manner as the state or any of its agencies or subdivisions is liable for tort claims under s. 768.28, except that the total liability to persons being transported for all claims or judgments of such persons arising out of the same incident or occurrence shall not exceed an amount equal to \$5,000 multiplied by the rated seating capacity of the school bus or other vehicle, as determined by rules of the State Board of Education, or \$100,000, whichever is greater. The provisions of s. 768.28 apply to all claims or actions brought against district school boards, as authorized in this subsection.
- (2) Each district school board may secure and keep in force a medical payments plan or medical payments insurance on school buses and other vehicles. If a medical payments plan or insurance is provided, it shall be carried in a sum of no less than \$500 per person.
- (3) Expenses, costs, or premiums to protect against liability for torts as provided in this section may be paid from any available funds of the district school board.
- (4) If vehicles used in transportation are not owned by the district school board, the district school board may require owners of such vehicles to show evidence of adequate insurance during the time that such vehicles are in the services of the district school board.

1006.25 School buses.—School buses shall be defined and meet specifications as follows:

- (1) DEFINITION.—For the purpose of this part, a “school bus” is a motor vehicle regularly used for the transportation of prekindergarten disability program and kindergarten through grade 12 students of the public schools to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any district school board, except:
 - (a) Passenger cars, multipurpose passenger vehicles, and trucks as defined in 49 C.F.R. part 571.
 - (b) Motor vehicles subject to, and meeting all requirements of, the United States Department of Transportation, Federal Motor Carrier Safety Regulations under Title 49, Code of Federal Regulations and operated by carriers operating under the jurisdiction of these regulations but not used exclusively for the transportation of public school students.
- (2) SPECIFICATIONS.—Each school bus as defined in 49 C.F.R. part 571 and subsection (1) that is rented, leased, purchased, or contracted for must meet the applicable federal motor vehicle safety standards and other specifications as prescribed by rules of the State Board of Education.
- (3) STANDARDS FOR LEASED VEHICLES.—A motor vehicle owned and operated by a county or municipal transit authority that is leased by the district school board for transportation of public school students must meet such standards as the State Board of Education establishes by rule. A school bus authorized by a district school board to carry passengers other than school students must have the words “School Bus” and any other signs and insignia that mark or designate it as a school bus covered, removed, or otherwise concealed while such passengers are being transported.
- (4) OCCUPANT PROTECTION SYSTEMS.—Students may be transported only in designated seating positions, except as provided in s. 1006.22(12), and must use the occupant crash protection system provided by the manufacturer, which system must comply with the requirements of 49 C.F.R. part 571 or with specifications of the State Board of Education.

1006.261 Use of school buses for public purposes.—

- (1)(a) Each district school board may enter into agreements with the governing body of a county or municipality in the school district or any state agency or agencies established or identified to assist in the provision of public transportation and other public purposes, including, but not limited to, providing for the needs of the transportation disadvantaged, as defined in s. 427.011, including, but not limited to, the elderly, pursuant to Pub. L. No. 89-73, as amended, for the use of the school buses of the school district by departments, boards, commissions, or officers of such county or municipality or of the state for county, municipal, or state purposes, including, but not limited to, transportation of the transportation disadvantaged or other public purposes. Each such agreement shall provide for reimbursement of the district school board, in full or in part, for the proportionate share of fixed and operating costs

incurred by the district school board attributable to the use of the buses pursuant to the agreement or attributable to the maintenance or other activities conducted by the district school board.

(b) Each district school board may enter into agreements with regional workforce boards for the provision of transportation services to participants in the welfare transition program. Agreements must provide for reimbursement in full or in part for the proportionate share of fixed and operating costs incurred by the district school board attributable to the use of buses in accordance with the agreement.

(c) Each district school board may enter into agreements with nonprofit corporations and nonprofit civic associations and groups to allow the use of school buses to transport school-age children for activities sponsored by such associations and groups, including, but not limited to, the Girl Scouts, the Boy Scouts, 4-H Clubs, the Y.M.C.A., and similar groups. The use of school buses for these activities shall be pursuant to rules adopted by the district school board and with compensation to the district school board at least equal to the costs incurred by the board for such use.

(2)(a) The governing body or state agency or agencies established or identified pursuant to Pub. L. No. 89-73, or the nonprofit corporation or nonprofit civic organization or group, or an agency established or identified to assist the transportation disadvantaged as defined in s. 427.011, or a public agency otherwise receiving services from a district school board shall indemnify and hold harmless the district school board from any and all liability by virtue of the use of the buses pursuant to an agreement authorized by this section.

(b) For purposes of liability for negligence, state agencies or subdivisions as defined in s. 768.28(2) shall be covered by s. 768.28. Every other corporation or organization shall provide liability insurance coverage in the minimum amounts of \$100,000 on any claim or judgment and \$200,000 on all claims and judgments arising from the same incident or occurrence.

(3) When the buses are used for nonschool purposes other than the transportation of the transportation disadvantaged, the flashing red lights and white strobe lights shall not be used, and the "School Bus" inscriptions on the front and rear of the buses shall be covered or concealed.

1006.27 Pooling of school buses and related purchases by district school boards; transportation services contracts.—

(1) The department shall assist district school boards in securing school buses, contractual needs, equipment, and supplies at as reasonable prices as possible by providing a plan under which district school boards may voluntarily pool their bids for such purchases. The department shall prepare bid forms and specifications, obtain quotations of prices and make such information available to district school boards in order to facilitate this service. District school boards from time to time, as prescribed by State Board of Education rule, shall furnish the department with information concerning the prices paid for such items and the department shall furnish to district school boards periodic information concerning the lowest prices at which school buses, equipment, and related supplies are available based upon comparable specifications.

(2) If a contract between any district school board and any person, business, or entity to provide the district school board with school bus service for the transportation of students in the district provides that the person, business, or entity shall own, operate, and maintain school buses for such service, the district school board may purchase the number of buses needed for the district through the department and sell them to the person, business, or entity as a part of the contract for such service.

State Board Rules for Student Transportation

CHAPTER 6A-3

TRANSPORTATION

- 6A-3.001 Basic Principles for Transportation of Students
- 6A-3.003 Certification as to Specifications of School Buses
- 6A-3.006 Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts
- 6A-3.0121 Responsibility of School District and Parents or Guardians for Students Who Are Transported at Public Expense
- 6A-3.0141 Employment of School Bus Operators
- 6A-3.0151 School Bus Driver Physical Examination and Medical Examiners Certificate
- 6A-3.016 Responsibilities of Deputy Commissioner for Finance and Operations for Student Transportation
- 6A-3.0171 Responsibilities of School Districts for Student Transportation
- 6A-3.0291 Specifications for New School Buses
- 6A-3.037 Alternate Engine Fuels for School Buses

6A-3.001 Basic Principles for Transportation of Students.

(1) Where it is practicable to provide improved transportation service and school facilities for students from an area in adjoining districts, district lines shall not interfere with the designation of a school attendance area composed of areas of two (2) or more districts. It shall be the duty of school boards and superintendents of the districts involved to develop a plan which will issue the children of the area adequate school advantages. Students shall not be transported at public expense across district lines unless an annual agreement exists between the respective school boards. This agreement shall outline the responsibility of each district for providing school facilities, including transportation, and specify which district shall have exclusive responsibility for providing and operating the equipment. Unless the agreement shall stipulate otherwise, the rules and regulations of the district in which the bus is traveling shall be observed.

(2) All school bus routes shall be so planned and adjusted to the capacities of available equipment and school buses should be so chosen and assigned to routes and attendance areas that insofar as practicable the full capacity of each bus will be utilized, without standees, to serve students whose homes are beyond reasonable walking distance of the assigned public school center.

(3) A reasonable walking distance for any student who is not otherwise eligible for transportation pursuant to Section 1011.68, Florida Statutes, is any distance not more than two (2) miles between the home and school or one and one-half (1 1/2) miles between the home and the assigned bus stop. Such distance shall be measured from the closest pedestrian entry point of the property where the student resides to the closest pedestrian entry point of the assigned school building or to the assigned bus stop. The pedestrian entry point of the residence shall be where private property meets the public right-of-way. The district shall determine the shortest pedestrian route whether or not it is accessible to motor vehicle traffic.

Specific Authority 1001.02, 1001.42(8), 1006.21, 1006.22, 1011.68 FS. Law Implemented 1001.42(8), 1006.22, 1011.68 FS. History—Amended 3-26-66, 9-17-72, Revised 7-20-74, Repromulgated 12-5-74, Formerly 6A-3.01, Amended 3-12-86, 11-15-94.

6A-3.003 Certification as to Specifications of School Buses.

(1) Before any manufacturer, distributor or dealer may offer for sale or lease any school bus chassis or bodies to be used for the transportation of students to public schools of Florida, such manufacturer, distributor or dealer shall:

(a) File with the Deputy Commissioner for Finance and Operations complete specifications for each chassis and body model, including blueprints when requested.

(b) File with the Deputy Commissioner for Finance and Operations a certified statement that any school bus chassis or body sold by such manufacturer, distributor or dealer will meet all Federal Motor Vehicle Safety Standards, National Standards for School Buses and Florida School Bus Specifications prescribed for school buses for use in Florida.

(c) Submit to the Deputy Commissioner for Finance and Operations or his authorized representative upon request, for the purpose of examination, a demonstrator model, or parts thereof, of each type of chassis or body model to be offered for sale. Such examination shall be for the purpose of ascertaining whether the respective chassis or body model meets the specifications, including quality standards, required by the State Board.

(2) Upon examining the specifications or the demonstrator chassis or body model, the Deputy Commissioner for Planning, Budgeting and Management shall maintain a list of each chassis or body model that meets Florida school bus requirements. The Deputy Commissioner for Planning, Budgeting and Management or his authorized representative shall furnish, upon request, superintendents a list of all chassis and body companies offering equipment for sale in Florida that meets the minimum specifications of the State Board.

(3) Insofar as practicable, the Deputy Commissioner for Finance and Operations or his authorized representative shall make periodic inspection of school bus chassis and bodies delivered to school boards for the purpose of determining if applicable specifications and quality standards have been met. Should it be determined that any chassis or body delivered to a school board does not meet the standards approved by the State Board, including equipment specified, the manufacturer, distributor or dealer shall make satisfactory corrections as prescribed by the Deputy Commissioner for Finance and Operations or authorized representative. The Deputy Commissioner for Finance and Operations and the district receiving such equipment shall refuse further approval of bids submitted by the manufacturer, distributor and dealer or representative until satisfactory corrections are made.

Specific Authority 1001.02, 1006.25 FS. Law Implemented 1006.25 FS. History—Amended 7-20-74, Repromulgated 12-5-74, Formerly 6A-3.03, Amended 11-15-94.

6A-3.006 Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts.

(1) The Deputy Commissioner for Finance and Operations or designee is authorized and directed to coordinate volume purchasing of transportation equipment as provided by Section 1006.27, Florida Statutes. This purchasing plan shall include conducting and administering bids for new school buses, coordinating purchasing of drug and alcohol testing services, and purchasing of other commodities and services as needed. The Department may award

bids as either low bid awards or as multiple supplier awards. Special equipment not included in the bid specifications but approved by the Deputy Commissioner for Finance and Operations shall be listed and priced separately.

(2) If requested by the Deputy Commissioner for Finance and Operations, each dealer submitting bids under a pool plan shall enclose a certified check, bank money order, cashier's check, or performance bond as a good faith deposit in an amount in keeping with the minimum order, drawn in favor of the State of Florida and the purchasing school districts. The good faith deposit of the successful bidder shall be held until the terms of the purchase contract have been met. The good faith deposit shall be forfeited in full or in part if the contract is not fulfilled, provided that the State Board shall have the right to grant an extension of time if the reason for not meeting the terms of the contract is beyond the control of the successful bidder and to alter the terms of the contract before the deposit is forfeited and deposited as required by law.

(3) The period covered by the contract or contracts shall be for such duration and may be renewable as may be determined by the Deputy Commissioner for Finance and Operations as is consistent with needs, availability of materials, and production schedules, and shall provide that the equipment shall be made available to school boards and state agencies in compliance with the provisions of Section 1006.27 and Chapter 287, Florida Statutes.

(4) Each participating district and other authorized purchasers shall issue a purchase order or orders for the equipment as a commitment to purchase, provided the quantity of such orders may be increased.

(5) A contract for the purchase of school bus chassis, bodies, or equipment may be made upon the basis of bids received by the school board when the price quoted does not exceed the comparable ceiling price established by the most recent state volume purchasing plan or bids accepted by the Deputy Commissioner for Finance and Operations. In any case, where there is question as to whether ceiling prices are exceeded, the bids shall be forwarded to the Deputy Commissioner for Finance and Operations for review and approval before awarding a contract. In all such cases, the Deputy Commissioner for Finance and Operations, before approval is given, shall review bids and specifications to determine if laws and rules have been complied with.

(6) The Deputy Commissioner for Finance and Operations, upon approval of the Office of Planning and Budgeting in the Executive Office of the Governor, may serve as agent in clearance of volume purchases in the event companies submitting successful bids will not accept purchase orders and warrants for payment of invoices issued by school boards.

Specific Authority 1001.03, 1002.42, 1006.27, 1011.14 FS. Law Implemented 1002.42, 1006.27, 1011.14 FS. History—Amended 3-26-66, Repromulgated 12-5-74, Amended 7-10-85, Formerly 6A-3.06, Amended 8-19-86, 11-15-94, 4-18-96, 11-26-06.

6A-3.0121 Responsibility of School District and Parents or Guardians for Students Who Are Transported at Public Expense.

(1) The school district shall determine what safety measures shall be used in the transportation of students. Such safety measures shall include the designation of routes, bus turning areas, and student stop locations which shall not be left to the discretion of the bus operator or the parents or guardians of the students. The district shall provide belt cutters meeting Florida School Bus Specifications on any school bus equipped with passenger securement or restraint straps. The district shall determine the method of securement or positioning of students with special needs.

(2) The school district shall exercise additional specific powers and responsibilities as follows:

(a) The district shall provide bus operators and attendants instructions, in writing, as to any special conditions or

non-medical care which a student may need while on the bus.

(b) The district shall instruct bus operators, and attendants if used, in their responsibilities for students who are transported at public expense as follows:

1. The operator or attendant of a bus transporting students shall remain with the bus so that students aboard will be under supervision at all times, except to call for assistance in case of an emergency or accident involving the students or bus.

2. In cases where a student with physical disabilities is unable to leave the area of a student stop without assistance, the school bus operator shall not assume responsibility for such assistance except in an emergency which threatens the safety of such student or students.

3. The operator and attendant shall be provided training related to students; however, the operator and attendant shall not give medicine and shall limit his or her assistance to that which may normally be expected of a reasonable, prudent person or as specified in the student's Individual Educational Plan.

(c) The district shall inform parents, guardians, and students at least annually in writing of their responsibilities and related district policies as follows:

1, To ensure the safe travel of their students during the portions of each trip to and from school and home when the students are not under the custody and control of the school district, including during each trip to and from home and the assigned bus stop when the school district provides bus transportation.

2, To ensure that students ride only in their assigned school buses and get off only at assigned bus stops, except when the district has approved alternative buses or arrangements.

3, To ensure students are aware of and follow the district's adopted code of student conduct while the students are at school bus stops and to provide necessary supervision during times when the bus is not present.

4. To ensure that, when the physical disability of the student renders the student unable to get on and off the bus without assistance, the parent or guardian provides the necessary assistance to help the student get on and off at the bus stop, as required by district policy or the student's individual educational plan.

(3) Knowledge, skills and abilities related to student management techniques and characteristics of the students shall be considered when selecting or assigning operators and attendants for routes serving students.

Specific Authority 1001.02 FS. Law Implemented 1001.02, 1001.42(4)(l), 1003.21(1)(e), 1006.21 FS. History—New 3-26-66, Amended 9-17-72, Repromulgated 12-5-74, Formerly 6A-3.121, Amended 11-15-94, 11-26-06.

6A-3.0141 Employment of School Bus Operators.

(1) School bus operators are defined as any persons employed or contracted to the school district to transport prekindergarten through grade 12 students in school buses as defined in Section 1006.25, F.S.

(2) At the time of initial employment the school board shall assure that the operator of a school bus meets the following requirements:

(a) Has five (5) years of licensed driving experience.

(b) Has submitted to the superintendent a written application for employment in a form prescribed by the school

board.

(c) Has filed a set of fingerprints for the purpose of the required background check for determining criminal record.

(3) Form ESE 479, Florida School Bus Operators Medical Examination Report for Commercial Driver Fitness Determination is hereby incorporated by reference and made a part of this rule to become effective November 2006. This form may be obtained from the Director of the School Transportation Management Section or the Bureau of Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(4) Prior to transporting students on a school bus each operator shall meet the following requirements:

(a) Hold a valid commercial driver license with a passenger endorsement and a school bus endorsement.

(b) Successfully complete forty (40) hours of preservice training consisting of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department's Basic School Bus Operator Curriculum, Revised 2006, which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution costs.

(c) Demonstrate the ability to prepare required written reports.

(d) Be physically capable of operating the vehicle as determined by physical examination, Form ESE 479, prescribed by the Commissioner and given by a physician designated by the school board and as determined by a dexterity test administered by the school district.

(e) Demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus operator.

(5) A certification of training provided by the Commissioner shall be issued by the district to each operator successfully completing the forty (40) hours of preservice training.

(6) Each district school board shall obtain a driver's history record from the Department of Highway Safety and Motor Vehicles for each regular school bus operator, substitute operator, or any other individual certified to drive a school bus by the district. The schedule for reviewing these records shall be:

(a) Prior to initial employment;

(b) Prior to the first day of the fall semester.

(c) Thereafter, the district shall continuously screen operator records using the automated weekly updates, ensuring proper retrieval documentation for every week.

(7) Driver history records shall be requested in a manner prescribed by the Department of Highway Safety and Motor Vehicles using the Automated School Bus Driver's License Record Check System through the Department's data base. All school districts shall obtain and review records for school bus operators using the automated data base system. For any operator licensed in another state, the district shall obtain and review the driver's history record from the appropriate state.

(8) Each school district shall establish a school board policy that specifies which infractions of the traffic code deem an applicant unqualified for hire and which causes any employee to be subject to a prescribed follow-up action. At a minimum, this policy shall state that any district school bus operator or contracted operator who should

have known that his or her license has expired or has been suspended or revoked shall be subject to prescribed disciplinary measures up to and including dismissal by the school board.

(9) At least annually, the school district shall assure that the operator of a school bus meets the following requirements:

(a) The requirements of paragraph (4)(a) of this rule.

(b) Successfully complete a minimum of eight (8) hours of inservice training related to the operator's responsibilities for transporting students.

(c) Successfully pass a dexterity test administered by the school district and maintain a valid Medical Examiners Certificate.

(10) At the time of reemployment, the school board shall assure that each school bus operator meets all of the requirements of subsections (2) and (3) and paragraph (4)(a) of this rule. If not more than a twelve continuous calendar month break in service has occurred, an operator shall be required to complete eight (8) hours of inservice training related to their responsibilities for transporting students prior to driving a school bus with students. If a period exceeding twelve (12) calendar months has occurred, the operator shall be required to successfully complete all of the requirements of subsections (2) through (5) of this rule.

(11) All school bus operators shall be subject to the Federal requirements of 49 C.F.R., Parts 382 and 391 related to the substance abuse testing and alcohol detection program.

Specific Authority 316.615(3), 1001.02(1), 1006.22, 1012.45 FS. Law Implemented 112.044(3), 322.03(1), (3), 1006.22, 1012.32(2)(a), 1012.45 FS. History—New 8-1-86, Amended 7-5-89, 11-15-94, 4-18-96, 6-24-03, 11-26-06, 4-25-07.

6A-3.0151 School Bus Driver Physical Examination and Medical Examiners Certificate.

(1) The physical standards established by the Federal Motor Carrier Safety Administration pursuant to 49 C.F.R. sections 391.41 and 391.43 shall be applicable to all school bus drivers within the state. Any individual who has been performing as a school bus driver who is disqualified as a result of the enactment of this rule shall be afforded a priority in reemployment with the school district in another capacity as positions become available for such employment.

(2) Resolution of conflicts of medical evaluations. In the event that the approved school board medical examiner's determination of noncertification of a school bus driver is inconsistent with a second medical examination administered by a qualified medical examiner chosen by the school bus driver the conflict shall be resolved as follows:

(a) A third medical examiner will be chosen by the two (2) medical examiners in disagreement and shall be a licensed physician who is a specialist in the field of medicine related to the condition(s) in question.

(b) The third physician shall be given copies of both medical examiners' forms and the test results upon which the findings are based, and a complete description of the requirements of the bus driver's responsibilities.

(c) The third physician shall conduct any applicable tests as are necessary.

(d) The findings of the third physician shall be the basis of determination for certification or noncertification.

(3) Waiver of certain physical conditions. A person who is not physically qualified under 49 CFR section

391.41(b)(1) or (2) and other standards which may be included in Federal Code and who is otherwise qualified to drive a motor vehicle, may drive a school bus if granted a waiver using 49 CFR section 391.41 as a guideline for evaluation by the Deputy Commissioner for Finance and Operations or designee. Applications for waiver shall be made following the procedures and requirements contained in 49 CFR Section 391.49 except that applications shall be made to and administered by the Deputy Commissioner for Finance and Operations or designee.

(4) Form ESE 479, Physical Examination for School Bus Driver and Medical Examiners Certificate, as adopted in subsection 6A-3.0141(3), F.A.C., shall be used for recording the results of the physical examination. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(5) The physical examination shall be performed according to the School Bus Driver Physical Standards: Medical Regulatory Criteria for Physical Examinations which is hereby incorporated by reference and made a part of this rule to become effective November 1994. This document may be obtained from the Bureau of Career Development, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. This document is a compilation of physical evaluation criteria and guidelines which have been published in the Federal Register and which contain specific instructions for medical examiners performing examinations. The procedures for obtaining a waiver referenced in the document shall be consistent with those found in subsection (2) of this rule.

(6) The Medical Examiners Certificate shall be valid until the date of expiration on the certificate and shall be carried on the driver in person while the bus is in operation.

Specific Authority 1001.02, 1006.21, 1006.22 FS. Law Implemented 1001.02, 1006.21, 1006.22 FS. History—New 11-15-94.

6A-3.016 Responsibilities of Deputy Commissioner for Finance and Operations for Student Transportation.

It shall be the duty of the Deputy Commissioner for Finance and Operations, acting under rules and regulations of the State Board and with the assistance of the professional staff of the Deputy Commissioner for Finance and Operations, to exercise all powers and to perform all duties related to the responsibilities listed below:

(1) Formulation and enforcement of law and regulations.

(a) To propose such laws or changes in laws as are necessary to assure safe, adequate and economical transportation in each district of the state where transportation is needed.

(b) To apportion and distribute state aid for transportation.

(c) To require adherence to the minimum standards in the field of student transportation adopted by the state board, including standards for the design and equipment of school buses.

(d) To interpret statutory and regulatory provisions for student transportation and encourage adherence thereto.

(2) Transportation personnel. To sponsor such training programs from the state level as may be needed to improve the efficiency of persons responsible for the operation and maintenance of school buses.

(3) Transported students. To cooperate with and furnish technical assistance to district school authorities with a view to the promotion of safety, comfort, and convenience for transported students.

(4) Purchase, lease, and use of equipment.

(a) To develop specifications for physical equipment subject to the approval of the state board.

(b) To encourage plans and procedures in the ownership and operation of buses that will insure a maximum of economy, efficiency and safety.

(c) To ascertain and ensure that plans of district school systems for purchasing school buses are administratively sound and that procedures are such as to assure that standards and specifications are met and buses are purchased in accordance with law and regulations of the state board.

(5) Insurance. To advise with school boards with reference to their responsibilities for provision for insurance covering liability for damages on account of bodily injury or death suffered as a result of the transportation service, and to conduct periodic insurance studies.

(6) Routes and schedules. To furnish upon request when practicable, advice and assistance to district school officials in planning school bus routes and schedules.

(7) Operating principles. To furnish technical assistance to district school authorities with a view to the promotion of economy and efficiency of operation of school buses.

(8) Maintenance of buses. To provide assistance in planning for garages, bus shelters and equipment, and to approve plans and specifications for bus repair shops.

(9) Transportation records, reports, and accounting.

(a) To prescribe records to be kept and reports to be made by the district school authorities in order to assure adequate and comparable transportation information.

(b) All school districts shall report school bus inventories using the Department's Automated School Bus Inventory System which may be accessed at <http://stm.fldoe.org/default.asp>. The Department's Automated School Bus Inventory System (Form 420) as noted above is hereby incorporated by reference to become effective November 2006. For viewing purposes only, hard copies of the reporting requirements in the Automated School Bus Inventory System may be obtained by contacting the Director of the School Transportation Management Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(c) To conduct research, investigations and surveys of various phases of transportation, make the findings and results of such studies available, and encourage district school boards to make practical application of such results.

(10) Interagency relationships. To cooperate with other state and federal agencies in improving the student transportation service.

Specific Authority 1001.02, 1006.21, 1006.22 FS. Law Implemented 1001.02, 1006.21, 1006.22 FS. History—Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Formerly 6A-3.16, Amended 11-15-94, 11-26-06.

6A-3.0171 Responsibilities of School Districts for Student Transportation.

Each school district shall exercise specific powers and responsibilities, as follows:

(1) Responsibilities of Superintendent. It shall be the duty of the superintendent, acting as executive officer for the school board to exercise functions and to perform duties listed below:

(a) To recommend to the school board such policies, rules and regulations, plans and procedures as the

superintendent shall deem desirable or necessary for provisions of satisfactory transportation facilities and equipment in the district, and as executive officer of the board, to administer the transportation service and to make sure that all policies and actions approved by the board are properly executed.

(b) To recommend to the school board for employment such assistants as are, in his or her judgement, necessary to supervise transportation operation and maintenance and to provide essential records, maps and studies of the service.

(c) To recommend in writing to the school board for employment qualified bus operators, attendants and mechanics as may be necessary for efficient functioning of the service.

(d) To develop safety regulations and promote proper safety practices for all operators.

(e) To prepare and recommend to the school board plans for purchase of or contract for safe school buses to transport students to and from school or school activities.

(f) To organize or approve an inspection, maintenance and repair service for publicly owned or contracted buses designed to ensure that the condition of each bus is maintained to meet or exceed accepted school bus industry and state standards, and which will be adequate to provide for quick and economical repair of any bus, and to make sure that this service functions efficiently.

(g) To propose garages at which buses shall be inspected, when arrangements for this service have not been made to use school board employed mechanics, and to see that inspections are systematically made at least once each month at garages approved by the board.

(h) To make periodic, objective surveys of school bus and garage equipment, routes, safety practices, repair and operating costs, and when unsatisfactory conditions are discovered, to recommend corrective measures to the school board.

(i) To recommend a medical examiner or medical examiners to give physical examinations to bus operators and to ascertain and ensure that all examinations are carried out as required. A medical examiner shall be defined as a medical physician or physician assistant licensed pursuant to Chapter 458, Florida Statutes; an osteopathic physician or physician assistant pursuant to Chapter 459, Florida Statutes, a chiropractic physician licensed pursuant to Chapter 460, Florida Statutes; and an Advanced Registered Nurse Practitioner licensed pursuant to Chapter 464, Florida Statutes.

(2) The school district shall exercise additional specific powers and responsibilities, as follows:

(a) Enforcement of law and rules and formulation of policies.

(b) To make sure that State Board rules are known, understood and observed by all who have responsibility for student transportation.

(c) To assure that all transportation rules and statements of policy are in harmony with rules of the State Board and are fully observed.

(d) To assure that no state funds for transportation are used for transportation of students to schools which cannot qualify for recognition by the Department under the provisions of State Board rules.

(e) To adopt, after considering recommendations of the superintendent, a school board policy prohibiting the use of a cellular telephone by any school bus operator while actively driving the bus.

(f) To adopt after considering recommendations of the superintendent, a school board policy that prohibits unnecessary idling of school buses while they are in the vicinity of students.

(g) To adopt, after considering recommendations of the superintendent statements of policy in harmony with law and with rules of the State Board necessary for maintaining the requirements of adequate transportation. Such policies shall include at least the following responsibilities of the director or supervisor of transportation, the school principal or other designated staff and the bus operator for uniform school bus operating procedures:

1. Responsibilities of the director or supervisor of transportation:

a. To counsel with school bus operators regarding safety and efficiency of service to schools and to make recommendations to them for improvement in service.

b. To confer with the superintendent or the superintendent's designee regarding bus operators and to recommend such personnel for employment.

c. To instruct school bus operators in procedures to be followed in conducting school bus emergency evacuation drills and to confer with each school principal regarding scheduling, conducting and documenting school bus evacuation drills. These procedures shall include a requirement that all operators of school buses transporting students, teachers, or chaperones on field and activity trips instruct all passengers in the locations and proper use of school bus emergency exits prior to each such trip.

d. To counsel with bus operators regarding operator responsibility and authority.

2. Responsibilities of the school principal or other designated school staff:

a. To assume responsibility under the direction of the superintendent for all student disciplinary cases which arise in connection with transportation.

b. To plan the program of the school so that transported students who arrive early or remain late will be under school supervision at all times.

c. To plan and assign places for students to get on and off school buses at the school, and to ensure the safety of the loading/ unloading zone and to provide supervision of students.

d. To direct school bus emergency evacuation drills on each bus serving the school during the first six (6) weeks of each semester, and to maintain documentation for all students.

e. To provide instruction for all transported students in safe practices on and off the bus during the first six (6) weeks of the first semester of the school year.

f. To request authority in writing for transportation of students on field trips and activity trips, or other special trips, and to plan such trips in accordance with policies approved by the school board.

3. Responsibilities of the school bus operator:

a. To pass all required physical examinations and meet such requirements as may be prescribed by law or rules.

b. To be clean and neat in appearance, and to refrain from wearing shoes which are not securely held on the foot.

c. To refrain from use of tobacco while operating the bus, and to use no profane language in the presence of the students. Operators shall not use or be under the influence of alcohol, illicit drugs, or any substance which may

impair the operator's alertness or performance while on duty. Operators shall not carry firearms while on school board property.

d. To prescribe, in cooperation with the principals, the seating arrangements of students on all buses.

e. To report needed changes in school bus transportation to the director or supervisor of transportation including bus loads, bus deficiencies, road hazards, routes and schedules.

f. To study and observe all laws and rules of the State Board and the school board relating to the service of transportation.

g. To attend and participate in conferences and training classes for school bus operators and to be prepared at any time to pass successfully a reasonable examination concerning traffic laws, state and local transportation rules and driving skills.

h. To ascertain and ensure that transported students observe all rules prescribed by law and by the state and local board.

i. To maintain order and discipline, under the direction of the school principal, on the part of every passenger.

j. To permit a student to leave the bus only at their assigned stop, except upon written authorization of the school principal or other district designee.

k. To observe all procedures incorporated in the Florida Department of Education Basic School Bus Operator's Curriculum, as incorporated by reference in paragraph 6A-3.0141(4)(b), F.A.C.

l. To instruct transported students in safe riding practices.

m. To require all passengers to remain seated and to keep aisles and exits clear.

n. To participate in emergency evacuation drills at least once each school semester under the direction of the school principal or the principal's designee.

o. To use the bus, if it is publicly owned, only to transport students to and from school, except upon specific direction of the superintendent or from the principal upon written authorization by the superintendent.

p. To prepare immediately after every accident involving the bus or a school bus passenger an accident report to be filed with the director or supervisor of transportation.

q. To ascertain and ensure that all persons are off the bus before filling fuel tank.

r. To drive always at a safe speed and never in excess of the legally posted speed limit in business or residential districts or fifty-five (55) miles per hour outside business or residential districts.

s. To cooperate with duly authorized school officials, mechanics and other personnel in the mechanical maintenance and repair of bus in overcoming hazards which threaten the safety or efficiency of service.

t. To inspect the bus at least daily prior to the beginning of the first daily trip or more often as required by the school district and to report any defect affecting safety or economy of operation immediately to authorized service personnel. The inspection shall include all items identified in the procedures related to the mandatory daily inspection in the Basic School Bus Operator Curriculum.

u. To keep the bus clean and neat at all times and not affix any stickers or other unauthorized items to the interior or exterior of buses.

v. To prepare reports, keep all records required, and otherwise assist school officials in mapping bus routes, planning schedules and in obtaining information for a continuous study of all phases of transportation service.

w. To wear a seat belt at all times when the bus is in operation.

x. To use roof-mounted white flashing strobe lights (if equipped) at a minimum, whenever headlights are required to be used due to reduced visibility conditions pursuant to Section 316.217(1)(b), Florida Statutes, except that insufficient light due only to the time of day or night shall not require use of the strobe light.

y. To report immediately to the director or supervisor of transportation, school principal or other designated officials:

(I) Misconduct on the part of any student while on the bus or under the operator's immediate supervision,

(II) Complaints requiring attention of school authorities,

(III) Any hazards arising which would offer either an actual or a potential threat to the safety of students in the operator's care,

(IV) Causes for failure to maintain school bus time schedule, and

(V) Overloaded conditions on the bus which exceed the rated capacity of the bus.

z. To perform a complete interior inspection of each bus after each run and trip to ensure no students are left on board.

aa. To maintain as far as practicable by patient and considerate treatment of parents a feeling of security in the safety of students transported.

(3) Transportation personnel.

(a) To employ such assistants as may be recommended by the superintendent and as are necessary in the judgment of the board to supervise operation and maintenance of school buses and to provide records and maps for a continuous study of transportation routes and needs within the district.

(b) To employ or contract only for services of school bus operators who meet the requirements of Rule 6A-3.0141, F.A.C., and who possess a valid Medical Examiner's Certificate.

(c) To officially maintain, after considering recommendations of the superintendent, an approved, current list of properly licensed physicians or medical facilities staffed by licensed physicians other than members of the school board or superintendent, eligible to examine all school bus operator's and operator applicants, in accordance with Form ESE 479, Florida School Bus Operators Medical Examination Report for Commercial Driver Fitness Determination, and School Bus Driver Physical Standards: Medical Regulatory Criteria for Physical Examinations, as adopted by reference in Rule 6A-3.0151, F.A.C.

(4) Transported students.

(a) To consider, and as nearly as possible to provide for, the transit, safety, and comfort of each student who will be transported to and from school.

(b) To approve, after considering recommendations of the superintendent, policies relating to and governing the conduct of transported students during the time they are riding on the school bus, and during the time spent on the school grounds awaiting the opening of school or in the afternoon hours waiting for the school bus.

(c) To suspend for a period exceeding ten (10) days, upon recommendation of the superintendent, any student who willfully and persistently violates school board policies.

(5) Purchases, lease and use of school buses.

(a) To provide, by purchase or contract, safe, comfortable and adequate transportation facilities and school buses which meet minimum standards of law and State Board rules.

(b) To purchase transportation equipment in accordance with all provisions of law and State Board rules.

(c) To assure that contracts entered into by school boards for operation of school buses are in accordance with law and rules of the State Board.

(d) To adopt policies governing the use of publicly owned and contracted school buses for transportation of students to school and school activities, and to ascertain and ensure that buses and bus bodies are used only after policies have been adopted and upon written instructions signed by the superintendent or designee. Such district policies shall include the provision that any equipment carried in a school bus which could shift on impact or sudden stop shall be securely fastened and shall not block any aisle or exit at any time.

(6) Routes and schedules.

(a) To designate school bus routes, following consideration of data and recommendations presented by the superintendent, to provide for students eligible for transportation when transportation by school bus is economical and practicable.

(b) To propose minimum distances from school centers within which no bus stops will be scheduled except for students with special transportation needs; to propose minimum distances from transportation routes as residence zones within which students must arrange to meet the bus at regularly scheduled stops; and to plan and arrange routes, schedules, and student capacities in accordance with policies adopted by the school board.

(c) To plan routes, so far as practicable, so that no elementary student shall be on a bus more than fifty (50) minutes or secondary school student more than one (1) hour during the morning or evening, and so that no more than an hour and one-half will elapse between the time the student boards the bus and the time school begins, or the time school closes and the student leaves the bus in the afternoon, and to arrange proposed routes which, insofar as possible, are free from major hazards.

(d) To assure that county and city officials are advised of hazards on bus routes and hazards involving students walking to and from school.

(7) School bus operating principles. To assure that all buses are operated in accordance with municipal, county and state traffic requirements and that every precaution is taken to assure the safety of students.

(8) Inspection and maintenance of school buses.

(a) To provide, after considering recommendations of the superintendent, adequate storage, maintenance and inspection procedures for all buses owned by the school board, and to assure that all contract buses in use in the district are properly inspected and maintained in accordance with law and rules of the State Board.

(b) The inspection shall be conducted in accordance with procedures and include all items listed in the State of Florida School Bus Safety Inspection Manual, 2008 Edition which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution cost.

(c) Inspection of buses shall be scheduled and performed at a maximum interval of thirty (30) school days. Any bus that is removed from service or deadlined so as to disrupt the safety inspection schedule shall be inspected prior to being returned to service. All deficiencies discovered during the safety inspection shall be noted on the inspection form. Follow-up repairs of all safety related items shall be made before the bus is returned to service and shall be documented.

(d) School bus inspections shall be conducted by technicians certified as school bus inspectors in accordance with the State of Florida School Bus Safety Inspection Manual, 2008 Edition. The requirement that inspections be performed by a certified school bus inspector may be waived for a period not to exceed six (6) months when an emergency condition exists, upon written notification to the Commissioner by the district superintendent.

(e) No person shall knowingly render inoperative or reduce compliance of any school bus equipment required to meet Federal Motor Vehicle Safety Standards applicable at the time of manufacture.

(9) Transportation records, reports and accounting.

(a) To ascertain and ensure that all prescribed records are kept and reports made which are required by law, rules or the Commissioner.

(b) To assure that all records and reports prescribed by the Commissioner are properly completed and are furnished on the dates due to those designated to receive them.

1. To file with the Deputy Commissioner for Finance and Operations school bus accident reports using the Department's Automated School Bus Accident Reporting System which may be accessed at <http://doeweb-prd.doe.state.fl.us/eds/BusAccident>. Districts shall complete a report on any school bus accident meeting the reporting requirements of the automated system. The Department's Automated School Bus Accident Reporting System (Form ESE 256) as noted above is hereby incorporated by reference to become effective November 2006. For viewing purposes only, hard copies of the reporting requirements in the Automated School Bus Accident Reporting System may be obtained by contacting the Director of the School Transportation Management Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

2. To file with the Deputy Commissioner for Finance and Operations the Hazardous Walking Conditions Report for Elementary Students within 2 Miles of Assigned School (Form 422) using the Department's automated system which may be accessed at <http://data.fldoe.org/walking/>. The Hazardous Walking Conditions Report for Elementary Students within 2 Miles of Assigned School is hereby incorporated by reference to become effective November 2006. For viewing purposes only, hard copies of the Hazardous Walking Conditions Report for Elementary Students within 2 Miles of Assigned School may be obtained by contacting the Director of the School Transportation Management Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(c) Keep a current file of all Medical Examiner Certificates and required dexterity tests for school bus operators.

(d) To maintain records of inspection of each school bus in accordance with requirements of subsection (8) of this rule.

(e) To prepare maps of routes and attendance zones and conduct and carry on such studies of transportation as shall enable the superintendent to measure progress and recommend improvements in the transportation service.

(f) To prescribe and maintain, upon recommendation of the superintendent, such additional records, reports, accounts and accounting procedures as may be necessary to provide complete information regarding the transportation service.

(10) Inter-agency relationships. To cooperate with municipal, county, state, and federal agencies to promote the

safety of the transportation service through correction of remediable road hazards.

Specific Authority 1003.31, 1006.21, 1006.22 FS. Law Implemented 316.183(3), 316.189, 1003.31, 1006.21(3), 1006.22 FS. History—Amended 9-4-64, 3-25-66, 1-17-72, Revised 7-20-74, Repromulgated 12-5-74, Amended 11-24-76, 10-1-81, Formerly 6A-3.17, Amended 9-30-87, 6-26-89, 11-15-94, 8-28-95, 4-18-96, Formerly 6-3.017, Amended 6-11-00, Formerly 6-3.017, Amended 4-21-03, 11-26-08.

6A-3.0291 Specifications for New School Buses.

(1) School buses purchased each year shall conform to current National School Transportation Specifications and Procedures of the National Conference on School Transportation, current Federal Motor Vehicle Safety Standards and to specifications prescribed by the State Board for body, chassis and special equipment as provided in Section 1006.25, Florida Statutes. Each school bus as defined by Section 1006.25(1), Florida Statutes, shall 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 given year. Specifications shall incorporate the specific standards as approved by the State Board prior to and including the following years: 1965, 1966, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1992, 1993, 1995, 2000, 2002, 2004, 2006, and 2008 revised. Copies of the above specifications are on file and available from the School Transportation Management Section, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Specifications may vary for different sizes and types of buses to meet specific needs and conditions. Bid forms prepared under the direction of the Commissioner shall incorporate basic specifications and equipment.

(2) Any school district may, at its option, upgrade any school bus or buses with equipment meeting specifications which are current at the time of the upgrade.

(3) The Chief Financial Officer may approve special equipment differing from or not prescribed in Florida School Bus Specifications for the specific purpose of limited pilot testing to determine if such equipment provides substantive improvements in safety or cost effectiveness. Pilot testing of equipment shall not be approved until the Chief Financial Officer has determined to the extent practical that the equipment will not compromise safety.

6A-3.037 Alternate Engine Fuels for School Buses.

(1) Alternate engine fuels for school buses. School districts may use school buses equipped to operate on Compressed Natural Gas (CNG) or Liquefied Natural Gas (LNG) as an engine fuel provided the district complies with the requirements of the Florida School Bus Alternate Fuel Manual, 1992 which is hereby incorporated by reference and made a part of this rule. Copies of this manual are on file and available from the Director of the School Transportation Management Section, 325 West Gaines Street, Tallahassee, Florida 32399. Districts may also use electricity as a fuel or may use hybrid diesel electric buses.

(2) Pilot projects. Alternate fueled school buses may be used on a pilot project basis not exceeding ten (10) percent of the district's school bus fleet or more than twenty (20) buses, whichever is greater. Pilot project proposals must be submitted with copies of all related documents as required within the manual to the Director of the School Transportation Management Section, 325 West Gaines Street, Tallahassee, Florida 32399 and the Department of Insurance, L.P. Gas Division, for gaseous powered units, for review and approval. All pilot projects must be submitted or resubmitted for each twelve month period. All buses originally equipped, converted or repowered to run on alternate fuels shall meet Florida School Bus Specifications applicable for the year of manufacture of the vehicle, including horsepower and torque requirements otherwise applicable to diesel engines. The Department may grant variances and exceptions to Florida School Bus Specifications where necessary and prudent to further the goal of successful pilot testing of these school buses. After the completion of each alternate fuel system installation, each school bus shall be inspected in accordance with the requirements outlined in the manual prior to the use of the bus

to transport school students.

Specific Authority 1006.25 FS. Law Implemented 1006.22, 1006.25 FS. History—New 10-6-92, Amended 11-26-06.