

Charter Schools and Transportation Safety

North Carolina Department of Public Instruction

Division of School Support

Transportation Services

WWW.NCBUSSAFETY.ORG

The purpose of this document is to assist North Carolina charter schools in ensuring student safety when providing transportation – either to- and from-school or for school-related activities. This document describes information on the safety-related transportation requirements for LEAs. It highlights the safety-related laws and policies but does not include every requirement. For a full list, go to www.ncbussafety.org and review the **Laws and Policies** section.

While much of the law specifically references a “local school administrative unit” and charter schools do not fall into that category, charter schools are required to meet the health and safety requirements of a local school administrative unit. Even with charter schools being autonomous and flexible entities, student safety should be a priority. If charter schools provide transportation, vehicle inspections and other practices described below are ways to maximize student safety.

1. Background - Charter Schools and Transportation

Transportation for charter school students is addressed in G.S. 115C-238.29F. While transportation is not required, each charter school must have a transportation plan to ensure that transportation is not a barrier to attendance for students living within the same LEA.

In a spring 2015 survey of about 150 schools, 64 schools reported that they operate at list one school bus or activity bus, with a total of 368 buses owned by charter schools. This does not include buses used for charter school transportation on a contract basis.

§ 115C-238.29F. Charter School General requirements.

(h) Transportation. – *The charter school may provide transportation for students enrolled at the school. The charter school shall develop a transportation plan so that transportation is not a barrier to any student who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. At the request of the charter school and if the local board of the local school administrative unit in which the charter school is located operates a school bus system, then that local board may contract with the charter school to provide transportation in accordance with the charter school's transportation plan to students who reside in the local school administrative unit and who reside at least one and one-half miles of the charter school. A local board may charge the charter school a reasonable charge that is sufficient to cover the cost of providing this transportation. Furthermore, a local board may refuse to provide transportation under this subsection if it demonstrates there is no available space on buses it intends to operate during the term of the contract or it would not be practically feasible to provide this transportation.*

2. Charter Schools and State Laws / Rules

One of the attractions of Charter Schools is the autonomy from most state regulation.

§ 115C-238.29E. Charter school operation.

(f) *Except as provided in this Part and pursuant to the provisions of its charter, a charter school is **exempt from statutes and rules** applicable to a local board of education or local school administrative unit. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 4.)*

The exception is that charter schools **must** meet the same health and safety requirements as LEAs.

§ 115C-238.29F. General requirements.

(a) *Health and Safety Standards. – A charter school shall meet the same health and safety requirements required of a local school administrative unit.*

There are a number of transportation laws / policies that relate to student safety and will be described below

3. Purchasing a School Bus

North Carolina LEAs purchase the initial school bus and are allowed to use school buses only for instructional trips – going to and from school. (Any instructional trip – such as a field trip to the museum – that is not to-from school requires a reimbursement from the LEA to the state on a per-mile basis. After 250,000 miles or 20 years – whichever comes first – the bus is eligible for replacement by a new bus at state expense. A charter school that purchases a new bus and wants to have it placed on the state replacement program under these conditions should contact DPI Transportation Services for additional information.

Most charter schools do not have the fiscal resources to purchase a new school bus, so many rely on purchasing used school buses. State law does not require that a school bus operated by a charter school meet the exact specifications set forth by the State Board of Education. Motor vehicle law requires flashing red lights, a stop sign, SCHOOL BUS labelling on front and back as well as being colored primarily yellow below the roof line and charter schools must comply with these requirements if making passenger stops on North Carolina roadways. We strongly encourage the use of a crossing control arm on the front bumper that keeps students from crossing too close to the front of the bus.

When purchasing a used North Carolina Public Schools bus, the charter school should consider the following information:

- School buses are listed for sale at www.ncbussafety.org under Used Vehicles for Sale.
- Quantity discounts are often available when purchasing two or more buses. Information on quantity discounts can be seen at www.ncbussafety.org/QuantityDiscounts.html.
- When purchasing a single school bus, charter schools receive a \$500 discount.
- Any purchase should be made only after consulting a trusted diesel mechanic.
- Any purchase should be made only after consulting the transportation staff at the LEA where the bus was previously in service.
- All surplus school bus sales are as-is, no warranty.

4. School Bus Drivers

Driving a school bus or activity bus with capacity of 16 or more (including the driver) requires a Commercial Driver's License and a P (passenger) and S (school bus) endorsement. These can be obtained by going through training offered by the Division of Motor Vehicles, School Bus and Traffic Safety section. Classes are usually held at the LEA transportation facility or central office. All school bus drivers (whether public, private or charter school) must obtain this license and a school bus driver's certificate. More information is available at <http://www.ncbussafety.org/BusDrivers.html>.

5. Why Not to Use 12-15 Passenger Vans

According to federal definitions, any vehicle built to transport 11 or more passengers (including the driver) is considered a bus. When that bus is used to transport students to school or school-related events, that bus is classified as a school bus.

School buses must meet stringent federal construction standards for things like rollover protection, fuel system integrity, side impact strength and more. It is a violation of federal law to buy, sell or lease a SCHOOL BUS that does not meet these safety standards.

So, even though federal law does not address the USE of such a vehicle, it naturally places the school "out on a limb" from a liability perspective if it uses a vehicle that it could not legally purchase.

4. Public School Laws and SBE Policy Dealing with School Bus Safety

- a. Bus Inspections G.S. 115C-248 is a law that requires the inspection of school buses and activity buses every thirty days. The driver is required to report to the principal who reports to the superintendent if any defects are found such that the school bus should not be operated. To meet the student safety requirement of this law, charter schools should consider a similar inspection regimen.

§ 115C-248. Inspection of school buses and activity buses; report of defects by drivers; discontinuing use until defects remedied.

(a) *The superintendent of each local school administrative unit, shall cause each school bus owned or operated by such local school administrative unit to be inspected at least once each 30 days during the school year for mechanical defects, or other defects which may affect the **safe** operation of such bus.*

(b) *It shall be the duty of the driver of each school bus to report promptly to the principal of the school, to which such bus is assigned, any mechanical defect or other defect which may affect the **safe** operation of the bus when such defect comes to the attention of the driver, and the principal shall thereupon report such defect to the superintendent of the local school administrative unit. It shall be the duty of the superintendent of the local school administrative unit to cause any and all such defects to be corrected promptly.*

(c) *If any school bus is found by the principal of the school, to which it is assigned, or by the superintendent of the local school administrative unit, to be so defective that the bus may not be operated with reasonable **safety**, it shall be the duty of such principal or superintendent to*

cause the use of such bus to be discontinued until such defect is remedied, in which event the principal of the school, to which such bus is assigned, may permit the use of a different bus assigned to such school in the transportation of the pupils and employees assigned to the bus found to be defective.

*(d) The superintendent of each local school administrative unit, shall cause each activity bus which is used for the transportation of students by such local school administrative unit or any public school system therein to be inspected for mechanical defects, or other defects which may affect the **safe** operation of such activity bus, at the same time and in the same way and manner as the regular public school buses for the normal transportation of public school pupils are inspected.....”*

Supplementing this law is SBE Policy TCS-H-005 - Policy regarding Preventive Maintenance and Vehicle Replacement Manual (The “Fleet Manual” – www.ncbussafety.org/manuals). The Fleet Manual details specific procedures and criteria for us in inspecting buses. In general, items inspected fall into one of two categories:

- i. School bus components directly related to safety (e.g. lights, stop sign, seats, tires). Defects in these areas, if serious enough, can result in a situation where the bus is “parked” until repairs are made. Inspectors are required to place such a bus out of service – as indicated in the manual.
- ii. School bus components impacting the longevity of the bus, protecting the capital investment (e.g. oil leaks, body damage). There are also “out of service” criteria in this category which, while not directly related to student safety are related to keeping the vehicle functioning.

Regular inspections can head off deteriorating conditions that may result in a bus being “parked.” This is especially important when there are a limited number of spare buses available.

Finally, a personnel training requirement exists in SBE policy. Charter schools are encouraged to send employees or contracted maintenance staff to classes leading to this certification.

TCS-H-011 - Policies governing School Bus and Activity Bus Inspections

LEAs shall require each 30-day inspection required under G.S. 115C-248 to be conducted by an individual who has completed the training and certification requirements administered by the Department of Public Instruction.

Certification is achieved through a written test based on the school bus inspection portion of the Fleet Manual referenced above. Classes are conducted by DPI Transportation Services and are open to personnel from LEAs as well as charter schools and DPI’s residential schools. A procedural video is available on-line and upon request in DVD format. The web page for the inspection certification process is www.ncbussafety.org/BICert

- b. Safety Training and Seating for Passengers. SBE Policy TCS-H-006 Policy governing school bus passengers deals with several safety-related topics, each of which is self-explanatory. The first is a requirement that students receive

safety instruction during the first five days of school. The second is that seating be provided for all passengers. Thirdly, school bus drivers must use the North Carolina crossing signal for students that must cross the road when boarding or exiting the bus. Finally, students on activity trips – either on activity buses or charter buses – should receive safety instruction, including information about emergency exits on the vehicle being used.

TCS-H-006 - Policies governing School Bus and Activity Bus Passenger Safety
SCHOOL BUS AND ACTIVITY BUS PASSENGER SAFETY

This policy is effective January 1, 2016.

(a) LEAs shall provide instruction in school bus safety to all children (regardless of whether they regularly ride a school bus to and from school) during the first five days of school and at least once during each semester thereafter. LEAs shall document the date on which training was provided to each student.

This instruction shall include but not be limited to:

- (1) basic skills and knowledge vital to safety in school bus transportation;*
- (2) proper loading techniques, including street crossing at the bus stop and the North Carolina crossing signal ; and*
- (3) instruction as needed to ensure that passengers are familiar with location and operation of emergency exits for the vehicle on which they are riding for any specific trip.*

(b) LEAs shall adhere to the following when assigning pupils to school buses, activity buses, commercial buses, or other contracted vehicles.

- (1) LEAs shall not allow the number of passengers being transported to exceed the official rated capacity for the specific vehicle being used.*
- (2) LEAs shall ensure that all riders are seated completely within the seating compartment, when any bus or other vehicle is in motion.*
- (3) LEAs shall ensure that no person is standing or sitting in the aisle or stepwell when any bus or other vehicle is in motion.*

(c) LEAs shall require school bus drivers to utilize the North Carolina crossing signal to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus. The Department of Public Instruction shall develop and make available training materials describing the crossing signal for students and school bus drivers.

(d) LEAs shall also provide safety instruction to students taking trips on activity buses or commercial buses as needed, including but not limited to instruction and demonstration of emergency exit operation for the vehicle on which they are riding for any specific trip.

- c. Activity Bus Drivers SBE Policy TCS-H-010 requires drivers of activity buses to also go through the DMV class for school bus drivers and earn a school bus driver's certificate. The purpose of this policy is to ensure that anyone transporting students has been through appropriate training for the type of vehicle they are driving.

Beginning July 1, 2010, LEAs shall require individuals being initially licensed with a CDL-P/S, who transport students to or from a school-related activity in a CDL Activity Bus, to also hold a school bus driver's certificate.

Beginning July 1, 2015, LEAs shall not permit any individual to transport students in a CDL Activity Bus unless he or she holds both a CDL-P/S license and valid school bus driver's certificate.

There is about a week of classroom training required by DMV, along with another week behind-the-wheel.

- d. Contracted Motor coach Transportation for School-Related Activities SBE Policy TCS-H-009 requires LEAs to adopt policies related to their contracting practices for activity trips via motor coach. Trips must only be taken using motor coach companies on a pre-approved list. Charter school boards should likewise adopt policies for maintaining an approved list of activity trip transportation providers from which teachers or other staff may choose when scheduling activity trips.

SBE Policy TCS-H-009 Policies governing LEA rules and regulations related to charter transportation for school-related events and activities.

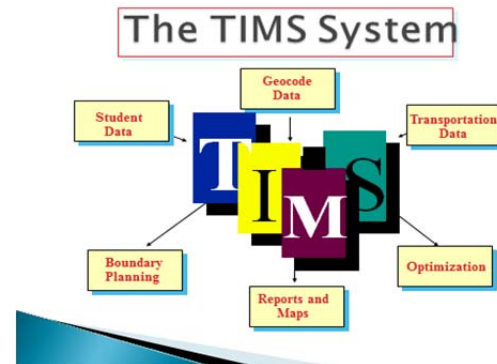
1. *LEAs shall adopt safety standards for contracted transportation services to assure the safety of students being transported to or from school-related activities.*
2. *LEAs shall maintain a list (Approved List) of companies or individuals that meet its safety standards for transportation services for school-related activities.*
3. *LEAs shall contract for transportation services for school-related activities only with companies or individuals on the Approved List.*
4. *When adopting safety standards pursuant to this rule, LEAs shall consider the Recommended Guidelines and Procedures developed by the School Charter Transportation Safety Committee.*
5. *The LEA's safety standards shall include the following procedures:*
 - a. *Procedures for development of the Approved List of transportation providers;*
 - b. *Procedures for ensuring that a contract for any trip is made only with companies on the Approved List;*
 - c. *Procedures to assure that the number of vehicles and drivers for the trip is sufficient to assure the safety of the students being transported;*
 - d. *Procedures to provide safety and evacuation training to all students prior to any trip; and, Any other procedures that the LEA deems reasonable to assure the safety of students being transported to or from school related activities.*
6. *If an LEA adopts safety standards that conflict with or are less stringent than the Recommended Guidelines and Procedures developed by the School Charter Transportation Safety Committee, the LEA's standards shall note those differences and state the reasons the LEA is adopting the different standard.*
7. *LEAs may enter into interlocal cooperation agreements under Chapter 160A, Article 20, to develop the required safety standards or lists of companies or individuals approved to provide transportation services or to contract for transportation services for school related activities.*



TIMS and Charter Schools

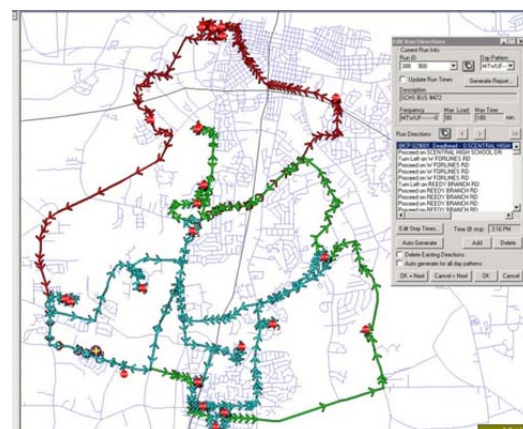
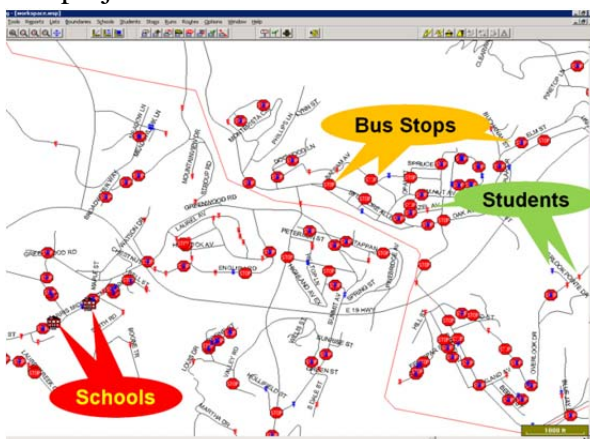
NC Department of Public Instruction
Transportation Services

The Transportation Information Management System (TIMS) is a system of computer-assisted school bus routing and scheduling to help school districts manage school transportation operations and to provide tools to identify and implement efficient routing strategies. TIMS is implemented through a unique collaboration between the UNC Charlotte Urban Institute, The North Carolina Department of Public Instruction (NCDPI) and the Institute for Transportation Research and Education (ITRE) at North Carolina State University. It is an ongoing statewide project that concentrates on maintaining and improving upon efficiency in school bus transportation at the district level. By maintaining student, transportation and street network data at the local level, district personnel have access to the most accurate and current information available. TIMS Support Staff at NCSU and UNC Charlotte provide daily software and technical support to individual TIMS data managers across the state. An effective use of TIMS ensures a school bus routing plan that focuses on efficiency while maintaining student safety.



Software for TIMS is provided by Education Logistics, Inc. (Edulog) of Missoula, MT and is licensed to Local Education Agencies in North Carolina under an agreement initiated in the mid-1980's. Since that time, the license has been upgraded to include advanced capabilities, but it remains licensed for use in the 115 LEAs. Stemming from terms of the initial agreement, North Carolina is responsible for its own implementation, training and support.

Edulog offers the same "North Carolina" license to charter schools in North Carolina for a one time license fee of \$1000. The charter school would need to contract with UNC-Charlotte's Urban Institute for implementation, training and support. UNCC can also host the system on their server, for an additional yearly fee rather than the school having to purchase a server for this project.



A. Summary of TIMS Services provided by the UNC Charlotte Urban Institute

1. Initial Setup – items include:
 - County map(s) obtained from the county LEA. TIMS database and customized for use by the charter school.
 - Software loaded on the charter school's server; or, access granted to the UNCC server for an additional fee.
 - Initial load of student data.
2. Telephone/helpdesk support for software or data issues, attendance at the annual series of TIMS training workshops held at UNC Charlotte
Items Included:
 - Unlimited telephone support to the Charter Schools' transportation staff.
 - Ongoing data (map) work to include map updates and corrections as needed. Edits and corrections to be sent to the Institute in format requested. Note: Student data is updated by the school, downloaded from NCWISE / PowerSchool.
 - Classroom Training – to include free registration for the ongoing series of TIMS training workshops at UNC Charlotte or (subject to availability) the Institute for Transportation Research and Education (ITRE) at N.C. State University. Participation for up to 2 persons in up to 3 regularly scheduled TIMS/Edulog workshop seminars. These are limited in seating and filled on a first-come first-serve basis.
3. Consulting and Customized Training
Items included:
 - Up to, but not exceeding 5 training/consulting days during contract period.
 - Training to cover areas of TIMS software as requested by the Charter School. Dates of visit(s) to be mutually agreed upon by the Institute and the Charter School. This may take place at UNC Charlotte, or at the school, NCSU or another mutually acceptable location. Charter School will be responsible for travel costs at locations away from UNC Charlotte.

B. Estimated Costs to the Charter School (Plus University Administrative Fee of 15%)

1. One-Time Software License fee paid directly to Edulog (\$1000)
2. One-Time Fixed Setup and Hosting Fee
A one-time fixed setup and hosting fee of \$1500 will be due upon initial agreement ; for future years should the charter school want UNC Charlotte Urban Institute to host the data, a \$500 fee will be charged, payable upon renewal of agreement for the next year of the contract.
3. Telephone Support, continuing data work, attendance at the annual series of TIMS/Edulog workshops and up to 5 days consulting.
Fixed fee of \$1500 annually.
4. Consulting and Customized Training
Additional, specialized consulting costs are available for \$500 per day per Institute staff person plus expenses. This will be for Institute staff time spent with the Charter School's personnel at UNC Charlotte or other designated location.

Charter Schools must sign up no later than April 1 of the current school year to be able to generate school bus routes for the opening of school in the fall.