



December 6, 2019

TO: SISC Member Districts
FROM: Safety and Loss Control Staff
SUBJECT: Transporting Students

Whether it is home-to-school, field trips, or sporting events, how to transport students, and by whom, is an important consideration for district administrators.

School Buses

It is SISC's position that the best method of transporting students is with a yellow school bus, driven by a licensed school bus driver.

Districts and/or school transportation providers should be aware California law requires three-point seat belts on:

- (1) School buses manufactured on and after July 1, 2005, that carry more than 16 passengers; and
- (2) All other school buses manufactured on and after July 1, 2004.

California law encourages districts and/or school transportation providers to first allocate seat-belt equipped school buses for elementary school students whenever possible. The state cannot charge any person, school district, or organization with violating this law, if a passenger either does not fasten his or her seat belt, or does so improperly (California Vehicle Code §27316).

State regulations require school bus passengers to:

- (1) Use the seat belts; and
- (2) Be taught how to use them in an age-appropriate manner (California Code of Regulations, Title 5, §14105).

Every effort should be made to put a school bus driver behind the wheel of a vehicle that is transporting students. Licensed school bus drivers are subject to ongoing training and education that helps to make them the safest on the road. However, we recognize this is not always feasible so the remainder of this bulletin will explore the other available options. Districts should consider the utilization of aides on buses where circumstances warrant such use. Inappropriate and/or disruptive behavior by students on buses must be addressed.

Other Student Transportation Options:

Charter Bus

It is acceptable for district to use commercial charter services; however, the driver must either possess a California School Bus license, or be School Pupil Activity Bus (SPAB) certified. SISC also recommends you look up the carrier on the California Public Utilities Commission website at:

<http://www.cpuc.ca.gov/transportation/>

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A Joint Powers Authority administered by the Kern County Superintendent of Schools Office, Mary C. Barlow, Superintendent

15 Passenger Vans

The regulations governing the use of these vans changed several years ago and the current standard requires a Class B license (commercial license) and an endorsement for operating a passenger transportation vehicle.

The license requirement is based on the design of the vehicle, not the number of passengers being transported. A 15 passenger van cannot be modified to carry fewer passengers so as to avoid the licensing requirement.

10 Passenger Vans, Sport Utility Vehicles, and Passenger Vehicles

None of these vehicles require a commercial license to operate, regardless of whether they are used to transport students. It is important to note that some 12 passenger vans have been modified so as to reduce the capacity in order to allow a non-commercial license holder to operate the vehicle. This is a controversial issue that must be carefully considered by district administration. The issue involves the design of the vehicle, so the purchase of such vehicles should include factory designed or modified vans that reduce capacity. Districts should not modify vehicles on their own. Also, with this category care should be taken to ensure the vehicle is not being overloaded with passengers and gear. Heavy athletic gear can quickly overload a vehicle and effect vehicle handling.

Only properly trained and licensed school employees should operate district-owned vehicles. These employees should also be evaluated and held to behind-the-wheel proficiency standards. Districts should consult their bus driver instructors/trainers to create and/or deliver training for all school employees who may transport students.

Parent and Volunteer Drivers

We recommend that district administrators not allow parents or other volunteers to operate school-owned vehicles. However, it is becoming more common for districts to utilize the help of parents or other volunteers to provide student transportation, especially on field trips or sporting events. This is usually achieved either by the coordination of district personnel or individually by parents.

How volunteer transportation is coordinated will determine what insurance policies come into play. The way to establish the greatest level of protection for the district is to not provide transportation or to coordinate transportation to an event. For example, if the band has a scheduled competition, and the students are told the location and informed that transportation will not be provided, then the parents are responsible to coordinate the transportation of their children to the event. Under this scenario, the district should not have liability for any incident that occurs en route to the competition.

However, if in the same circumstance the band director coordinates several parents to transport the students, assigning students to volunteer drivers in order to ensure everyone has transportation, then an argument can be made that the district has assumed liability for this trip. This is not necessarily prohibited, but district administrators must realize that such drivers will likely be deemed volunteers of the district, thereby covered under the workers' compensation and liability insurance of the district.

In addition, the district can become liable for the actions of its volunteers. **This means that all volunteer drivers must be fingerprinted and processed at the same level as district employees.** A current "H6" DMV printout must also be on file with the district. Ensuring that such drivers have adequate levels of insurance is also important.

Vehicles that are not owned by the district, but used for district business are covered by SISC as non-owned autos. The SISC coverage is secondary to the insurance of the vehicle owner.

Utilizing volunteer drivers can be very problematic and district administrators should be wary of this practice, especially if there is not someone specifically assigned to the task of coordinating, reviewing, and approving these drivers, as well as coordinating parent consent regarding private transportation. If volunteer drivers will be utilized and coordinated by the district, the *Transportation for School-Related Trips – Driver Registration form* <http://sisc.kern.org/wp-content/uploads/sites/19/2007/07/Driver-Registration-Form.pdf> should be completed and kept on file.

Vehicle and Driver Matching

