



SCHOOL BOARD OF POLK COUNTY

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April 28, 2008

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DISTRICT 1

MEMORANDUM:

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HAZEL SELLERS
DISTRICT 3

BRENDA REDDOUT
DISTRICT 4

TO: All School Principals

KAY FIELDS
DISTRICT 5

FROM: Fred Murphy, Assistant Superintendent
Support Services

MARGART LOFTON
DISTRICT 6

SUBJECT: Transportation using non-school buses

TIM HARRIS
DISTRICT 7

During the years, there have been many questions concerning the types of vehicles that could be used by schools, to transport students on extra-curricular or field trips. The Department of Education released a Technical Assistance Note (TAN), in 2004, in an attempt to clarify the issue.

C. WESLEY BRIDGES II
School Board Attorney

Administration

The pertinent section, contained within Florida Statutes, reads as follows:

GAIL F. MCKINZIE, PhD
Superintendent of Schools

1006.22 Safety and health of pupils.--Maximum regard for safety and adequate protection of health are primary requirements that must be observed by school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and regulations of the commissioner in providing transportation pursuant to s. 1006.21:

- (1) 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 pre-kindergarten programs through grade

12. School boards may regularly use motor vehicles other than school buses only under the following conditions:

- (a) When the transportation is for physically handicapped or isolated students and the district has elected to provide for the transportation of the student through written or oral contracts or agreements.
- (b) When the transportation is a part of a comprehensive contract for a specialized educational program between a school board and a service provider who provides instruction, transportation, and other services.
- (c) When the transportation is provided through a public transit system.
- (d) When the transportation of students is necessary or practical in a motor vehicle owned or operated by a school board other than a school bus, such transportation must be provided in designated seating positions in a passenger car not to exceed 8 students or in a multipurpose passenger vehicle designed to transport 10 or fewer persons which meets all applicable federal motor vehicle safety standards. **Multipurpose passenger vehicles classified as utility vehicles (SUV's and MPV's) with a wheelbase of 110 inches or less which are required by federal motor vehicle standards to display a rollover-warning label may not be used.** (This is the section that applies to most extra-curricular or field trips.)

When students are transported in motor vehicles, the occupant crash protection system provided by the vehicle manufacturer must be used unless the student's physical condition prohibits such use.

The legislative revisions to Section 1006.22(1)(d), FS, removed the previous requirement that Multipurpose Passenger Vehicles owned or operated by school districts or charter schools for student transportation meet Federal Motor Vehicle Safety Standards (FMVSS) for Passenger Cars. This former requirement was adopted several years ago when Federal Standards for MPV-type vehicles (primarily off-road sport utility vehicles, or SUVs at that time) were much less stringent than those for Passenger Cars.

In recent years the general public has more commonly used MPV vehicles, in many cases replacing the "family station wagon" with a minivan or a passenger-oriented SUV. Consequently, the United States Department of Transportation has expanded the safety provisions of FMVSS to make them applicable to MPVs. Currently, safety standards are largely similar for MPVs and Passenger Cars. We believe the 2000 legislative revisions are intended to address this fact and remove the former, unnecessary restrictions in Florida on the use of MPV's when they are used under the same limited circumstances as other small passenger vehicles. The former restrictions may no longer serve to increase safety in those limited situations.

Recognizing the higher risk of rollover associated with the short

wheelbase "utility vehicle" subcategory of MPVs (as opposed to the larger sport utility vehicles and minivans), however, federal regulations (Title 49 CFR, Part 575.105) require that utility vehicles with a wheelbase of 110 inches or less have a rollover warning label affixed to the driver's sun visor. As you will note in Section 1006.22(1)(d), FS, school districts and charter schools may not own or operate these vehicles (i.e., those containing a required rollover warning) for student transportation. **Since the school district cannot own or operate these types of vehicles, Polk County Schools does not allow the transportation of students, on school-sponsored trips, by school volunteers, employees or parents in vehicles as described above.**

Remember you may not use any van that was originally designed to transport more than 8 passengers. Most full sized conversion vans, with few exceptions, were originally designed to transport more than eight passengers. It does not matter that the seating has been reduced during the conversion process. YOU MUST CONSIDER THE ORIGINAL SEATING SPECIFICATIONS WHEN DETERMINING USABILITY. MOST "STRETCH" LIMOUSINES ARE NOT APPROVED FOR USE. If you anticipate using "stretch" limousines, you must obtain, in writing, permission from the Support Services Division.

When in doubt don't use the vehicle in question.

Remember if there is a label on the driver's sun visor warning the operator of a potential rollover threat, and the vehicle wheelbase is less than 110 inches, then you cannot use the vehicle.

In order to assist schools and others in complying with the new provisions of Section 1006.22, FS, we have prepared a list (attached) of the short wheelbase utility vehicles that appear to require a rollover-warning label and are, therefore, **prohibited**. Since there is no longer a Florida requirement that MPVs be certified to Passenger Car standards, we will no longer be maintaining a list of specific makes or models of MPVs that are "approved." Instead, we will maintain this smaller list of vehicles that are prohibited.

If you have any questions concerning this information please don't hesitate calling us at 534-7309.

PROHIBITED SPORT UTILITY VEHICLES
(With a wheelbase of 110 inches or less)

Acura MDX	Kia Sorento
Acura RDX	Kia Sportage
BMW X3	Land Rover Discovery
Chevrolet Blazer (2-door)	Land Rover LR2
Chevrolet Blazer (4-door)	Land Rover Range Rover Sport
Chevrolet HHR	Lexus GX 470
Chevrolet HHR Panel	Lexus RX 300
Chevrolet Tracker (2-door)	Lexus RX 350
Chevrolet Tracker (4-door)	Lexus RX 400h
Chrysler PT Cruiser	Mazda CX-7
Dodge Nitro	Mazda Tribute
Ford Escape	Mazda Tribute Hybrid
Ford Escape Hybrid	Mercury Mariner
GMC Jimmy (2-door)	Mercury Mariner Hybrid
GMC Jimmy (4-door)	Mitsubishi Endeavor
Honda CR-V	Mitsubishi Montero
Honda Element	Mitsubishi Montero Sport
Honda Passport	Mitsubishi Outlander
Honda Pilot	Nissan Rogue
Hyundai Santa Fe	Nissan Xterra
Hyundai Tucson	Pontiac Aztek
Hyundai Veracruz	Saturn VUE
Infiniti EX35	Saturn VUE Green Line Hybrid
Infiniti QX4	Subaru Forester
Isuzu Amigo	Subaru Outback
Isuzu Rodeo	Subaru Tribeca
Isuzu Trooper	Suzuki Grand Vitara
Isuzu VehiCross	Suzuki Vitara (2-door)
Jeep Cherokee	Suzuki Vitara (4-door)
Jeep Commander	Toyota 4Runner
Jeep Compass	Toyota FJ Cruiser
Jeep Grand Cherokee	Toyota Highlander
Jeep Liberty	Toyota Highlander Hybrid
Jeep Patriot	Toyota RAV4

This list is intended as a guide to identify Multipurpose Passenger Vehicles (MPV'S) that **are not** statutorily permitted to be owned or operated by school districts or charter schools for student transportation.

Acceptable Vehicle Types

1. School Bus- Meeting all federal Motor Vehicle Safety Standards and Florida Specifications applicable to School Buses.
2. Passenger Car- Any wheelbase; includes, in part, sedans, coupes, hatchbacks and wagons.
3. Multipurpose Passenger Vehicle- **Includes** minivans and larger sport utility vehicles. **Excludes** MPVs such as the ones listed above, commonly known as “sport utility vehicles” that have a wheelbase of 110 inches or less. These short-wheelbase, utility vehicle MPVs are required, federally, to contain a rollover warning label under *Title 49 CFR, Part 575.105, affixed to either side of the driver’s sun visor, (See figure 1) and may not be owned or operated by school districts or charter schools for student transportation under section 1006.22, FS.

Other Prohibited Vehicle Types

Other prohibited vehicle types (as defined in *Title 49 CFR, Part 571.3) that **MAY NOT** be owned or operated by school districts or charter schools for student transportation include:

1. Bus- any non-school bus vehicle designed to transport more than ten persons; examples include full-sized vans, shuttle buses, and other types of buses that are not School Buses meeting all Federal Motor Vehicle Safety Standards and Florida Specifications for School Buses.
2. Motorcycle
3. Trailer



FIGURE 1