

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

Note: The following optional administrative regulation should be revised to reflect district practice.

Education Code 35330 authorizes the district to provide transportation to and from places in the state, any other state, the District of Columbia, or a foreign country; however, districts will not receive state transportation allowances for field trips or excursions to out-of-state destinations. Requirements for trip approval and/or any Governing Board limitations on travel destinations are addressed at BP/AR 6153 - School-Sponsored Trips.

The district may provide transportation for students, employees, and other individuals for field trips and other school-related trips approved according to Board policy and administrative regulation.

(cf. 3312.2 - Educational Travel Program Contracts)
(cf. 3540 - Transportation)
(cf. 3541 - Transportation Routes and Services)
(cf. 6153 - School-Sponsored Trips)

Note: Pursuant to Education Code 35330, the district may provide or contract for transportation for school-related trips. Public Utilities Code 5384.2 clarifies that school districts and schools are not liable for transportation services provided by a charter-party carrier, as defined in Vehicle Code 545, for which the district has not contracted, arranged, or otherwise provided. Examples of charter-party carriers include stretch Hummers or sport utility vehicles transporting up to 25 students to prom.

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip. He/she may authorize the use of district vehicles, contract to provide transportation, or arrange transportation by the use of other vehicles.

Note: Pursuant to Education Code 35330, the district must secure sufficient liability insurance when field trips or excursions involve transportation by district vehicles. If travel is to and from a foreign country, liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country.

The Superintendent or designee shall ensure that the district or contractor has sufficient liability insurance for transportation on school-related trips.

(cf. 3530 - Risk Management/Insurance)

When district transportation is provided, students may be released from using district transportation only with the advance written permission of their parents/guardians.

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Governing Board.

(cf. 1230 - School-Connected Organizations)

TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)

Transportation by Private Vehicle

Note: Options 1 and 2 below relate to the use of private vehicles for field trip transportation. Districts are advised to consult legal counsel regarding potential liability when private vehicles are used.

OPTION 1: (No private vehicles)

Private vehicles shall not be used to provide transportation for school-related trips.

Note: The remainder of this section is for use by districts that allow private vehicles to be used to provide transportation for school-related trips and may be revised to reflect district practice, including changing the age requirement for drivers, allowing only school employees and parents/guardians to serve as drivers, and/or increasing the amount of liability insurance required beyond the legal minimum.

According to the California Department of Motor Vehicles (DMV), nonresidents on active military duty in California must have either a California driver's license or a valid driver's license from their state of residence. Vehicle Code 12814.6 provides that any person under age 18, during the first 12 months of issuance of a provisional license, cannot transport individuals under age 20. Districts may contact the DMV to determine if a driver has a record of reckless driving. Sample driver registration and instruction forms are provided in the accompanying exhibits.

OPTION 2: (Private vehicles allowed)

Use this

The Superintendent or designee may authorize the transportation of students by private vehicle when the vehicle is driven by an adult age 21 or older who possesses a valid California driver's license or, if he/she is a nonresident on active military duty in California, possesses a valid license from his/her state of residence. To be approved, a driver shall have a good driving record and possess at least the minimum insurance required by law. Any person providing transportation to district students in a private vehicle shall register with the district for such purposes.

(cf. 1240 - Volunteer Assistance)

Drivers shall receive safety and emergency instructions which shall be kept in their vehicle.

All student passengers shall submit permission slips signed by their parents/guardians. Teachers shall ensure that each driver has a copy of the permission slip for each student riding in his/her vehicle.

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall ensure that the manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)

The driver or any other person shall not smoke or have in his/her immediate possession a lighted pipe, cigar, or cigarette containing tobacco or any other plant when there is a minor in the motor vehicle, whether the motor vehicle is in motion or at rest. (Health and Safety Code 118948)

Passenger Restraint Systems

Note: The following section is for use only by districts that selected Option 2 above, thereby allowing the use of private vehicles as transportation for school-related trips.

All drivers shall wear safety belts and shall ensure that all passengers are properly secured in seat belts or child passenger restraint systems in accordance with law. (Vehicle Code 27315, 27360, 27360.5, 27363)

Note: SB 929 (Ch. 474, Statutes of 2011) amended Vehicle Code 27360 and 27363 to revise the age and height requirements for children to be secured in a rear seat in an appropriate child passenger restraint system.

A child who is under age 8 years shall be properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards, except under any of the following circumstances: (Vehicle Code 27360, 27363)

1. The child is four feet nine inches or taller, in which case a safety belt may be used.
2. Use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size and an appropriate special needs child passenger restraint system is not available.
3. There is no rear seat, the rear seats are side-facing jump seats or rear-facing seats, the child passenger restraint system cannot be installed properly in the rear seat, all rear seats are already occupied by children under age 8 years, or medical reasons necessitate that the child not ride in the rear seat.
4. The child is otherwise exempted by law.

Legal Reference: (see next page)

TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)

Legal Reference:

EDUCATION CODE

- 35330 Excursions and field trips
- 35332 Transportation by air
- 39830 School bus
- 39830.1 School pupil activity bus
- 39860 Transportation to special activities by district
- 44808 Liability when students not on school property

HEALTH AND SAFETY CODE

- 118947-118949 Prohibition against smoking in motor vehicle with minor

PUBLIC UTILITIES CODE

- 5384.2 District not liable for charter-party carrier

VEHICLE CODE

- 545 School bus, definition
- 12814.6 Limitations of provisional driver's license
- 27315 Mandatory use of seat belts in private passenger vehicles
- 27360-27360.5 Child passenger restraint systems
- 27363 Child passenger restraint systems, exemptions

Management Resources:

WEB SITES

- California Department of Motor Vehicles: <http://www.dmv.ca.gov>
- California Highway Patrol: <http://www.chp.ca.gov>
- California Office of Traffic Safety: <http://www.ots.ca.gov>
- National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>