

**TRANSPORTATION OF STUDENTS & OTHERS**

- 8400.00 GENERAL POLICY OVERVIEW
  - .11-----District-Arranged Transportation
  - .12-----Transportation in Private Vehicles
- 8400.10 ELIGIBILITY FOR DISTRICT-ARRANGED TRANSPORTATION
  - .11-----General Eligibility for District-arranged Transportation
  - .12-----Exceptional Circumstances Warranting Transportation
  - .13-----Transportation to a Child Care Facility
  - .14-----Summer School
- 8400.20 PLANNING & OVERSIGHT
  - .21-----One Round Trip Daily
  - .22-----Custody & Authority
  - .23-----Distance & Routing
  - .24-----Emergency & Safety Procedures
  - .25-----Applications for Students in Private, Parochial or Charter Schools
  - .26-----Field Trips, Athletic Events or Other Authorized Uses
  - .27-----Weather or Public Emergency
- 8400.30 CONDUCT & DISCIPLINE
  - .31-----District's Code of Conduct Applicable
  - .32-----Additional Rules for Behavior & Discipline
  - .33-----Additional Rules Imposed by Non-District Schools
  - .34-----Monitoring Conditions on Busses
- 8400.40 VEHICLES & DRIVERS
  - .41-----Vehicle Maintenance
  - .42-----Driver Training, Testing & Other Requirements
  - .43-----Liability Insurance
- 8400.50 REGULATIONS AND ADMINISTRATIVE POLICY

**8400.0: General Policy Overview**

**.11 District-Arranged Transportation.** While the Rochester City School District is not required by New York State law to provide transportation to and from school, it is the policy of the Board of Education to arrange such transportation once each day, in each direction during the District's regular school year to any resident pupil who attends a regular day school program in grades Kindergarten through 12<sup>th</sup> grade in a City School District program or an approved parochial, private or charter school, provided that their primary residence is at a distance equal to or further than the minimum distances set forth below as District policy, or the distances set forth in Education Law Section 3635, whichever is less.

**.12 Transportation in Private Vehicles.** This policy does not seek to prevent a parent or guardian, at their own expense, to transport their child to school in the family's personal vehicle. Children transported in this situation are in the exclusive custody and control of the parent or guardian, and are the exclusive responsibility of such parent or guardian. The District does not authorize the transportation of persons other than one's own children to and from school, and does not accept responsibility or liability for any such transportation arranged by individuals. Transportation of students by registered school volunteers to and from City School District sponsored events is prohibited.

**8400.10 Eligibility for District-Arranged Transportation**

**.11 General Eligibility for District-Arranged Transportation.** Provided that the distance criteria set forth below between the primary residence of a student enrolled in Kindergarten through 12<sup>th</sup> grade are met, and subject also to the distance limit set forth below, any pupil who lives within the City of Rochester, and is enrolled in a public school of this District, or in a private, parochial or charter school, is entitled to transportation provided by the District to and from the student's school once each day on which Rochester City Schools are open, for the regular school year. For purposes of this policy, irrespective of the marital relationships of parents or guardians, no student shall be deemed to have more than one "primary residence" and that "primary residence" shall determine all routing and transportation decisions. Transportation under this policy may be provided by a fleet vehicle of the District, by public carrier, or by a private or public contractor with which the District has contracted, or by another governmental entity pursuant to an intermunicipal agreement.

**.12 Exceptional Circumstances Warranting Transportation.**

1. It is the policy of the Board of Education to provide transportation services, in addition, for the following purposes:
  - a. To comply with the Individualized Education Plan (IEP) of a student with special education needs;
  - b. To provide transportation to students with documented medical/disability diagnoses that prevent walking to school, as specified in the District's Section 504 policy;
  - c. To accommodate parents and guardians of K-2 students who are unable to walk their young children to school due to a medically documented disability;
  - d. For non-English speaking students during their first year of study in the District;
  - e. To address special conditions which might reasonably render the route of a particular student exceptionally hazardous or unsafe as determined by the Superintendent and/or their designee;
  - f. To address any special transportation requirements arising from a "SURR" or "School Improvement" designation under federal or State law; and
  - g. To accommodate the transportation requirement of any voluntary Inter-district program in which the Rochester City School District may from time to time participate.
2. As provided by Section 8400.50 of this policy, the District Chief of Operations, or that officer's designee, shall prepare, periodically update and maintain regulations to specifically address each such category of exception.

**.13 Transportation to a Child-Care Facility.** Upon the request of a parent or guardian of a student attending kindergarten through 8<sup>th</sup> grade who based upon primary residence or one of the exceptions above is otherwise eligible for District-provided transportation, the District will accommodate requests that the student's route to or from school, or both, accommodate the parent or guardian's before- or after-school child-care location (including facilities licensed under Section 390 of the Social Services Law). If transportation is provided to a child-care location, then the childcare location shall be used to calculate distance for eligibility purposes.

**.14 Summer School.** The District does not provide transportation to and from summer school programs, except in the case of special education students whose IEP requires a twelve-month program.

#### **8400.20 Planning and Oversight**

**.21 One Round Trip Daily.** When a student is eligible for District-supplied transportation, that transportation shall consist of one round trip daily, to and from the assigned school, from and to the pick-up or drop-off point assigned by the District's Transportation Department, on each day that the Rochester City Schools is open during the regular school year. Where a parent or guardian has requested that the student's route, whether one way or both, include a before- or after-school child care facility, such pick-up or delivery to the facility, or to the nearest designated pick-up/drop-off point, shall constitute completion of the District's transportation undertaking for that child.

**.22 Custody and Authority.** Pursuant to state law, the District is not liable for the supervision and safety of pupils before boarding or after disembarking from school busses, or when pupils are outside the physical custody and authority of the District.

**.23 Distance and Routing.** For purposes of qualifying for transportation, the minimum distance between a student's primary residence and their school shall be one-and-one-half (1.5) miles, as a matter of District policy. The District's Department of Transportation shall be responsible to (a) determine distances between the primary residence and the assigned school of each student seeking transportation, and to establish pick-up and drop-off points or fixed stops, in a manner consistent with the Education Law and with the regulations and opinions of the State Commissioner of Education; (b) to establish the routes to be served by chartered or contracted busses, District-owned busses, or by specialized vehicles, and to determine if RTS routes serve the needs of students; and to specify such areas such as dead ends and private roads which are not directly served; and (c) to inform parents and guardians of arrangements prior to the opening of school.

**.24 Emergency and Safety Procedures.** The District's Chief Operating Officer or, as designee, the District's Department of Transportation shall ensure that emergency drills are conducted each year on all school busses, in the manner and time provided by New York State Commissioner's regulations, and that the State regulations regarding standees is strictly enforced on all school busses. The Department shall also establish, publish and enforce such other safety regulations as it deems necessary to enhance student safety, and to provide guidance to employees and contractors as to procedures to be followed in the event of an emergency.

**.25 Applications for Students in Private, Parochial or Charter Schools.** No later than June 1<sup>st</sup> of each year, the parent or guardian of each student enrolled or enrolling in a private, parochial or charter school must apply to the District for transportation services for the following school year. Where a student moves into the City of Rochester after June 1<sup>st</sup>, the parent or guardian must apply for transportation services within thirty (30) days of enrollment. The State Commissioner of Education has ruled that the duty to apply is the responsibility of the parent or guardian, and it shall not be sufficient to rely upon submission of a transportation list from the non-District school.

**.26 Field Trips, Athletic Events or Other Authorized Uses.** The District's Chief Operating Officer or, as designee, the District's Department of Transportation shall establish, publish and administer regulations to facilitate transportation for field trips, athletic events, or other activities authorized by law, for schools of the Rochester City School District. The District shall not be obligated to provide such transportation for the students of private, parochial or charter schools, and shall in no event agree to provide transportation to non-District schools under circumstances or for any purposes which are not

State-aidable, or where any cost above and beyond State aid is not paid in full by such school to the District at the time of service.

**.27 Weather or Public Emergency.** When all Rochester City School District facilities are closed due to weather-related reasons, or due to a public emergency as declared by the federal, State, County or City government, transportation will not be provided to any student attending a non-public school. Where such emergency arises during the school day, the arrangements made for non-District schools shall be the same as for District schools.

### **8400.30 Conduct & Discipline**

**.31 District's Code of Conduct Applicable.** The behavioral standards set forth in Board of Education Policy 1400, the Code of Conduct, shall be applicable to all persons riding any transportation arranged by the District, whether or not such transportation is owed or operated by the District.

**.32 Additional Rules for Behavior & Discipline.** The Chief Operating Officer, or the Director of Transportation, as the delegates of the Board of Education, may prepare, maintain and implement additional administrative regulations designed to enhance safety and civil behavior on school busses or other vehicles, and to set forth the discipline or consequences, which may include temporary or permanent suspension from District-provided transportation. Such regulations shall be made accessible through the District website or otherwise, and shall be appended to this policy. When a student is suspended from transportation, it shall be the exclusive responsibility of the parent or guardian to assure that the student arrives at their school when school is open.

**.33 Additional Rules Imposed by Non-District Schools.** While the District's Code of Conduct and such additional regulations as may be adopted by the Chief Operating Officer or the Director of Transportation shall apply to all students on District-provided transportation, nothing in this regulation shall be construed as limiting in any way the discretion of private, parochial, or charter schools to enforce upon their students such additional rules, or such additional discipline as such school deems appropriate.

**.34 Monitoring Conditions on Busses.** In addition to the video monitors provided by Policy 8414.4, the District reserves the right to use metal detectors, searches or pat-downs permissible under the Code of Conduct, safety monitors, sound devices or such additional human, mechanical, electronic or other means as it may from time to time determine of value in enhancing the safety of students as a whole. Evidence generated by such methods may be used for disciplinary purposes, if necessary.

### **8400.40 Vehicles & Drivers**

**.41 Vehicle Maintenance.** The Chief Operating Officer, or the Director of Transportation, as delegee, shall prepare, maintain and implement administrative regulations designed to ensure that the inspection and maintenance (both preventive maintenance and repair) of District vehicles used to transport students meets or exceeds the standards required by New York State law, federal law, or the Regulations of the Commissioner of Education

**.42 Driver Training, Testing & Other Requirements.** The Chief Operating Officer, or the Director of Transportation, as delegee, shall prepare, maintain and implement examination requirements, and any other requirements mandated under the Education Law, the Vehicle & Traffic Law, the Regulations of the Commissioner of Education, the State Education Department's School Bus Driver Performance Test Guidelines substance testing under the Omnibus Transportation Employee Test Act and related regulations (49 CFR § 382, generally).

**.43 Liability Insurance.** Insurance consistent with the requirements of Vehicle & Traffic Law § 370 shall be maintained on all vehicles owned or controlled by the District and used to transport students. It is the policy of the District to require that all contracts with the District involving the transportation of students shall require that the contractor carry liability insurance in an amount acceptable to the District, that the District, and its officers and employees be named on such policies as additional named insureds; and that the contractor shall defend and indemnify the District, its officers and employees from liability for negligent acts or omissions arising from the performance of said contracts.

#### **8400.50. Regulations and Administrative Policy**

The responsibility for administering the transportation program rests with the Chief Operating Officer, and the administration should adhere to all applicable laws, regulations and policies established by Federal, State and local authorities. Specific functions may be delegated to the Director of Transportation. the Chief Operating Officer, or as delegee the Director of Transportation shall prepare, maintain and implement administrative regulations addressing the specific delivery of transportation services, including but not limited to those relating to eligibility, routing, safety, equipment inspection and maintenance, purchasing, contracting, and personnel management, cost control and budgeting. Such regulations shall be appended to this policy, and shall be disseminated in a manner reasonably designed to assure accessibility, which may include publication on the District website.

Cross-ref: Code of Conduct (1400)  
Video Cameras on School Busses (8414.4)

Ref: Education Law Section 3635  
49 CFR § 382  
NYS Vehicle & Traffic Law Section 509-g  
Vehicle & Traffic Law § 370

Notes: Adopted July 18, 2002; Amended August 24, 2023 pursuant to Resolution No. 2023-24:  
234

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