

CHAPTER 23. PUPIL TRANSPORTATION

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Authority

The provisions of this Chapter 23 issued under section 408.1 of The Administrative Code of 1929 (71 P. S. §§ 118.1), unless otherwise noted.

Source

The provisions of this Chapter 23 adopted April 21, 1972, effective July 1, 1972, 2 Pa.B. 727, unless otherwise noted.

GENERAL PROVISIONS

§ 23.1. Compliance with regulations.

School districts furnishing pupil transportation service shall comply with the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702), 75 Pa.C.S. §§ 101—9701 (relating to Vehicle Code), regulations adopted by the Board and regulations

of the Bureau of Motor Vehicles of the Department of Transportation of the Commonwealth (67 Pa. Code Chapters 71 and 171 (relating to school bus drivers; and school buses and school vehicles)).

Source

The provisions of this § 23.1 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursement payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (21513).

§ 23.2. Approval of means of pupil transportation.

The means of pupil transportation to and from school, whether furnished by school conveyances, private conveyances or common carriers, and contracts and agreements relating thereto, shall be subject to approval by the Department.

Source

The provisions of this § 23.2 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453. Immediately preceding text appears at serial page (7369).

§ 23.3. Exceptional pupils, kindergarten pupils, and vocational-technical pupils.

Insofar as it is feasible, transportation for exceptional pupils, kindergarten pupils and area vocational-technical school pupils shall be integrated with regular transportation service.

Source

The provisions of this § 23.3 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453. Immediately preceding text appears at serial page (7369).

§ 23.4. Responsibilities of the district board of school directors.

The board of directors of a school district is responsible for all aspects of pupil transportation programs, including the following:

- (1) The selection of means of transportation in conformance with the law and regulations.
- (2) The selection and approval of appropriate vehicles for use in district service and eligible operators who qualify under the law and regulations.
- (3) The establishment of routes, schedules and loading zones which comply with laws and regulations, together with a provision of planned instruction for school bus drivers serving in the district.
- (4) The adoption of policies and establishment of criteria and procedures governing:
 - (i) The eligibility of resident pupils for free transportation services.

(ii) The discipline related to transportation for both public and nonpublic school pupils.

(iii) Field trips, including the number of chaperons and whether the chaperons may be accompanied on field trips by their minor children.

(5) The furnishing of rosters of pupils to be transported on each school bus run and trip.

(6) The maintenance of a record of pupils transported to and from school, including determination of pupils' distances from home to pertinent school bus loading zones.

(7) The negotiation and execution of contracts or agreements with contractors, drivers of district's vehicles and common carriers and submission of pertinent documents to the Department for approval of operation.

(8) Assuring that vehicles used in transporting pupils have adequate public liability insurance coverage.

Source

The provisions of this § 23.4 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial pages (21513) and (14007).

Notes of Decisions

Intermediate Units

Intermediate units have boards of directors distinct from those of school districts and are not subject to the regulations regarding mandatory public liability insurance. *Kaufman v. Central Susquehanna Intermediate Unit No. 16*, 601 A.2d 412 (Pa. Cmwlth. 1991).

§ 23.5. Shared use of the same vehicle.

If two or more school districts or administrative units share the same vehicle in providing pupil transportation, the basic annual allowance per vehicle shall be prorated to each district or administrative unit in accordance with annual pupil miles of service rendered to that individual district.

Source

The provisions of this § 23.5 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (14006).

§ 23.6. Authorized passengers.

Only eligible pupils and school personnel authorized by the board of school directors shall be transported on the school bus while engaged in transporting pupils. The board of school directors also may authorize vehicle drivers to be

accompanied by their minor children. The board of school directors also may authorize eligible pupils to be accompanied by their minor children to facilitate the eligible pupils' attendance at school.

Source

The provisions of this § 23.6 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial pages (6850) and (7370).

§ 23.7. [Reserved].

Source

The provisions of this § 23.7 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; reserved August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (14006).

§ 23.8. [Reserved].

Source

The provisions of this § 23.8 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; reserved August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (21514).

§ 23.21. [Reserved].

Source

The provisions of this § 23.21 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; reserved August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (34891).

§ 23.22. [Reserved].

Source

The provisions of this § 23.22 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; reserved August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (34891).

REIMBURSEMENT OF COSTS**§ 23.31. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Administrative unit—A school district, intermediate unit or area vocational technical school.

Age of a vehicle—The remainder determined by subtracting the year of manufacture of the chassis from the calendar year in which the school term of usage ends.

Approved annual mileage—The product of the approved daily mileage times the number of days in the school term on which transportation to and from school was provided on the designated vehicle.

Approved daily mileage—ileage which the vehicle travels daily in transporting pupils to and from school, as approved by the Department, but the number of miles approved without passengers shall not exceed the number of miles with passengers.

One-way trip fares—The agreed upon rate per pupil for a specified distance or area.

Utilized passenger capacity miles—The product of the utilized passenger capacity times the approved annual mileage of the vehicle in transportation of pupils to and from school.

Utilized passenger capacity of vehicle—The greatest number of pupils transported to or from school on a run. This figure may not exceed the approved passenger capacity of the vehicle. If the seating capacity of a vehicle is permanently reduced to accommodate transportation of certain exceptional pupils, the equivalent utilized capacity of the vehicle may be used in computing maximum allowable costs for reimbursement purposes upon submission of evidence justifying eligibility for the equalization being granted.

Source

The provisions of this § 23.31 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 727; amended June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended December 23, 1977, effective December 24, 1977, 7 Pa.B. 3925; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial pages (34891) to (34892).

§ 23.32. Submission of claims to the Department.

(a) Sworn statements of claims for reimbursement shall be submitted to the Department on the prescribed forms furnished for that purpose.

(b) Claims for reimbursement shall cover allowable district expenditures for approved pupil transportation, or for lodging provided in lieu of transportation, during the preceding year.

Source

The provisions of this § 23.32 adopted June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (34892).

§ 23.33. Regular reimbursement.

Regular reimbursement shall be determined by multiplying the approved reimbursable costs of approved reimbursable pupil transportation expended during the preceding year times the applicable aid ratio of the school district. In determining approved reimbursable costs, maximum allowable costs are subject to a prorated reduction on the basis of cost per utilized passenger capacity mile for those pupils for whom transportation reimbursement is not authorized by law. In addition, depreciation payments are made to qualifying school districts.

Source

The provisions of this § 23.33 adopted June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (21517).

§ 23.34. Transportation furnished on a fare base.

Maximum allowable costs for reimbursement purposes shall be determined by multiplying the number of one-way trip fares paid for qualifying pupils transported to and from school in accordance with the approved agreement times the approved rate per one-way trip fare.

Source

The provisions of this § 23.34 adopted June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and to reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (21517).

§ 23.35. Transportation by contract.

(a) To compute the maximum allowable costs for reimbursement purposes, the allowable amount shall be determined by adding together the items covered in subsection (b) if they are applicable. The maximum allowable costs per contractor exceed the amount paid to the contractor under the terms of the approved written contract.

(b) The maximum allowable costs for reimbursement are the sum of the amounts determined in accordance with the following:

- (1) A basic annual allowance per vehicle shall be computed as follows:

(i) For each vehicle approved and used in pupil transportation both to and from school during the full school term under an approved contract, an allowance of \$540 shall be made except that for vehicles with an approved rated pupil capacity of ten or less, the allowance shall be \$360. Each qualifying vehicle shall be allotted an additional amount determined by multiplying the approved rated pupil capacity of the vehicle times \$20 if the vehicle is from 1 to 3 years of age; times \$18 if the vehicle is from 4 to 6 years of age; times \$16 if the vehicle is from 7 to 10 years of age; and times \$12 if the vehicle is 11 years of age or over.

(ii) If a vehicle is used daily only for transportation either to school or from school, the basic annual allowance shall be reduced by 50 percent. If a vehicle is used less than the full school term, the basic annual allowance shall be prorated in accordance with the fractional part of the term the vehicle was in usage.

(iii) If the approved mileage which a vehicle travels daily in transporting pupils to and from school is less than 20 miles, the basic allowance shall be reduced to the amount determined by multiplying the basic allowance times a fraction in which the numerator is the number of approved miles the vehicle travels daily and the denominator is 20.

(2) The mileage allowance for reimbursement purposes shall be computed by multiplying the approved annual mileage to and from school during the school term times 23¢.

(3) The utilized passenger capacity miles allowance for reimbursement purposes shall be determined by multiplying the approved utilized passenger capacity miles of service to and from school provided during the school term times \$3.50 per thousand or fraction thereof.

(4) When heavily congested traffic conditions or driver layover time for economy in operation requires for a specified vehicle in the district program of pupil transportation a greater number of driver hours than the quotient of the total annual mileage for approved transportation to and from school divided by 15 miles, the district may qualify for an additional allowance for excess driver hours subject to approval by the Department. School districts requesting an allowance for excess driver hours shall submit with their request for reimbursement a written justification and supporting evidence of entitlement for this allowance to the Department for review, evaluation and approval of the number of excess hours allowable for reimbursement purposes, if any. The additional amount, if any, allowable for reimbursement purposes on account of approved excess driver hours shall be computed by multiplying the number of excess driver hours approved by the Department times \$3.

(c) Approved reimbursable costs of approved reimbursable pupil transportation provided by contract shall be computed by multiplying the maximum allowable costs for reimbursement in subsection (b) by the cost index in § 23.39 (relating to adjustments).

Source

The provisions of this § 23.35 adopted June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial pages (21517) to (21518).

Cross References

This section cited in 22 Pa. Code § 23.36 (relating to transportation by district owned equipment).

§ 23.36. Transportation by district-owned equipment.

(a) The maximum allowable costs for reimbursement, other than depreciation, shall be determined by adding together the amounts determined in subsection (b). Maximum allowable costs for reimbursement for a school year may not exceed the amount reported for actual operation of district-owned vehicles on the annual financial report for the school year in question prorated on the ratio of approved annual mileage to and from school during the school term to the total annual mileage traveled during the school year for all purposes by the designated vehicles.

(b) The maximum allowable costs shall be the sum of the amounts determined as follows:

(1) A basic annual allowance per vehicle and driver for reimbursement purposes shall be computed as follows:

(i) For each district-owned vehicle approved and used in pupil transportation both to and from school during the full school term, an allowance of \$540 shall be made, except that for vehicles with an approved rated pupil capacity of ten or less, the allowance shall be \$360. Each qualifying vehicle shall be allotted an additional amount determined by multiplying the approved rated pupil capacity of the vehicle times \$15 if the vehicle is from 1 to 10 years of age, and times \$12 if the vehicle is 11 years of age or over.

(ii) When the vehicle is used less than full school term or is used daily only for transportation either to school or from school, or travels less than 20 miles per day in transporting pupils to and from school, the basic annual allowance shall be reduced in accordance § 23.35(b)(1)(ii) and (iii) (relating to transportation by contract).

(2) The allowance based on mileage shall be computed in accordance with § 23.35(b)(2).

(3) The utilized passenger capacity miles allowance for reimbursement purposes shall be determined by multiplying the approved utilized passenger capacity miles of service to and from school provided during the school term times \$3 per thousand or fraction thereof.

(4) The allowance, if any, based on annual approved excess driver hours, shall be calculated in accordance with § 23.35(b)(4).

(c) Approved reimbursable costs of approved reimbursable pupil transportation provided by district-owned vehicles shall be computed by multiplying the maximum allowable costs for reimbursement provided for in subsection (b) by the cost index provided for in § 23.39 (relating to adjustments), and subtracting from the result an amount equal to the lesser of 10% of the approved purchase price of each vehicle at the time of acquisition or \$700 for each vehicle.

Source

The provisions of this § 23.36 adopted June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial pages (21518) and (108427).

§ 23.37. Board and lodging in lieu of transportation.

Reimbursement for approvable costs of approved board and lodging provided in lieu of reimbursable pupil transportation shall be an amount determined by multiplying the approved district expenditure for the approved board and lodging times the applicable aid ratio of the school district or an amount computed by multiplying \$1 times the aggregate number of days such pupil attended a public school during the school term, whichever is the lesser.

Source

The provisions of this § 23.37 adopted June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453.

§ 23.38. Additional reimbursement.

The Department will compute the additional reimbursement, if any, to which a qualifying eligible school district may be entitled on account of excess reimbursable pupil transportation as prescribed in (24 P. S. § 25-2541).

Source

The provisions of this § 23.38 adopted June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453.

§ 23.39. Adjustments.

Beginning with the 1973-1974 school year and in subsequent years, unless the formula relating to reimbursement is revised by either the State Board of Education or by the General Assembly, the maximum allowable costs for contracted transportation or transportation by district-owned vehicles shall be subject to an annual percentage increase or decrease. This annual adjustment shall be determined in accordance with the percentage of increase or decrease in the consumer price index established by the United States Department of Labor for the calendar year immediately preceding the year of operation.

Source

The provisions of this § 23.39 adopted June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453; amended August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194. Immediately preceding text appears at serial page (108428).

§ 23.40. Depreciation allowance.

Districts which own their own transportation vehicles shall be paid a depreciation allowance in addition to the regular reimbursement. The depreciation allowance shall be in the sum of the lesser of either 10% of the approved purchase price of each district-owned vehicle at the time of acquisition or \$700 for each district-owned vehicle.

Source

The provisions of this § 23.40 adopted August 3, 1990, effective August 4, 1990, and apply to pupil transportation services provided beginning with the 1990-91 school year and reimbursements payable beginning during the 1991-92 Fiscal Year, 20 Pa.B. 4194.

 §§ 23.41—23.45. [Reserved].**Source**

The provisions of these §§ 23.41—23.45 adopted April 21, 1972, effective July 1, 1972, 2 Pa.B. 727; reserved June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453. Immediately preceding text appears at serial pages (6854) to (6856).

 §§ 23.51—23.56. [Reserved].**Source**

The provisions of these §§ 23.51—23.56 adopted April 21, 1972, effective July 1, 1972, 2 Pa.B. 727; reserved June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453. Immediately preceding text appears at serial pages (6856) to (6858).

 §§ 23.61—23.69. [Reserved].**Source**

The provisions of these §§ 23.61—23.69 adopted April 21, 1972, effective July 1, 1972, 2 Pa.B. 727; reserved June 6, 1975, effective June 7, 1975, 5 Pa.B. 1453. Immediately preceding text appears at serial pages (6859) to (6864).

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