Charter Schools Transportation Resource Guide

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FLORIDA DEPARTMENT OF EDUCATION

TABLE OF CONTENTS

Page

Introduction ---- 1

What Does the Charter Schools Law Require? ---- 2
Section 1002.33, Florida Statutes-Charter Schools (excerpts)

Other Sections of Law and Rule ---- 4

Transportation Service Options for Charter Schools ---- 4

Summary of Transportation Safety Requirements ---- 5
Level of Service Requirements ---- 5
Routes and Stops ---- 5
Approved Vehicles ---- 6
School Bus Inspection and Maintenance ---- 6
School Bus Operator Requirements ---- 6
School Bus Rider Safety ---- 7

Eligibility for Transportation ---- 7
General Eligibility ---- 7
Reasonable Distance Provision ---- 8

Planning Transportation Services and Estimating Costs ---- 8
Overview ---- 8
Determining Existing School District Transportation Cost ---- 9
Planning Transportation and Determining Charter School Transportation Costs ---- 9

Estimating State Reimbursement for Charter School Transportation ---- 11

Claiming State Reimbursement for Student Transportation ---- 12

Parent Reimbursement for Cost of Transportation ---- 13

Monitoring Requirements ---- 13

Additional Resources and Contacts ---- 15

Appendices
Appendix A - Statutes and Rules for Student Transportation ---- A-1
Appendix B - Index of Student Transportation Statutes and Rules ---- B-1
Appendix C - Vehicle Usage Memoranda and Opinions ---- C-1
Appendix D - Student Transportation Cost (Expenditures) Data, 2004-05 ---- D-1
Appendix E - State Reimbursement for Student Transportation, 2004-05 ---- E-1
Appendix F - Reimbursement Estimating Worksheet ---- F-1
Appendix G - July 2006 Transportation Survey (and future survey dates) ---- G-1
Appendix H - Student Transportation General Instructions ---- H-1
Appendix I – School Transportation Monitoring Work Papers, 2006-07 ---- H-1

Introduction

The Florida Department of Education and the Florida Association for Pupil Transportation (FAPT) have been working with school districts and charter schools since 1996 to establish effective partnerships and support for transportation as a service to charter schools. Among those who have sought recommendations and information are the operators and sponsors of existing charter schools, individuals throughout Florida who are interested in opening new charter schools, school district staff, and parents.

The general requirements that govern how charter school students get to and from school and school activities are found in Section 1002.33, Florida Statutes (F.S.), and by reference in Sections 1006.21-.27, F.S., and are excerpted here for convenience:

> (9) CHARTER SCHOOL REQUIREMENTS.—
> (e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.
>
> (16) EXEMPTION FROM STATUTES.—
> (a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:
>
> 5. Those statutes pertaining to student health, safety, and welfare.
>
> (20) SERVICES.—
> (c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.e. of chapter 1006. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

The intent of the charter schools legislation is clear regarding transportation safety. Anyone providing charter schools transportation must ensure that safety requirements of Sections 1006.21-.27, F.S., are met. In this regard, charter schools transportation is no different than the transportation school districts are already providing for other public school students. Charter schools have the same flexibility and responsibilities as any other public school in providing transportation. As with any other school that students are "required or expected to attend" (s. 1006.21, F.S.), transportation must be provided or made available to charter school students, with some exceptions as noted above for students residing beyond a "reasonable distance." The specific arrangements for provision of this service must be spelled out in the agreement between the charter school applicant or operator and the sponsoring school district or other sponsoring entity.

This resource guide has been prepared to help interested persons develop agreements and arrangements for providing transportation services to students attending charter schools. This guide is not intended as a substitute for a thorough review of applicable laws, rules, and legal opinions.

What Does the Charter Schools Law Require?

The following excerpts from Section 1002.33, F.S., are the subsections most pertinent to transportation service. A complete copy of Section 1002.33, F.S., and other school laws may be found at http://www.leg.state.fl.us under the Florida Statutes link.

Section 1002.33, F.S.- Charter schools
(2005 Statutes; transportation-related excerpts)--

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances. The charter school's governing board may, within 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6).

(9) CHARTER SCHOOL REQUIREMENTS.—

(d) A charter school shall not charge tuition or registration fees, except those fees normally charged by other public schools. However, a charter lab school may charge a student activity and service fee as authorized by s. 1002.32(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(g) A charter school shall provide for an annual financial audit in accordance with s. 218.39.

(16) EXEMPTION FROM STATUTES.—

(a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:

5. Those statutes pertaining to student health, safety, and welfare.

(17) FUNDING.—

Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(c) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(d) District school boards shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 30 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 30-day period until such time as the warrant is issued.

(20) SERVICES.—

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. A total administrative fee for the provision of such services shall be calculated based upon 5 percent of the available funds defined in paragraph (17)(b) for all students. However, a sponsor may only withhold a 5-percent administrative fee for enrollment for up to and including 500 students. For charter schools with a population of 501 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2). Sponsors shall not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the 5-percent administrative fee withheld pursuant to this paragraph.

(b) If goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made for a dispute resolution hearing before the Charter School Appeal Commission. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.e. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

Other Sections of Law and Rule

The requirements of subpart I.e. of chapter 1006 (Sections 1006.21-.27), F.S., and Chapter 6A-3, Florida Administrative Code (FAC), are applicable to charter schools.

In addition to these complete chapters of law and rule, a listing of several pertinent sections of law has been included in Appendix A. These include:

- 49 C.F.R. part 40 and part 382 — Controlled Substance and Alcohol Use and Testing
- Section 1011.68, F.S. — Funds for Student Transportation
- Section 1012.32, F.S. — Qualifications of Personnel (Criminal Background Checks)
- Section 1012.45, F.S. — School Bus Operators; Requirements and Duties
- Section 1012.465, F.S. — Background Screening Requirements
- Section 316.159, F.S. — Certain Vehicles to Stop at all Railroad Grade Crossings
- Section 316.172, F.S. — Traffic to Stop for School Bus
- Section 316.183, F.S. — Unlawful Speed (including School Buses)
- Section 316.6145, F.S. — School Buses; Safety Belts or Other Restraint Systems Required
- Section 316.615, F.S. — School Buses; Physical Requirements of Operators

A subject-based index to these sections of law and others dealing with transportation issues is included in Appendix B.

Transportation Service Options for Charter Schools

The same options are available for transporting students to charter schools that are available to school districts for transporting students to traditional public schools. These transportation options are subject to the basic requirement that the transportation arrangements must be included in the agreement between the charter school operator and the sponsor.

Service options may include any or all of the following:

- The charter school may own and operate its own school buses.
- The school district may provide the transportation in its school buses.
- Private contractors may provide the transportation in school buses.

- The school district or charter school may own and operate certain smaller passenger vehicles designed to transport ten or fewer persons under specified limited circumstances as explained herein.

- Public transit may be used as explained herein.

- Parent-owned vehicles may be used under certain limited circumstances as explained herein.

See Approved Vehicles (below) for related requirements.

Summary of Transportation Safety Requirements

In adopting the charter schools legislation, the 1996 Legislature recognized that students attending charter schools must be afforded the same level of safety as other public school students. Section 1002.33(9)(e), F.S., states, "A charter school shall meet all applicable state and local health, safety, and civil rights requirements," and subsection (20)(c) further states, "Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.e. of chapter 1006 and s. 1012.45."

Sections 1006.21-.27, 1012.32, and 1012.45, F.S., and Chapter 6A-3, FAC, contain requirements that include: the minimum level of safety and service that must be offered; the safety of school bus routes and stops; the types of vehicles that may be used for the transportation of public school students (including those attending charter schools); inspection, maintenance, and design specifications for school buses transporting students; requirements for the qualifications and training of bus operators; and, requirements for rider safety. In part, these requirements include:

- **Level of Service Requirements—**Section 1006.21, F.S., and Rule 6A-3.001, FAC, require transportation of students who live two miles or more walking distance from their homes to the assigned schools. Section 1002.33(20)(c), F.S., provides, "The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter." See "Eligibility for Transportation, Reasonable Distance Provision" on page 8 for further detail. Students who are eligible for transportation cannot be required to walk more than 1.5 miles to the assigned bus stop. Certain students with disabilities, certain prekindergarten students, and elementary students who are subject to specified hazardous walking conditions must be provided transportation, regardless of distance from school.

- **Routes and Stops**—Safe school bus routes and stops must be designated and approved by the charter school (or the sponsor if specified in the agreement), and they must provide prompt relief of any condition causing overloaded buses.

- **Approved Vehicles**—School buses must be used for all regular transportation provided or arranged by the charter school (Sections 1006.22 and 1006.25, F.S.), with limited exceptions. A school bus is any vehicle designed to transport more than ten persons to and from school or school activities, and it must meet federal and state construction standards for a "School Bus." Essentially, this is the yellow bus we are all familiar with, and it is available in various

sizes and configurations from 16 to 90-passenger capacity. These standards are specified, pursuant to Section 1006.25, F.S., in Florida School Bus Specifications applicable to the year of manufacture of the bus, available from the Department of Education (http://www.firn.edu/doe/transp/). These requirements apply regardless of whether the vehicle is owned, operated, rented, leased, or contracted for by the charter school, the school district, or a private company. With the passage of Senate Bill 772 in 2006, language was added to Section 1006.22, F.S., to address transportation for trips related to agriscience education-related events and requirements for vehicles that are used instead of school buses. These 2006 changes are outlined in Appendix A.

Full size vans are not school buses, do not meet school bus safety standards, and are not approved for use. School buses not specifically built to Florida School Bus Specifications cannot generally be brought into compliance with Florida Specifications without extensive modifications and, therefore, are also not approved for use. See "Appendix C – Vehicle Usage Memoranda and Opinions," for links to documents specifying the kinds of vehicles that may be used and the acceptable circumstances.

- **School Bus Inspection and Maintenance**-- All school buses transporting charter school students are required to be inspected at least once every 30 school days that the bus is in operation, according to standards prescribed in the Florida School Bus Safety Inspection Manual available at http://www.firn.edu/doe/transp/ from the Department of Education (as authorized by Section 1006.22, F.S., and Rule 6A-3.0171, FAC). Buses must be inspected by a state-certified school bus inspector, who may be employed by the charter school, a school district, or a private provider. Each charter school must have a plan for inspection and maintenance of school buses. The Department of Education may inspect or have inspected any bus to ensure that it meets these requirements and the requirements of Florida School Bus Specifications.

- **School Bus Operator Requirements**-- Any person operating a school bus transporting charter school students is defined as a school bus operator and must meet federal, state and local requirements. This would include teachers, coaches, parents, volunteers, or other licensed operators who drive school buses transporting students. The requirements include:

    1. 40 hours of preservice training according to the Basic School Bus Operator Curriculum (available from the Department of Education);
    2. Eight hours of in-service training annually, related to driving responsibilities;
    3. Participation in the federally required drug and alcohol testing program;
    4. Possession of a valid Class A or B Commercial Operator License (CDL) with Passenger Endorsement (as required for the size of the school bus) and School Bus Endorsement;
    5. Possession of a valid Medical Examiner Certificate documenting successful passage of an annual physical examination on a form prescribed by and available from the Department of Education (Form ESE 479);
    6. Criminal background check from the FBI and the Florida Department of Law Enforcement;
    7. Review of driving history upon initial employment and at least semi-annually, plus summer school, if applicable, from the Florida Department of Highway Safety and Motor Vehicles for violations and citations; and

8. Annual dexterity testing measuring ability to perform basic functions related to driving responsibilities, recorded on a form prescribed by the Department (Form ESE 479).

- **School Bus Rider Safety**—School principals or designated school staff must do the following to ensure the safety of transported students:

    1. Direct school bus emergency evacuation drills for all transported students during the first six weeks of each semester and maintain documentation.

    2. Provide instruction in safe riding practices to all transported students during the first six weeks of the first semester of the school year.

    3. Ensure the safety of the student loading and unloading zone.

Charter schools may delegate responsibility for implementing some or all of the above requirements, but this should be reflected in the approved agreement. Like school districts, however, charter schools are ultimately accountable for ensuring that the statutory and rule requirements referenced herein are met. The above summary is not intended to substitute for a thorough review of this document and all referenced and applicable laws and rules relating to charter school transportation safety.

Eligibility for Transportation

General Eligibility

The eligibility of students for transportation services has been defined in Section 1006.21, F.S., to include the following:

- All kindergarten through grade 12 students whose homes are two miles or more walking distance from the assigned school.
- All prekindergarten through grade 12 students with disabilities regardless of distance from home to school.
- All students enrolled in a Teenage Parent Program and the registered children of such students, pursuant to Section 1003.54, F.S.
- Elementary age children who live within two miles of their assigned elementary schools and who are subject to hazardous walking conditions as defined in Section 1006.23, F.S.

Certain other students and persons not specified above may be transported as specified in Section 1006.21, F.S., at the school district's or the charter school's option.

Reasonable Distance Provision

Section 1002.33(20)(c), F.S., states in part, "The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter." Although eligibility for charter school enrollment is generally county-wide, the "reasonable distance" provision was designed to help ensure that charter schools were not overly burdened

financially or operationally by having to provide transportation to students who live beyond a reasonable distance from the school. In other words, a charter school may establish a school transportation zone that sets an outer boundary or radius beyond which a charter school is not required to provide regular transportation. Normally charter schools will agree to work with the school district to ensure that transportation is not a barrier to equal access for all students, regardless of distance, and particularly so in cases of hardship and for students with disabilities.

What is considered a "reasonable distance" is usually based on locally implemented criteria or practice for establishing school attendance zones. As an example, if a charter elementary school is being contemplated and most comparable elementary schools in the district have a normal attendance zone of a four-to-five-mile radius, then establishing a reasonable transportation distance for the charter school of four to five miles would be logical and defensible.

Charter schools may also be required to provide or arrange for transportation of students who live beyond the reasonable distance in certain hardship cases and would always have the option of transporting students county-wide if established in the agreement.

Planning Transportation Services and Estimating Costs

Overview

Establishing the potential cost of transporting students is probably the most difficult and complex aspect of developing the transportation aspects of the agreement for the charter school. Fortunately, a number of resources are available to aid or assist in this task.

The kind of information necessary to establish costs will depend on the service option chosen. As a general guide, charter school operators should use existing school district cost information as a starting point. This information is available in "The Quality Link: Florida School District Transportation Profiles," which is updated annually by the Department of Education for each district. The report can be accessed at http://www.firn.edu/doe/transp/. In addition, more detailed cost information may be available locally from the school district. In general, it is assumed that charter school operators will wish to provide transportation as efficiently as practicable, consistent with the safety requirements of Florida Statutes and State Board of Education Rules (as referenced previously). For the purpose of this Guide, it is assumed that the charter school's cost estimate will be based upon the school district providing service in school board owned and operated school buses.

Estimates of costs for utilizing other service options such as contracted school buses or other approved vehicles should be obtained locally. In limited circumstances, the use of a school district or charter school reimbursed, parent-owned vehicle may be allowed (for students who are geographically isolated or have disabilities; see Sections 1006.22 and 1011.68, F.S.; also see "Appendix C – Vehicle Usage Memoranda and Opinions"). In these cases the per-mile reimbursement rate specified in Chapter 112, F.S., provides a useful guideline. The charter school operator may also wish to negotiate bus pass or token fare options with local public transit agencies where available.

Determining Existing School District Transportation Cost

It should not be assumed that charter school students can always be transported as economically as other public school students. In many cases transportation of students attending charter schools will be more expensive, due to factors that may include: opening and closing times that are incompatible with other district schools; fewer charter school students per square mile within the charter school zone; and the low absolute number of students often attending individual charter schools. Determining existing school district costs (expenditures) for transported students is still useful. "The Florida Quality Link: Florida School District Transportation Profiles" documented an average annual statewide expenditure per transported student in 2004-05 of $844.54. This figure includes average statewide expenditures for all students. The cost to transport students with disabilities can be many times higher, and expenditures can vary widely from school district to school district. Equivalent per student expenditures for each district should be obtained from the The Quality Link: Florida School District Transportation Profiles and/or directly from the school district. See Appendix D for the most recent available data on expenditures for student transportation and Appendix E for the most recent available data on state reimbursement for student transportation.

The cost of providing field and activity trips to supplement the curriculum or athletic programs should be considered as a separate expense.

Planning Transportation and Determining Charter School Transportation Costs

Although a portion of the charter school costs (expenditures) will be offset by state transportation allocations (see Appendix E), reimbursement should be considered as a separate issue after basic estimated costs have been identified. There is no established formula for determining the cost of providing transportation for charter school students. This cost will need to be determined in conjunction with, and agreed to in advance by, the sponsoring school district or other sponsoring entity, if the school district or entity is to provide the transportation service for the charter school.

If the agreement is that the transportation will be provided by the school district, the school district will require the same lead time and information that would be required for the opening of any other new school. This planning generally requires, as early as possible, specific answers to the following questions:

- What is the planned opening date of the school and when will transportation service be needed? The school district will need as much as six months' to one year's lead time if it has to acquire additional equipment and/or operators.

- What is the location of the charter school facility?

- Where do the students live? The school district may require a specific list of student addresses or at least the estimated number of students from specific neighborhoods or areas of the district who will be attending the charter school.

- What are the desired opening and closing (bell) times of the charter school? Will the school district be granted the authority to establish the bell times to improve bus

utilization and efficiency? Coordinating bell times with other schools and transportation schedules allows districts to dedicate routes using existing buses (i.e., use buses on multiple runs) or incorporate charter school students into existing routes.

- How many and on which days will the school operate?
- Will transportation be provided following after-school activities?
- What is the charter school zone outer boundary (reasonable distance)? What, if any, transportation services within two miles does the charter school plan to offer?
- Are there any students with special needs, for example, requiring wheelchair lift-equipped buses, buses required to be equipped with air conditioning, students with medical complexities, or students requiring the use of infant/toddler seats? How many students of each type are there, and where do they live?
- What is the traffic situation on and around the school grounds and facility, and has a student loading/unloading area for parents and for school buses been assigned?
- Is the school offering a breakfast program that would necessitate early transportation?
- May all students from the same area be transported simultaneously; for example, will elementary and middle school students be transported on the same bus to a multigrade school?
- May the charter school students be integrated into existing routes with other public school students?
- Will transportation be expected on days when the regular district schools are not in session?

The above list is not intended to be all-inclusive or prohibitive; however, the answers to these and other basic questions are necessary to develop reasonably accurate cost estimates and to plan the transportation services. Such considerations should be used as a "checklist" of items for potential charter school operators and sponsoring school districts when formulating an agreement. Some charter schools are similar in transportation demographics to schools of choice and magnet schools. The cost of transporting students to such specialized enrollment schools is often much higher than for traditional schools, due to traditional schools' inherent economies of scale, their limited geographic zones or attendance areas, and the ability of the district to coordinate all traditional schools' schedules to maximize economy.

Estimating State Reimbursement for Charter School Transportation

"The Quality Link: Florida School District Transportation Profiles" (available at http://www.firn.edu/doe/transp/) provides district-by-district summaries of the state allocation for student transportation. This data is supplemented by the final calculation of state funding each year from the Department of Education. School districts are partially reimbursed for student transportation on a per student basis (current state reimbursement is approximately 51 percent of

cost, statewide). Per student transportation reimbursement is at different levels for students without disabilities (and some students with disabilities who do not qualify for additional transportation funding) versus students with disabilities who meet certain criteria for supplemental funding.

Students transported to charter schools who are eligible for funding are incorporated by the school district into the district's total claim for state transportation reimbursement. See "Claiming State Reimbursement for Student Transportation" on page 12 for a further description of this procedure.

Transported charter school students will generate the same funding **per student** as other public school students meeting identical funding eligibility criteria. The school district is authorized by law to keep up to five percent of the funds generated by charter school students for administration. It should be noted that incorporation of transported charter school students into the school district's funding claim may have the effect of lowering the overall level of reimbursement per student for all students living in the district using district transportation. This effect, if applicable, is attributable to a lowering of the district's Average Bus Occupancy, or ABO, a component within the transportation funding formula. If the charter school service requires the district to report more buses in daily service and if those buses are not as "fully loaded" as regular district buses, then ABO, defined as the number of students transported per day per bus, district-wide, is lowered. Lowering the ABO lowers the district's per student reimbursement for all transported students (within a limited range). The lower ABO (bus utilization) is due to the generally lower number of charter school students per school and the difficulty of incorporating them into regular, established routes.

See "Appendix D – Student Transportation Cost (Expenditures) Data" and "Appendix E – State Reimbursement for Student Transportation" for the most recent calculation of state funding for transportation. Appendix E provides funding data for regular students receiving basic funding and for students with disabilities who meet the criteria for supplemental funding. Also included is "Appendix F – Charter School State Transportation Reimbursement Estimating Worksheet."

Students transported in contracted school buses or other means of transportation who are eligible for transportation funding will generate **the same allocation** as students riding in district or charter school-owned school buses. Other means of transportation may include school-owned passenger cars or multipurpose passenger vehicles or private passenger vehicles or vessels operated by the student's parents, when such transportation is for students who are isolated or have physical disabilities, as previously explained. Other means may also include students transported in public transit vehicles.

Claiming State Reimbursement for Student Transportation

In order to claim funding for transportation reimbursement, school districts must survey actual ridership of transported students during four survey periods (July, October, February, and June) of each school year. Students attending 180-day term lengths are surveyed during October and February. Students attending summer school are surveyed during June and/or July, based on when the summer term(s) takes place and based on their ridership during either or both months. Although school district sponsors may incorporate eligible transported charter school students into their survey data in order to generate reimbursement from the state, this information cannot

be reported directly by the charter school to the state. Likewise, state funding for transportation will be distributed to school district sponsors only and not directly to charter schools.

Charter schools should expect to report to the school district transported students who rode during any of the five days of each survey or the preceding six-day period. The district will provide instructions for documenting transported students who rode during the survey period. Charter schools may wish to request data collection worksheets and training in the transportation funding reporting procedures from the school district. These worksheets and other school records are essential in meeting audit requirements for claiming transportation funds. Information on the July 2006 (most recent) transportation survey and the dates of future surveys is included in Appendix G. The Student Transportation General Instructions for 2006-07 are included in Appendix H.

The only students who will generate state transportation reimbursement are those for whom the required audit documentation is maintained and who meet one or more of the transportation funding eligibility criteria specified in the Department of Education Student Transportation General Instructions (Appendix H). These criteria are also contained in Sections 1006.21 and 1011.68, F.S. If a charter school is not certain which students will or will not ultimately be eligible to generate transportation funding, the school would be wise to collect the ridership information for all students who ride, during or prior to survey weeks, using appropriate data collection worksheets provided by the school district. The Auditor General requires these worksheets as backup documentation for transportation funding audits.

The modes of transportation for which students may be eligible for state funding (depending on certain additional factors) include those listed herein under "Transportation Service Options" and "Estimating State Reimbursement for Charter School Transportation." Charter schools are encouraged to work with school district personnel as closely as possible regarding transportation eligibility criteria and funding claim procedures.

An agreement may specify various means of handling the finances between the sponsor and the charter school. It may state that the school district will pass through the state transportation reimbursement amount to the charter school (less up to five percent, as specified in statute). Alternatively, if the school district is providing the transportation for the charter school, the school district may credit this amount to the school. This credit would effectively reduce the amount the district charges the charter school for the transportation by the amount the district receives from the state. These or other options and related decisions should be made locally and specified by agreement.

Parent Reimbursement for Cost of Transportation

Parents may be eligible for reimbursement by a charter school for part or all of their costs incurred for transportation of a child to a charter school if specific requirements, such as those mentioned previously regarding isolated students or students with disabilities, are met. Section 1002.33(20)(c), F.S., provides, "The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents." This option does not relieve charter schools of their basic responsibilities to provide or arrange for transportation of all students within a reasonable distance of the school who are eligible for transportation.

Under Section 1011.68, F.S., the school district may claim state funding for students transported to charter schools and other district schools in private passenger cars only when the district has determined that the students are isolated or have disabilities. Appendix C provides two Department of Education General Counsel opinions relating to this subject.

Monitoring Requirements

Section 1008.32, F.S., states, "The State Board of Education shall oversee the performance of district school boards and public postsecondary educational institution boards in enforcement of all laws and rules." It goes on to state that, "District school boards and public postsecondary educational institution boards shall be primarily responsible for compliance with law and state board rule." With this authorization, the Department of Education monitors each local school district's transportation safety compliance on a scheduled basis. District sponsors have a duty, in turn, to monitor charter schools [Section 1002.33(5)(b)], which includes assessing the compliance of charter schools with requirements relating to student transportation safety [Section 1002.33(16)(a)]. The charter agreement must include plans to ensure the safety of students and staff (Section 1002.33(7)(a)11.).

The Department's monitoring requires documentation of compliance with the following criteria:

School Bus Evacuation Drills:
Documentation was sufficient to confirm that all students (regular riders and non-riders that may ride occasionally) and all persons qualified to transport students participated in school bus emergency evacuation drills on buses serving the school during the first six weeks of each semester in accordance with law and rule (Rules 6A-3.0171(2)(e)1c, 6A-3.0171(2)(e)2d, 6A-3.0171(2)(e)3n, and 6A-3.0171(9)(f), FAC).

School Bus Loading Zones:
Supervision was provided and school bus loading zones were designed and located to minimize hazards to students. Vehicular traffic directional and warning signs were posted and traffic was monitored to ensure an orderly and safe flow (Sections 1006.21(1) and 1013.01, F.S.; Rules 6A-2.001, 6A-3.0171(2)(e)2b, 6A-3.0171(2)(e)2c, and 6A-3.0171(4)(b), FAC).

School Bus Operator Licensure / Qualifications:
All persons who drove school buses transporting district students met the requirements of law and State Board of Education rules related to licensure, training, qualifications, and requests for driving history records (Sections 1012.32, 1012.45, and 1012.465, F.S.; Rules 6A.3.0141, 6A-3.0151, and 6A-3.0171, FAC).

School Bus Inspection Records:
There was a system of record keeping verifying that all school buses were inspected in accordance with law and rule (Sections 1006.22(10), 1006.22(11), and 1006.25, F.S.; Rules 6A-3.0171(1) and 6A-3.0171(7)-(9), FAC).

School Bus Safety Inspections:
Physical inspections of school buses verified that the buses were inspected thoroughly by the district, contractor, or charter school and were maintained in safe operating condition (Sections 1006.22(10), 1006.22(11), and 1006.25, F.S.; and Rules 6A-3.0171(1), 6A-3.0171(7)-(8), 6A-3.0171(9)(a), 6A-3.0171(9)(d), and 6A-3.0171(9)(f), FAC).

Special Needs Transportation:
Documentation was sufficient to confirm that all operators and attendants transporting students with disabilities were provided the appropriate training to meet the students' needs based on the students' individual educational plans (IEPs), and the transportation services for each student were in compliance with his/her IEP. Observation and inspection confirmed that the school bus equipment used to meet each student's IEP was in compliance with the Florida School Bus Specifications, and the equipment was being used properly by the operators and/or attendants (Individuals with Disabilities Education Act, 34 CFR Parts 300.342(b)(2) 300.342(b)(3), 300.350(a)(1); Head Start Transportation Regulation, 45 CFR Part 1310; Section 1003.57, F.S.; National Highway Traffic Safety Administration's Guideline for the Safe Transportation of Preschool Age Students on School Buses; and National School Transportation Specifications and Procedures).

Although school district sponsors are required to monitor charter schools, the Department of Education also includes a sample of each district's charter schools within its monitoring visits, because, as stated previously, Section 1002.33(9), F.S., states, "A charter school shall meet all applicable state and local health, safety, and civil rights requirements," and subsection (20)(c) further states, "Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.e. of chapter 1006."

Appendix I provides the transportation monitoring work papers for the 2006-07 school year, including specific procedures for determining a charter school's compliance with the above safety criteria and legal requirements.

Additional Resources and Contacts

The Department of Education periodically publishes technical assistance memoranda on a range of issues, including student transportation. In order to receive automatic email notification of the publication of these materials, which are available through links to the Department of Education website, charter school representatives and other interested parties should sign up for the Department's Paperless Communications System. To sign up, go to http://www.fldoe.org (the Department's web site); under Shortcuts…Site Index, select "Paperless Comm." Users can then sign up to receive customized information and communications from any of the Department's program areas when new materials are published. Charter school representatives should sign up for the Transportation, Funding, and Charter Schools program areas in order to ensure they will receive critical notifications on transportation safety and funding topics.

Technical Assistance Notes (TANs) on a variety of transportation safety and funding topics, including those covered in this Guide, are available at:
http://info.fldoe.org/docushare/dsweb/View/Collection-100.

Additional information and resources on charter schools transportation are available upon request from the Department of Education by calling (850) 245-9795. These include:

- Sample school board policies on charter schools;
- Sample charter school applications;
- Sample agreements between sponsors and charter schools;
- Various Department of Education documents, including:

  Student Transportation Handbook (revised annually)
  Quality Links (Transportation Profiles, revised annually)
  Florida School Bus Specifications (revised biannually)
  Basic School Bus Operator Curriculum
  Florida School Bus Safety Inspection Manual
  Reporting Forms for School Bus Operator Physical Examinations

Student transportation associations and websites that offer information and guidance on student transportation best practices include:

Florida Association for Pupil Transportation (http://www.faptflorida.org)
National Association for Pupil Transportation (www.napt.org)
National Association of State Directors of Pupil Transportation Services (www.nasdpts.org)
National School Transportation Association (www.yellowbuses.org)
School Bus Fleet Magazine (www.schoolbusfleet.com)
School Transportation News (www.stnonline.com)