

TECHNICAL ASSISTANCE NOTE (TAN)

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Pam Stewart, Commissioner

School Business Services
School Transportation Management

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Student Transportation Services for Students Participating in a School District Controlled Open Enrollment Process

TO: District School Transportation Directors
District Charter School Contacts

FROM: Mark Eggers, Assistant Deputy Commissioner
Division of Finance and Operations *Mark Eggers*

DATE: February 27, 2017

SUBJECT: **Student Transportation Services for Students Participating in a School District Controlled Open Enrollment Process**

School districts and charter schools may provide transportation to students participating in controlled open enrollment, as authorized in section 1002.31(2), Florida Statutes (F.S.). Students riding a school bus for the purpose of attending school may be counted for funding if they live two or more miles from the school they are assigned, regardless of where the bus stop is located. School districts and charter schools must use school buses for transportation of students to and from school, as required by section 1006.22(1), F.S. However, section 1006.22(1)(a), F.S., authorizes the use of 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.

Pursuant to section 1006.22(1)(b), F.S., when the transportation of students is provided 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 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.

The documentation of all transported students, as directed by the Student Transportation General Instructions, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/STGE1617.pdf>, should be maintained within each district transportation office.

General questions may be addressed to the department's School Transportation Management Section at 850-245-9795 or SchTrans@fldoe.org.

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