

Attachment E
OLR Research Report:
State School Transportation Requirements and Funding 2012
Busing Public & Private School Students 2014

Location:

SCHOOLS - TRANSPORTATION;

Scope:

Connecticut laws/regulations; Background;



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STATE SCHOOL TRANSPORTATION REQUIREMENTS AND FUNDING

By: Judith Lohman, Assistant Director

You asked for a summary of (1) statutory requirements and State Department of Education (SDE) guidelines concerning a school district's responsibility to provide transportation for students to and from school and (2) state school transportation funding.

SUMMARY

State law requires school districts to provide transportation for all school-age children whenever it is "reasonable and desirable" (CGS § 10-220(a)). In general, this requirement is limited to transportation to public and certain nonprofit, private schools located within the school district. The only out-of-district transportation school districts must provide is for students attending state technical high schools and district-designated regional agricultural science and technology centers.

Within these requirements, local and regional boards of education retain discretion over district transportation policies, including the number of school buses, bus routes and stops, the students to whom they will provide transportation, and maximum walking distances. The SDE has issued guidelines for district policies (*School Accommodations Workshop Package*, October 2008, pp. 28-31), but they are not mandatory.

The state provides an annual grant to local school districts that reimburses them for part of the cost of providing public school transportation. Reimbursement percentages vary from zero to 60% depending on the relative wealth of the town or towns making up the district. The state also provides additional funds for school districts, regional education service centers, and other entities that provide transportation for students attending certain schools outside their home districts.

TRANSPORTATION TO PUBLIC SCHOOLS WITHIN A SCHOOL DISTRICT***State Law***

The law requires boards of education to furnish, by transportation or otherwise, school accommodations so that each child five years of age and over and under age 21 who has not graduated from high school or vocational school may attend public school (CGS §10-186 (a)). The law further states that each board of education must provide each child who is of school age and residing in the district with the opportunity to attend public school and provide transportation for children wherever it is "reasonable and desirable" (CGS §10-220 (a)). A parent, guardian, surrogate parent, emancipated minor, or student of eligible age is entitled to a hearing before the board of education when a school accommodation, such as transportation, is denied.

For special education students, the law requires school districts to provide transportation to and from the curb of the student's house (but not beyond) unless the school district makes another arrangement with the parents (CGS § 10-76d (e)). State regulations also require that a student's school district provide transportation needed to implement the student's individualized education program (IEP). In addition, they require that:

1. total travel time take into account the child's disability and not exceed one hour unless the student's parents agree in writing to a longer time and the State Board of Education approves it;
2. vehicle operators are trained in the specific needs of the child under their care;
3. vehicles used are properly equipped and registered;
4. transportation aides are used when needed to ensure safety or when the student's IEP requires it; and
5. parents are reimbursed if they provide transportation for the students, as long as no parent is required to provide transportation (Conn. Agencies Regs., § 10-76d-19).

School boards have the authority to create their own transportation policies within the confines of the law, for instance, determining what constitutes a hazardous route or setting maximum walking distances.

State Transportation Policy Guidelines

The SDE has guidelines for school district transportation policies, but districts have discretion whether to use them. The guidelines recommend that districts consider the following in developing their policies: (1) a student's age, (2) the walking distance to school, and (3) the existence of hazardous conditions. Under the guidelines, walking distances greater than the following are considered hazardous at the specified ages:

1. for a student under age 10 or enrolled in grades K-3, 1 mile;
2. for a student aged 10 to 14 or enrolled in grades 4-8, 1.5 miles; and
3. for a student older than age 14 or enrolled in grades 9-12, 2 miles.

The guidelines cite various other conditions considered hazardous, including streets with no sidewalks, roads and sidewalks next to railroad tracks if there is no barrier between the

tracks and the walk or road, or requirements that students walk to or from school or the bus stop within one-half hour before sunrise or after sunset.

The guidelines specify that pupils with physical handicaps or health conditions rendering them unable to walk to the bus stop or school, as determined by their physician and the school medical advisor, must receive appropriate transportation. They also state that special education pupils should be judged on an individual basis.

State Funding

The state reimburses school districts for between zero and 60% of their eligible school transportation costs. The actual percentage reimbursement depends on the school district's wealth, with poorer districts receiving a higher percentage. The regular reimbursement rate is increased by 10 percentage points for K-12 regional districts and five percentage points for high school regional districts. By law, reimbursements are capped at the amount appropriated for the grants in each year's state budget. If the total grants payable exceed the appropriated amounts, the grants must be proportionately reduced. Grants have been capped in this manner since FY 2004 (CGS § 10-266m).

TRANSPORTATION TO SCHOOLS OUTSIDE THE DISTRICT

Vocational-Technical Schools

A school district must provide transportation to a vocational-technical (V-T) school located outside the district for any student who lives in the district, is under age 21, and has not graduated from high school. The amount a district must spend on such transportation is limited to \$6,000 per student.

The state reimburses districts for these costs through the regular school transportation grant. For expenses exceeding \$800 per student, the district's regular percentage reimbursement is increased by 20 percentage points (CGS § 10-97). In addition, the education commissioner may reimburse up to \$2,000 per student for transporting Hartford students to V-T schools outside Hartford to help meet desegregation goals (CGS §§ 10-264i, 10-266m).

Regional Agricultural Science and Technology Centers

A district that does not offer a vocational agriculture program must designate one or more regional agricultural science and technology centers that students who live in the district may attend. The district must pay the cost of such a student's transportation to the designated center or centers, up to a maximum of \$6,000 per student.

As with V-T school transportation, the state reimburses districts for these costs through the regular school transportation grant. For expenses exceeding \$800 per student, the district's regular percentage reimbursement is increased by 20 percentage points. Reimbursement is available only for the cost to transport a student to the center that was nearest to the student's home district at the time he or she enrolled in the center (CGS § 10-97).

In addition, the education commissioner may reimburse up to \$2,000 per student for transporting Hartford students to centers outside Hartford to help meet desegregation goals (CGS §§ 10-264i, 10-266m).

Interdistrict Magnet Schools

A district must provide transportation for its resident students to attend an interdistrict magnet school located in the same district. The state reimburses districts for those costs through the regular school transportation grant (CGS § 10-264l(f)).

School districts may, but are not required to, provide transportation for their students attending magnet schools outside the district. The state gives a separate grant for magnet school students transported out-of-district. That grant reimburses a school district or other transportation provider for the reasonable costs of the interdistrict transportation up to a maximum of \$1,300 per student. For each Hartford student attending a magnet school outside Hartford to help meet desegregation goals, the maximum state reimbursement is \$2,000. Expenditures exceeding these limits are eligible for reimbursement in the following year through the regular school transportation grant (CGS § 10-264j).

Charter Schools

The school district where a charter school is located must provide transportation to any of its students attending the charter school unless the school makes other arrangements. Any district may voluntarily provide transportation for any of its resident students to attend a charter school in another district. In either situation, the district is eligible for state reimbursement for those costs through the regular school transportation grant (CGS § 10-66ee(f)).

TRANSPORTATION TO PRIVATE SCHOOLS

State law requires towns to provide their resident students with the same school transportation services to private, nonprofit schools located in the school district as it does to public schools, provided a majority of the students attending the private school are Connecticut residents. The amount a town must spend to provide this transportation is limited to twice the per-pupil amount it spent on public school transportation in the preceding school year (CGS § 10-281). Towns receive the same state grant for providing required transportation to private schools within their school districts as they do for providing public school transportation.

The law also allows, but does not require, towns to provide transportation to private, nonprofit schools outside the district but within the state, but the state does not reimburse towns for providing this transportation unless the town does not maintain a high school and, as a result, it provides transportation to a private high school outside the school district (CGS §§ 10-277 and 10-280a).

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BUSING PUBLIC AND PRIVATE SCHOOL STUDENTS

By: Marybeth Sullivan, Legislative Analyst II

QUESTION

What are the state laws and policies governing a municipality's responsibility to bus public and private school children to school?

SUMMARY

In general, state law requires each local or regional board of education to provide transportation to school-aged children wherever reasonable and desirable (CGS § 10-220(a)). It also identifies transportation as a type of "school accommodation" that boards of education must provide so that children aged five to 20 years may attend public school (CGS § 10-186). A parent, guardian, surrogate parent, emancipated minor, or student aged 18 or older is entitled to a hearing before the board of education when a school accommodation, such as transportation, is denied.

Additional state laws address busing public school students to (1) technical high schools, (2) agricultural science and technology education centers, (3) charter schools, (4) interdistrict magnet schools, and (5) Open Choice schools. They also govern boards' obligation to transport students to nonprofit, private schools within the school district and their option to transport students to such schools outside the district.

Boards of education have the authority to create their own transportation policies within the confines of the law. The State Department of Education (SDE) issues guidelines for policies, but they are not mandatory.

PUBLIC SCHOOL STUDENT BUSING

In addition to their general duty to transport five- to 20-year-old students to neighborhood public schools, local or regional boards of education must bus students to other types of public schools with different organizational structures and student populations.

Technical High Schools

A board of education must provide reasonable and necessary transportation for students younger than age 21 attending state or state-approved technical high schools as regular all-day students or high school cooperative students (presumably students attending technical high schools as part of multi-district cooperative arrangements). The students must reside with parents or guardians in the local school district or in a town that is a member of the regional school district. Boards also must transport students who attend technical high schools located in towns outside of their towns of residence (CGS § 10-97(a)). They are eligible for partial transportation reimbursement from the state (CGS § 10-97(c)).

Agricultural Science and Technology Education Centers

If a board of education does not offer agricultural science and technology education within the school district, it must designate a school or multiple schools for students to attend that offer this curriculum. The board must pay the reasonable and necessary cost of transporting students who are younger than age 21 to attend the designated schools (CGS § 10-97(b)). Similar to technical high schools, boards are eligible for partial transportation reimbursement (CGS § 10-97(c)).

Charter Schools

A board of education must provide transportation services for students who attend a charter school within the school district where they live, unless the school makes other transportation arrangements. If the student lives in the district but attends a charter school outside the district, the board has the option to provide transportation services. If the board elects to do so, it is eligible for reimbursement of reasonable costs from the state (CGS § 10-66ee(f)).

Interdistrict Magnet Schools

A board of education in which a magnet school is located must provide the same transportation services to students enrolled in the magnet school as it does to students enrolled in other public schools in the district (CGS § 10-264(f)).

If a board of education, regional education service center (RESA), or cooperative arrangement formed by several boards of education transports students to a magnet school in a district outside of where the student lives, it is eligible for a per-child cost reimbursement grant from the state (CGS § 10-264i).

Open Choice Schools

Open Choice is an interdistrict attendance program that encourages boards of education to offer open seats to students from other districts in order to improve academic achievement and reduce students' racial, ethnic, and economic isolation (CGS § 10-266aa(f)).

By law, SDE must provide grants to local or regional boards of education and RESAs for the reasonable cost of transporting students participating in the Open Choice program. However, RESAs must provide reasonable transportation services to high school students participating in supervised extracurricular activities.

PRIVATE SCHOOL STUDENT BUSING

Schools in the District

State law requires municipalities and school districts to provide transportation services to students enrolled in nonprofit, private schools in grades kindergarten through 12. This requirement only applies when a majority of the students attending the private school are Connecticut residents.

Municipalities and school districts are not required to spend a per-pupil transportation amount on private school students that exceeds double the local per-pupil public school transportation amount for the previous school year. If the private school transportation cost exceeds this amount, the municipality or district may (1) allocate its share on a per-pupil, per-school basis and pay its share directly to the transportation provider on a monthly basis or (2) provide transportation services for less than the entire school year (CGS § 10-281).

Schools outside the District

The law permits, but does not require, boards of education to provide transportation services to students attending nonprofit, private elementary or high schools outside of the district where they live. However, the school must be located within Connecticut (CGS § 10-280a).

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