

# Transportation Issues for New Coordinators

WASBO – May 2021

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# Overview

- ▶ April/May - Private school issues
- ▶ June - State aid claim/UHT Plan
- ▶ Summer – who is providing transport?
  - Contract vs district-owned
  - Personnel
  - Policies
  - Options
- ▶ School Year – required transportation
  - Student eligibility – public/private
  - Foster care transportation
  - Joint Custody
- ▶ Day care

# Private School Deadlines

## ▶ Attendance Area

### ▪ Due April 1

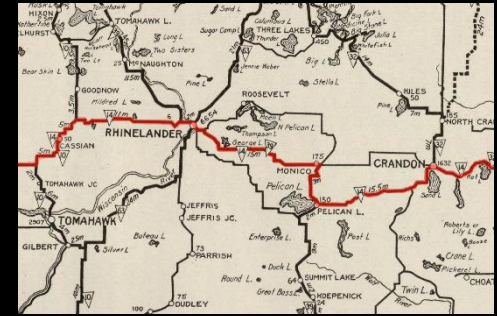
- To school district where private school is located and any other districts that have territory within the attendance area (5-mile rule)

## ▶ Enrollment List

- By **May 15**, list of students expected to be enrolled in the fall
- Sent to students' resident school districts
- School boards can extend the notification deadline

§ § 121.54(2)(b) 3. and 4, Wis. Stats.

# Attendance Area



- ▶ **Definition:** “The geographic area designated by the governing body of a private school as the area from which its pupils attend and approved by the school board of the district in which the private school is located.”
- ▶ Attendance areas of private schools affiliated with the same religious denomination cannot overlap.

§ 121.51(1), Wis. Stats.

# Claim State Aid

- ▶ Pupil Transportation Report (PI-1547).
  - 2 miles or more
  - Under 2 miles with UHT Plan
  - Any student transported one day/year
  - May to July
- ▶ Summer School
  - July to October
- ▶ 2017-18 Law Changes
  - Aid up to \$24,000,000
  - 12 mi/+ gets \$365/per
  - Summer school increased - \$10, \$20



# Why Have a UHT Plan?

- ▶ Safety of students
- ▶ Get state aid



# What is an “Unusual Hazard?”



▶ “An existing condition which constitutes more than ordinary hazard and which seriously jeopardizes the safety of pupils in their travel to and from school.”

(PI 7.01(2))

▶ Criteria is determined at local level, not prescribed by law

# UHT Plan Development

- ▶ Process starts with school board
- ▶ Plan must include:
  - Map indicating UHT areas
  - Narrative description of UHT areas
  - Narrative description of hazards
  - Proposed safeguards for pupils
- ▶ Plan must be submitted to Sheriff of county in which principal office of school district is located
- ▶ **BEFORE JUNE 30 FOR AID THIS YEAR**





# Who is providing your transportation?

- ▶ Contracted
- ▶ District Run

# Is your answer really that easy?

- ▶ Regular Routes
- ▶ Early Childhood and Special Ed Routes
- ▶ Preschool or 4K Routes
- ▶ Students Educated Outside the District
- ▶ Homeless: McKinney-Vento
- ▶ Parent or Individual Contracts for Specialty or Special Education Routes
- ▶ Cabs or City Bus Passes

# Is your answer really that easy? (cont.)

- ▶ Small team or group Co-Curriculars
- ▶ PE or In-District Field Trips
- ▶ Alternative Vehicles (more later)
- ▶ Parent Contracts for Private School Transportation (more later)
- ▶ Shuttles to Sports

# Get to know your key personnel

- ▶ Contracted
  - Site Manager
  - Safety Coordinator
  - Dispatcher
  - Regional Director/Owner
- ▶ District-Owned
  - Transportation Director
  - Safety Coordinator
  - Dispatcher
  - Mechanic
  - Drivers

# Review District Policies and Procedures

- ▶ What transportation rules are in place for bus riders?
  - Are they communicated to students and parents?
- ▶ Who handles discipline?
  - The driver?
  - Manager/Director?
  - Principals?
  - You?
  - Does who handles it vary by severity of incident?
  - Are you using discipline forms to notify parents and keep track of incidents?



# Review District Policies and Procedures

- ▶ Who gets transported? Who does NOT?
- ▶ Are there different rules by age group?
- ▶ Do you transport to alternative locations?
- ▶ Are there limits to route lengths or times?
- ▶ Is there an Unusually Hazardous Transportation (UHT) Plan in place?

# Who is responsible for building your bus routes?

- ▶ Is routing software used?
- ▶ How are student changes communicated with the person responsible for routing?
  - Does the routing software communicate daily with Student management software.
- ▶ Do you run summer routes?
  - Are the summer routes built?
- ▶ Are you including communications with your 4K/KG child finds about transportation?

# The Law Regarding Bus Routes—s. 121.56

- ▶ District has the authority to:
- ▶ Establish Bus Routes
  - Including Bus Stops
  - Driveway Stops are Not Required
- ▶ Administer Bus Routes
- ▶ Schedule Bus Routes
  - No laws regulating pick up and drop off times
  - No laws regulating amount of time on bus
- ▶ **Effectively Coordinate with Private Schools**
  - Insure Safety and Welfare of Children

# What communication are you providing parents during the summer?

- ▶ Route information, Bus Identifier, Driver, Pickup and Dropoff times
- ▶ Bus Rules
- ▶ Contact Information
- ▶ When do you send it?
- ▶ School open House?



# Start of School

- ▶ Are teachers and aides actively assisting students to their bus the first week?
- ▶ Do you have transfer sites?
  - Do you have staff at those sites for the first week to assist with transfers?
  - What staff do you have there?
  - ELL/4k staff?
- ▶ Do you label your buses/routes with pictures or colors in addition to numbers?
- ▶ Do you provide 4K and KG students with bag tags or bracelets or buttons with student and bus info?



# Transportation Equipment



- ▶ Visit and Review the Bus Garage
  - If you contract, but also run some small buses or vans of your own, make sure you review them as well.
- ▶ Ask for a roster of buses by age and mileage
  - Hortonville tries for a 15-18 age
  - All buses are inspected annually by the state patrol
  - Make sure you get a copy of the reports and review them.

# Insurance

- ▶ Bus Minimums
  - \$10,000 Property (Or \$50,000 depending on statute you read.)
  - Bodily injury are based on capacity
    - \$1M if for 37 or over capacity.

# Driver/Personnel Records

- ▶ Pre-Employment
  - Background Checks
  - Motor Vehicle Record/DOTI Check
  - Physical
  - Drug and Alcohol Test
  - Written and Behind the Wheel Test
  - CDL-Licensed with Bus Endorsement

# Driver/Personnel Records (cont.)

- ▶ On-Going
  - Driver Biennial Proof of Fitness
    - Annually if driver over the age of 70
  - On-going Random Driver Drug and Alcohol Tests
  - Post-Accident Drug and Alcohol Tests when required
- ▶ Remember if you contract and have any District staff who are CDL-licensed drivers that they must also follow this. (coaches who drive bus)
  - There are larger pools out there you can join for random drug testing if you have very few drivers.
  - If contracted, your contractor can often help with training, testing and perhaps even allow your drivers into their pool for drug testing.

# Non-CDL/Bus Drivers

- ▶ Teacher or Parents Using their Own Vehicle or driving District Vehicles
  - Copy of Driver's License and Insurance on File
  - Driving Record Check
    - Your Insurance Company will often run the driving record checks for you.
  - Generally Well Maintained Vehicle with operational seat belts
    - Some Districts require an inspection



**ALL DRIVERS:**

Name: \_\_\_\_\_ Driver's License # \_\_\_\_\_

Alternative Name (if name on license appears differently) \_\_\_\_\_

**YES**      **NO**

- I have a current CDL with bus driver endorsement. (For information only; not a requirement)
- I authorize the School District of Monroe and its agents to perform a driving record check on my license.
- I have provided a copy of my current active driver's license to the District.

**FOR DRIVER'S TRANSPORTING STUDENTS OR OTHER PASSENGERS IN THEIR OWN PERSONAL VEHICLE**

- I have fully completed all of the information in the section above.
- My vehicle(s) is/are covered by an active insurance policy with at least a minimum liability limit of \$100,000/\$300,000 for bodily injury.
- I have provided a copy of my current active insurance policy to the District.
- I understand that in the case of an accident, my personal vehicle insurance is the primary carrier.
- I maintain my vehicle(s) on a regular basis including checks of tires, brakes and other safety equipment. My personal vehicle used to transport students or other passengers is mechanically sound and has all safety equipment operational, to the best of my knowledge.
- Seatbelts will be worn by all riders.
- I will use prudent discretion should inclement weather, road conditions, or personal health (including being overly tired) make me feel uncomfortable with driving or attempting a trip.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

# Emergency Plans

- ▶ Closing school
  - Contact list for closing decision
  - Contacts for TV and Radio
  - Calling Tree
- ▶ Emergency Alert System such as School Messenger, Skyalert or Alert Now
  - Keep password and log in commands with your packet of TV/Radio and Calling Tree information
  - Keep copies at home, in vehicle and at office

# Emergency Plans (cont.)

- ▶ Does your District Emergency Plan have plans for an offsite bus accident?
  - If not, do you at least have a plan for reunification with parents that you can apply to bus incidents?
  - If a bus accident occurs, do you have a plan for whether all students get transported to hospital or checked by school nursing staff?

# Transportation Options

- ▶ Yellow Bus – district owned/contracted
- ▶ City Bus
- ▶ Alternative Vehicle
- ▶ Parent Contract





# Alternative Vehicles #1

- ▶ Nine passengers or less plus the driver
  - Insurance
  - Inspection
  - Driver Health
  - Background check





# Alternative Vehicles #2

- ▶ A motor vehicle transporting 10 or more passengers in addition to the operator and **used temporarily** to provide transportation for purposes specified under s. 340.01 (56) (a) **when the school board or the governing body requests the secretary of transportation to determine that an emergency exists because no regular transportation is available.** The secretary of transportation shall approve or deny the request in writing. Any authorization granted under this paragraph shall specify the purpose and need for the emergency transportation service

# Alternative Transportation

- ▶ Do NOT use (own or rent) vans designed to carry more than 10 passengers.
- ▶ Lack of coordination of law makes this a little fuzzy. According to WI DOT:
  - Pupils of educational institutions may not be transported in any vehicle other than a school bus if more than 10 students being transported.
  - A van that holds 11 or more passengers sold to a school district would violate federal law.
  - The driver and only 9 students can legally be accommodated in a vehicle which is not a school bus

# Alternative Transportation (cont.)

- ▶ CDL Driver Licensing Provisions also come into play when transporting more than nine (9) students.
  - Nine Students plus Driver is what I follow to make sure vehicle and driver are in compliance.
  - This typically means a car, mini-van, van or suburban with a capacity of 8 or less.
  - Typically larger than 8-passenger jumps to a 12 or 15-passenger van which would be illegal. "There are now a few manufacturers making 10-passenger vans. NOT CONVERSIONS"
  - You will encounter a lot of districts that have or rent larger vans. You have to decide if that is a risk you are willing to take if an accident becomes a headline.
  - Check with insurance company and attorney

# Parent Contracts - 1



- ▶ § 121.55(1)(b), Wis. Stats.
  - ▶ Any student, any school
  - ▶ Negotiate amount
  - ▶ DPI mediates if district and parent ask
  - ▶ Contract rejected - District transports by other method

# Parent Contracts - 2



- ▶ § 121.55(3), Wis. Stats.
  - ▶ Private school pupils only
  - ▶ Cost more than 1.5 x district average
    - ▶ Good faith estimate
    - ▶ Cost effective methods
  - ▶ Parents notified 30 days before school starts
  - ▶ Compensation calculation worksheet must be sent

# Parent Contracts - 2



- ▶ Annual Payment =
  - \$5 x distance home/school – or
  - District average cost
  - Not to exceed actual cost
- ▶ Annual payment for each child  
**EXCEPT**
- ▶ MPS has discretion for single contract for all children in home attending the same school (2009 Act 28)

# Private School Transport

- ▶ Transportation Required for:
  - resident pupils
  - grades K-12 (includes 4K)
  - 2 miles or more from private school
- ▶ Pupils must be “eligible”
- ▶ UHT areas apply to eligible private school students
- ▶ District determines transportation method under s. 121.55, Wis. Stats.
- ▶ Exception for districts that invoke “city option”





# Eligibility Criteria

- ▶ Pupil must
  - live 2 miles or more from private school
  - live within private school's attendance area
- ▶ Private school must be located within resident school district or not more than 5 miles beyond boundary of resident school district



§ 121.54(2)(b) 1., Wis. Stats.

# Private Kindergarten

## ▶ 4K Programs

- Transportation required for eligible students
- Not dependent on program offered by school district
- Can use parent contracts

## ▶ Half-Day Programs

- Noon transportation required for eligible students
- Can use parent contracts



# Calendars & Schedules

- ▶ **School districts must provide transportation to eligible private school students on days when public school is not in session.**
  - Hahner v. WI Rapids Board of Education, 89 Wis. 2d 180 (1979)
  - 61 O.A.G. 240, 244 (1972)
- ▶ **Law does not address timeliness of transportation**
- ▶ **Requires “effective coordination” to ensure student safety**



# 5-Mile Limit

- ▶ Law requires “not more than” 5 miles beyond the district border
- ▶ Measured by the “usually traveled route”
- ▶ Any regular road
- ▶ Ask a neutral party to measure and arbitrate dispute between district and family



# Joint Custody

- ▶ Both Parents in District
  - Transport from any home 2 miles or more – or in UHT area
- ▶ One Parent outside District
  - Must transport inside boundary
  - Parent drives to bus stop
  - Bus may go out of boundary to pick up – no permission needed
- ▶ District policy cannot limit to one “home”



# Foster Care

- ▶ Return to “school of origin” preferred
- ▶ Cost effective transportation
- ▶ Identify “additional” costs
  - While the development and implementation of transportation procedures are the responsibilities of the LEAs and the local child welfare agency, the Department of Public Instruction (DPI) and the Department of Children and Families (DCF) recommend that if the LEA and the child welfare agency cannot come to an agreement, **the additional cost for transportation should be shared equally.**



# Non-Required Transportation





# Day Care

- ▶ “May” provide – not required
- ▶ For “eligible” resident students
- ▶ To/from childcare provider – in lieu of home)
- ▶ **Can Claim Transportation Aid - maximum distance from home to school**
- ▶ **Cannot Charge Fee**



# Day Care

- ▶ “May” provide – not required
- ▶ For “non-eligible” resident students
- ▶ To/from childcare provider – in lieu of home)
- ▶ **May charge a fee or waive the fee**
- ▶ **Cannot claim aid**



# Contact Information

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Pupil Transportation web site:  
<https://dpi.wi.gov/sms/transportation>