

Selected Pupil Transportation Sections Pennsylvania Public School Code of 1949

Excerpts from Article XIII PUPILS AND ATTENDANCE

24 PS 13-1361 When provided

(1) The board of school directors in any school district may, out of the funds of the district, provide for the free transportation of any resident pupil to and from the kindergarten, elementary school, or secondary school in which he is lawfully enrolled, provided that such school is not operated for profit and is located within the district boundaries or outside the district boundaries at a distance not exceeding ten miles by the nearest public highway, except that such ten-mile limit shall not apply to area vocational technical schools which regularly serve eligible district pupils or to special schools and classes approved by the Department of Education, and to and from any points within or without the Commonwealth in order to provide field trips for any purpose connected with the educational pursuits of the pupils. When provision is made by the board of school directors for the transportation of public school pupils to and from such schools or to and from any points within or without the Commonwealth in order to provide field trips as herein provided, the board of school directors shall also make identical provision for the free transportation of pupils who regularly attend nonpublic kindergarten, elementary and high schools not operated for profit to and from such schools or to and from any points within or without the Commonwealth in order to provide field trips as herein provided. Such transportation of pupils attending nonpublic schools shall be provided during regular school hours on such dates and periods that the nonpublic school not operated for profit is in regular session, according to the school calendar officially adopted by the directors of the same in accordance with provisions of law. The board of school directors shall provide such transportation whenever so required by any of the provisions of this act or of any other act of the Assembly.

(2) The board of school directors in any school district may, if the board deems it to the best interest of the school district, for the purposes of transporting pupils as required or authorized by any of the provisions of this act or any other act of the Assembly, appropriate funds for urban common carrier mass transportation purposes from current revenues to urban common carrier mass transportation authorities to assist the authorities to meet costs of operation, maintenance, capital improvements, and debt service. Said contributions shall not be subject to reimbursement by the Commonwealth of Pennsylvania.

(3) The State Board of Education shall adopt regulations, including qualification of school bus drivers, to govern the transportation of school pupils.

24 PS 13-1362 Kinds of transportation; liability insurance

The free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using either school conveyances, private conveyances, or electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school, in

addition to such transportation, does not exceed one and one-half (1 ½) miles, and when stations or other proper shelters are provided for the use of such pupils where needed, and when the highway, road, or traffic conditions are not such that walking constitutes a hazard to the safety of the child, as so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. All private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require.

24 PS 13-1365 Extra compensation for transporting pupils unlawful

(a) It shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district, or for any member of or board of school directors, to demand, request, or accept any compensation for transporting pupils, other than the compensation stipulated in the contract filed with and approved by the Department of Education.

24 PS 13-1366 Computation of distances

Where, by the terms of this act, or any other act, any distance is specified between the residence of any pupil and any public school to be attended by him, or any transportation is provided for within or beyond any particular distance, in computing such distance no allowance shall be made for the distance that the dwelling house of the pupil is situated off the public highway. All such distances shall be computed by the public highway from the nearest point where a private way or private road connects the dwelling house of the pupil with the highway to the nearest point where said highway touches the school grounds of the school to which the pupil has been assigned.

24 PS 13-1374 Free transportation or board and lodging

Any exceptional child, who is regularly enrolled in a special class that is approved by the Department of Education, or who is enrolled in a regular class in which approved educational provisions are made for him, may be furnished with free transportation by the school district. When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child. If free transportation or board and lodging is not furnished for any exceptional child or any eligible young child as defined in the act of December 19, 1990 (P.L.1372, No.212), known as the "Early Intervention Services System Act," who, by reason thereof, is unable to attend the class or center for which he is qualified, the intermediate unit shall provide the transportation necessary.

24 PS 17-1726-A Transportation to charter schools

(a) Students who attend a charter school located in their school district of residence, a regional charter school of which the school district is a part or a charter school located outside district boundaries at a distance not exceeding ten (10) miles by the nearest public highway shall be provided free transportation to the charter school by their school district of residence on such dates and periods that the charter school is in regular session whether or not transportation is provided on such dates and periods to students attending schools of the district. Transportation is not required for elementary students, including kindergarten students, residing within one and one-half (1.5) miles or for secondary students residing within two (2) miles of the nearest public highway from the charter school in which the students are enrolled unless the road or traffic conditions are such that walking constitutes a hazard to the safety of the students when so certified by the Department of Transportation, except that if the school district provides transportation to the public schools of the school district for elementary students, including kindergarten students, residing within one and one-half (1.5) miles or for secondary students residing within two (2) miles of the nearest public highway under non-hazardous conditions, transportation shall also be provided to charter schools under the same conditions. Districts providing transportation to a charter school outside the district and, for the 2007-2008 school year and each year thereafter, districts providing transportation to a charter school within the district, shall be eligible for payments under Section 2509.3 for each public school student transported.

(a.1) In addition to any other requirements in this section, school districts of the first class shall provide transportation to students who attend a charter school if they are the same age or are enrolled in the same grade, grades or their grade equivalents as any of the students of the school district for whom transportation is provided under any program or policy to the schools of the school district.

(b) In the event that the Secretary of Education determines that a school district is not providing the required transportation to students to the charter school, the Department of Education shall pay directly to the charter school funds for costs incurred in the transportation of its students. Payments to a charter school shall be determined in the following manner: for each eligible student transported, the charter school shall receive a payment equal to the total expenditures for transportation of the school district divided by the total number of school students transported by the school district under any program or policy.

(c) The department shall deduct the amount paid to the charter school under subsection (b) from any and all payments made to the district.

(d) A school district of the first class shall submit a copy of its current transportation policy to the department no later than August 1 of each year.

Excerpts from Article XXV REIMBURSEMENTS BY COMMONWEALTH AND
BETWEEN SCHOOL DISTRICTS

24 PS 25-2509.1 Payments to Intermediate Units

(a) Annually, before the first day of July, every intermediate unit shall submit, for prior review and approval by the Department of Education, an estimate of the cost for transportation of pupils to and from classes and schools for exceptional children, and of eligible young children to and from early intervention programs, whether or not such classes, school or programs are conducted by the intermediate unit. On or before the first day of September, the Commonwealth shall pay to the intermediate unit a sum equal to one-half of the approved annual cost of such transportation in the prior year and, on or before the first day of February, shall pay a sum equal to one-quarter of the approved estimated annual cost of such transportation for the current school year, and on or before June 30, the Commonwealth shall pay the remaining quarter adjusted to reflect actual approved cost.

24 PS 25-2509.3 Payments on account of transportation of nonpublic school pupils

Each school district, regardless of classification, shall be paid by the Commonwealth the sum of thirty-five dollars (\$35) for each nonpublic school pupil transported in the school year 1978-79 through the school year 1983-84. For the school year 1984-85 through the school year 1989-90, each school district shall be paid the sum of seventy dollars (\$70) for each nonpublic school pupil transported. For the school years 1990-1991 and 1991-1992, each school district shall be paid the sum of one hundred twenty-four dollars (\$124) for each nonpublic school pupil transported. For the school year 1992-1993 and the 1993-1994 school year, each school district shall be paid the sum of one hundred fifty-nine dollars (\$159) for each nonpublic school pupil transported. For the school year 1994-95 and the school year 1995-96, each school district shall be paid the sum of two hundred dollars (\$200) for each nonpublic school pupil transported. For the school year 1997-98 through the school year 2000-2001, each school district shall be paid the sum of two hundred eighty-five (\$285) for each nonpublic school pupil transported. For the school year 2001-2002 and each school year thereafter, each school district shall be paid the sum of three hundred eighty-five (\$385) for each nonpublic school pupil transported.

24 PS 25-2541 Payments on account of pupil transportation

(a) School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which, and the means and contracts providing for which, have been approved by the Department of Education, in the cases hereinafter enumerated, an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district's aid ratio. In determining the formula for the cost of approved reimbursable transportation, the Secretary of Education may prescribe the methods of determining approved mileages and the utilized passenger capacity of vehicles for reimbursement purposes. For the school year 1998-1999 and each school year

thereafter, any school entity which contracts with one or more school entities to provide pupil transportation services shall be reimbursed in accordance with the formula specified by the Department of Education for district-owned vehicles. In addition thereto, the Commonwealth shall pay to each district qualifying a payment for excessive cost of transportation, said amount to be determined by subtracting from the cost of the approved reimbursable transportation the sum of the Commonwealth transportation payment immediately above, plus the product of one half mill (0.0005) times the latest market value of the district as determined by the State Tax Equalization Board, provided such amount is not negative. In addition thereto, the Commonwealth shall pay to school districts which own their own vehicles, an annual depreciation charge of ten per centum (10%), to be calculated on the basis of the approved cost at which the district acquired the vehicle for which the depreciation is claimed. With respect to vehicles purchased prior to January 1, 1956, the number of depreciation payments shall be limited to ten such payments. With respect to vehicles purchased on or after January 1, 1956, the annual depreciation charge shall not exceed seven hundred dollars (\$700) for such vehicles. The number of annual depreciation charges shall be limited, so that the total amount of such payments shall not exceed the cost of the vehicle as approved by the Department of Education at the time of the purchase. In no case shall the Commonwealth pay, in depreciation charges, more than ten thousand five hundred dollars (\$10,500) for any one vehicle.

(c) Payments for pupil transportation on account of the school year 1979-1980 and every school year thereafter shall be made only in the following cases:

(1) To all school districts for the transportation to and from school of elementary school pupils including kindergarten pupils, residing one and one-half (1 ½) miles or more by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. Such elementary school pupils shall include nonresident children who are placed in the home of a resident, or who are residents of an orphanage, or home or children's home or other institution for the care and training of orphans or other children.

(2) To all school districts for the transportation to and from school of secondary school pupils residing two (2) or more miles by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. Such secondary school pupils shall include nonresident children who are placed in the home of a resident,

or who are residents of an orphanage, or home or children's home or other institution for the care and training of orphans or other children.

(4) To all school districts for the transportation of exceptional children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved education provisions are made for them.

(5) To all school districts for pupils transported to and from area technical schools.

(d) The Commonwealth shall reimburse the school districts for the school year 1973-74 and for each year thereafter for the approved reimbursable costs incurred in providing transportation under section 1361 for nonpublic school pupils and under section 1362 for hazardous conditions: Provided, however, that no district shall receive less than fifty percent (50%) of such approved reimbursable costs.

(e) School districts and intermediate units that provide transportation for any eligible young child as defined in section 2509.11 shall receive payments for this expense from funds appropriated under this section and section 2509.1.

(f) Effective for the 2007-2008 school year, any school district that is required to transport resident students of a distressed school district pursuant to section 1607.1(b) shall be reimbursed by the Commonwealth the additional sum of three hundred eighty-five dollars (\$385) for each student reassigned to a school district designated pursuant to section 1607.1(a)(1).

24 PS 25-2543 Sworn statement of amount expended for reimbursable transportation; payment; withholding

Annually, each school district entitled to reimbursement on account of pupil transportation shall provide in a format prescribed by the Secretary of Education, data pertaining to pupil transportation for the prior and current school year. Districts will receive a payment in August equal to ten percent (10%) of the transportation subsidy paid to that school district in the prior year. An additional twenty percent (20%) payment will be provided in the month following receipt of the prior year's data. A twenty-five percent (25%) payment will be forwarded in December to all school districts that have provided current year data. A payment in March will be calculated by totaling all current year transportation payments and subtracting that total from an amount equal to eighty percent (80%) of the projected total transportation reimbursement for the current year. The final payment will occur in June and be calculated by subtracting the total of the first four payments, and any other transportation subsidy adjustments necessary, from the actual current year's total transportation reimbursement. The Department of Education may, for cause specified by it, withhold such reimbursement, in any given case, permanently, or until the school district has complied with the law or regulations of the State Board of Education.