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TRANSPORTATION

I. General

The Berlin Board of Education will provide transportation for students under provisions of federal and state laws and regulations. In determining the provision of transportation, the Superintendent of Schools or designee shall consider the guidelines contained in this policy and shall administer the operation so as to:

- A. provide for safety of students, including consideration of hazardous conditions whether or not described in this policy;
- B. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy;
- C. assist students with disabilities by providing appropriate specialized transportation when required by law; and
- D. supplement and reinforce desirable student behavior patterns.

II. Definitions

- A. *School transportation* means the procedure, program, or implemented plan by which a student is transported to and/or from school from his/her residence or the assigned bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved and maintained by the municipality or state of Connecticut, or private roads approved pursuant to Connecticut General Statute Section 10-220c.
- B. *Walking distance* means the linear measure of a prescribed or authorized pedestrian route between the student's residence and his/her school from a point at the curb or edge of a public or private road nearest the student's residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or the route from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the Board of Education.
- C. *One mile walking distance* means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.
- D. *Grade K* means kindergarten.
- E. *Preschool* means pre-kindergarten, or a school program appropriate to a child who has not yet entered kindergarten.
- F. *Hazard* means a thing or a condition, as prescribed in this policy under "Hazardous Conditions," that affects the safety of students walking to and from school and/or the designated bus pick-up area.
- G. *Sidewalk* means a portion of the landscape right of way approximately three feet wide, usually

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parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.

- H. *Raised walk area* means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage, ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
- I. *Walking route* means the route that the student is expected to travel between his/her residence to and from school and/or an assigned bus stop.
- J. *Bus stop* shall be defined as a geographical location designated by the Board of Education, school administration or their designee where students can safely wait for purposes of embarking or disembarking a school bus.
- K. *Student* means any individual of school age enrolled in a public or nonprofit private school located within the school district.

III. General Provisions

A. Eligibility for School Transportation

A student will be eligible for school transportation if one or more of the following criteria is present:

1. The walking distance for the student is in excess of the guidelines established by the Board. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pick up areas. In determining eligibility for provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered:
 - a. Students in grades K-5 will walk up to 1 mile.
 - b. Students in grades 6-8 will walk up to 1.5 miles.
 - c. Students in grades 9-12 will walk up to 2 miles.
2. The walking route does not exceed the limits set forth in subsection 1 above, but where a hazard exists (as defined herein) with due consideration given to the age and grade of each child involved.
3. The student has a qualifying disability under Section 504 of the Rehabilitation Act of 1973 and requires transportation as a related service, or is a student eligible for special education and requires specialized transportation as a related service.
4. The student is enrolled in the Berlin Public Schools Preschool Program and he/she meets the criteria as defined in Section IV. C. below.

B. Eligibility for Out-of-Town Transportation

1. Any resident of the school district under twenty-one years of age who is not a high school or vocational school graduate and who is attending a state vocational school shall be eligible for

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- transportation provided he/she satisfies the criteria set forth in Section III. A. above.
2. A resident of the district who is eligible for special education and is placed by a Planning and Placement Team in either a public or private educational institution out-of-town shall be provided the necessary transportation as a related service.
 3. No other out-of-town transportation will be provided, unless specifically required by State law.
- C. Eligibility for Transportation of Students Attending Non-Public Schools in Berlin.
1. Berlin residents attending eligible private nonpublic schools in Berlin will be provided with transportation in accordance with Section 10-281 of the Connecticut General Statutes. All eligibility criteria referring to public school students also pertain to private school students.
- D. Eligibility for Transportation of Students Attending Private, Magnet or Charter Schools Outside of Berlin
1. No transportation shall be provided to students attending private or charter schools located outside of the town of Berlin, unless accommodations need to be made per section III. A .3. or as otherwise required by law.
- E. Boundaries, Routes, Scheduling and Bus Stops
1. The Berlin Board of Education or its designee is responsible for planning efficient boundaries, routes, schedules, and bus stops. Students will be expected to walk a reasonable distance between home and the bus stop. The distance will not exceed the walking distances listed in Section III. A. 1. a, b, and c above. In planning the reasonable distance students are required to walk, the number of stops on the route, the total travel time for the route, any safety hazards as described in this policy, and the physical terrain at the bus stop are taken into consideration.
 2. All routes and stops for regular bus service shall be established in accordance with the Transportation Policies and related guidelines of the Berlin Public Schools.
 3. Regular bus stops shall be posted with the set schedule, and all operators, students, teachers, administrators, and parents will be guided by those posted schedules.
 4. Each student must designate a single address as his/her primary residence for the purpose of establishing the bus routes. When there is a change of address within the town, the student's parent/guardian must notify the Board of Education or its designee of the new address immediately and provide proper documentation of the new address.
 5. Split stops are not allowed (i.e., three days to child care and two days to home, unless the student is attending a school-based program). A.M. stops must be to one location and P.M. stops must be to one location. The morning and afternoon locations may differ, as long as it is within the daily routes of that school. Transportation must be for five (5) days at that location.
 6. Students are required to take their regular bus to and from school at all times. Bus routes are established by areas and numbers of riders. Students may only use assigned transportation. Any transportation to another student's home, temporary child care, non-school activities, and places of employment is the sole responsibility of parents/guardians.
 7. Any request for a change in the normal bus route or walking area must be made in writing to the transportation office at least two weeks in advance of any possible change being approved or taking place. Such changes must be permanent in nature. Emergency changes may be requested by phone and followed up in writing to the Director of Business Operations.
 8. In order to facilitate efficient and safe bus transportation, students should be visibly standing and waiting at their bus stop at least ten minutes prior to the designated arrival time.
 9. Bus routes are designed to pick up numbers of students at central bus stops. Stops will be

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designated at corners whenever possible or at a location that is determined to be a suitable place to stand when it is not possible to assign students to a corner location.

10. Stops designated at residences on streets within developments will be designed to reduce the number of students congregating at any particular stop. The number of children congregating at any one bus stop will not exceed twenty-five (25).
11. Bus stop locations are subject to change at any time.
12. Bus stops are to be a minimum of 105 feet apart.
13. The ability of a parent or guardian to view the bus stop from their property and personal/health needs of the family, not including considerations in a student's IEP or 504 plan, are not constraints to be considered when establishing bus stop locations.
14. Cul-de-sacs will only be entered when the route dictates that the bus needs to enter the cul-de-sac to turnaround for route efficiency or the street length exceeds the maximum walking distances set forth in this policy. Cul-de-sacs will not be entered unless it has been determined during routing development that the radius is sufficient to allow the bus to maneuver the turn. If a transportation vehicle must enter a cul-de-sac location, a group stop location may be designated.
15. If a dead-end street within the town is impassible because of factors, including the lack of necessary space to turn around, topography and industrial activity, which make access unsafe, even with a mini-bus or Type II vehicle, the bus will not enter the street.
16. Transportation vehicles will only pull into or past the base of a student's driveway if the student's individualized education plan or Section 504 plan necessitates this.
17. Where buses are required to use private roads and driveways to pick up students, residents must provide a reasonable turn-around and keep roads in good driving conditions in all weather. Wherever any roads, public or private, are not maintained or a turn-around is not provided, students may be required to board the bus at a suitable pick-up point as determined by the Director of Business Operations.
18. During commercial, residential or road construction, buses will not enter areas where the equipment and activity from commercial or residential construction prevents sufficient lane passage, does not ensure maneuvering capability for exit or turn around, or diminishes the driver's visibility of walking children. Under such circumstances, bus stops will be temporarily relocated to safe locations which may exceed the walking distance structure set forth in this policy.
19. Complaints regarding inappropriate student behavior while riding the school bus are to be reported to the student's principal or to the Director of Business Operations.

F. Hazardous Conditions

Students living within the stated limits will receive transportation when one of the hazardous conditions set forth below exists:

1. A street or road along a designated walking route to or from school and/or to or from a designated bus pick-up area having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exists:
 - a. For students enrolled in Grades K through 5:
 - i. the absence of a pedestrian crossing light or crossing guard where three or more streets intersect, and a pupil is expected to cross the street; OR
 - ii. street crossings where there are no stop signs or crossing guards and the traffic count during the time that the pupils are walking to or from school exceeds sixty vehicles per hour at the intersection, and a pupil is expected to cross the street.

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- b. For students enrolled in Grades 6 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that students are walking to or from school, and students are expected to cross the street.
- c. For all students:
 - i. any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where students must cross when going to or from school or the bus stop; OR
 - ii. the usual or frequent presence of any nuisance such as open manholes, long-term construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.
- 2. Any street, road or highway which has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exists:
 - a. For students enrolled in grades K through 5:
 - i. any street, road or highway possessing a traffic count of sixty or more vehicles per hour at the time that students are walking to or from school; OR
 - ii. any street, road, or highway possessing a speed limit in excess of thirty miles per hour.
 - b. For students enrolled in Grades 6 through 12, any street, road or highway possessing a traffic count of ninety or more vehicles per hour at the time that students are walking to or from school.
 - c. For all students:
 - i. the presence of man-made hazards, including attractive nuisances, as stated in 1 c) ii) above; OR
 - ii. any roadway available to vehicles that does not have a minimum width of twenty-two feet; OR
 - iii. any roadway available to vehicles that, when plowed free of snow accumulation, does not have a minimum width of twenty feet; OR
 - iv. any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.
- 3. Any walkway, path or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between students and the track; and any crossing of railroad tracks carrying moving trains during hours that students are walking to or from school shall be deemed hazardous unless:
 - a. a crossing guard is present; OR
 - b. for students in Grades K-5, an automatic control bar is present at crossings; OR
 - c. for students in Grades 6-12, a bar or red flashing signal light is operational.
- 4. For students in Grades K-5, the following conditions shall be deemed hazardous:
 - a. a lake, pond, stream, culvert, waterway, or bridge shall be deemed a hazard in the

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- absence of a fence or other suitable barrier fixed between the student and the water;
OR
- b. any area adjacent to a roadway, walkway, sidewalk, or bridge having a drop of three or more feet per four feet of travel length on either side of the established lanes, the absence of a fence or other suitable barrier.
 5. For students in Grades K through 8, walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.
 6. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when students ordinarily walk to or from school shall be deemed hazardous.
 7. It shall not be a "hazard" or "hazardous condition" for a student whose residence abuts a public street, road or highway to: (1) wait on private property where the student resides for the school bus, until the school bus's flashing red lights are activated to stop traffic so that the student can enter onto or cross the public street, road or highway to get on a school bus; or (2) exit a school bus that is stopped on the public street, road or highway, when the bus's flashing red lights are activated to stop traffic so that the student can enter onto or cross such street, road or highway to access the private property where the student resides.
- G. Parent/Guardian/Student Responsibility
1. Parents and/or guardians are responsible for ensuring the safety of their children up until the point when students board the school bus or other school provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop and the provision of supervision that is appropriate to the student's age, maturity and conditions at the bus stop at all times. Given that bus pick up times may vary, it is expected that parents and/or guardians will ensure that their children arrive at the bus stop at least 10 minutes in advance of any scheduled pick up time.
 2. Students are expected to adhere to all district rules and regulations and to display appropriate behavior at all times when utilizing school transportation. This includes while on the walking route, at the bus stop, and when riding the bus. School administration will take appropriate disciplinary action as a result of infractions to the rules. Parents will be notified of such disciplinary consequences. Serious or continued infractions may result in suspension of transportation privileges.

IV. Miscellaneous Provisions

- A. Transportation by Private Carrier
1. Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. If parents volunteer, and the administration permits, parents may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient for the school district.
- B. Transportation of Kindergarten Students
1. All kindergarten students will be dropped off at their assigned bus stops and must be met by a parent/guardian or a responsible caregiver (designated by the parent/guardian), or the student will be returned to his/her home school.

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2. In the event a student is returned to school more than three times due to a parent/guardian or responsible caregiver not being available to meet him/her at the bus stop, the principal will address the issue with the parent/guardian and may be compelled to make a report to the Department of Children & Families.
- C. Transportation of Preschool Students
1. Students who attend the Berlin Public Schools preschool program will be eligible for transportation if one or more of the following criteria are present:
 - a. The student is receiving special education services.
 - b. The student is receiving early intervention services through the Berlin Public Schools.
 - c. The student must be picked up at the same location each day. The parent/guardian/caregiver with the student at the pickup location must put the child on the bus and fasten the seatbelt.
 2. The drop-off location must be the same each day, but can differ from the pickup location. There must be a parent/guardian/caregiver present at the drop-off location to take the student off the bus.
- D. Athletic and Extra-Curricular transportation to athletic, extra-curricular, and educational field trips will be provided by the Board's contracted provider. In the event that the regular provider is unable to meet the needs of the school, another commercial carrier may be utilized with the permission of the Director of Business Operations only if the carrier presents evidence of full liability and property insurance equal to the Board's insurance requirements.
- E. Use of private vehicles by staff, parents, or students to transport students to athletic, extra-curricular, or educational field trips is not encouraged unless determined to be absolutely necessary. The use of private vehicles may be authorized only by the Superintendent of Schools or designee upon written request by a parent or guardian.
- F. Child Care Centers
1. Due to the number of students enrolled at commercial child care centers who would be boarding buses at any one time, if the child care center is located off a major local or state road, buses will enter the location if an adequate turn around exists and it is safe for the vehicle to enter/exit the premises.
 2. The Board of Education does not provide transportation to child care centers that are located outside a student's designated elementary school district.
 3. The school district does not provide door-to-door service to in-home child care.
 4. Special stops will not be created for child care centers/locations; the student will be assigned to the established stop closest to the child care location.
 5. Child care transportation is a provisional service.
 6. If a parent or guardian feels that the location of the established stop is not safe with respect to the child care location, the parent can request that the student's transportation revert back to the stop closest to the student's home address. Special transportation services may be denied or revoked if the student cannot safely access an existing bus stop from the child care facility.
 7. The change must be for five (5) days at the child care location. Split stops will not be considered (i.e., three days to child care location and two days home). As stated in section III. E. 5., the exception would be child care at a school-based program.
- G. Late Bus

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Bus service, at the option of the school district, is provided on certain days for Berlin High School and McGee Middle School for after school activities. Drop off locations will be limited.

V. Applicability and Exceptions

- A. This policy is applicable to public roads approved and maintained by the municipality or state of Connecticut, or private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.
- B. The Superintendent of Schools or designee may grant an exception to any guideline set forth in this policy wherein a peculiar condition or combination of conditions renders such conditions(s) a hazard based upon reasonable judgement; or where under the circumstances, other conditions exist under which the safety of students necessitates a variance with the guidelines within this policy.
- C. In determining the exceptions that are necessary, pertinent agencies (i.e., police, fire, and public works department) will be consulted in an attempt to make reasonable judgments.

VI. Complaint Resolution Process

- A. Request for Change in Bus/Van Transportation Due to a Parent/Guardian Concern
 1. Requests for a change in transportation service due to a parent/guardian concern shall be made in writing on a form prescribed by the Board of Education (Transportation Concern Form).
 2. Upon such request, the Director of Business Operations will, in conjunction with the bus contractor as may be appropriate, investigate the request if the returned documentation indicates a potential hazard or safety concern as listed within the Transportation Policy and related guidelines, and render a written decision. If a specific Transportation Policy provision or guideline is NOT listed, the Business Office will NOT review or visit the site. The Business Office may consult with town agencies such as the Police Department Traffic Division, the Department of Public Works Highway Department, or any other available resource. Every effort will be made to notify the parent within ten (10) school days of the decision.
 3. The Superintendent of Schools or designee shall maintain a written record of all such complaints.
- B. Appeal Procedure

Provision of an appeal procedure for matters relating to the furnishing of school transportation is as follows:

 1. Any parent/guardian or student at majority age who believes that his/her student transportation needs are not being properly met should review this concern with the Director of Business Operations.
 2. If a resolution is not reached with the Director of Business Operations, the parent may submit via certified mail, an appeal in writing outlining the areas of the transportation policy that are in violation to the Superintendent of Schools. The parent or guardian making the complaint shall have the opportunity to meet with the Superintendent to discuss the appeal and any possible resolution thereof.
 3. If no resolution is reached under (B.1. and B.2.) above, and the complaint is covered by Section 10-186 of the Connecticut General Statutes, the parent or guardian shall be advised of his/her right to request a hearing by the Board of Education concerning the request for transportation

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services pursuant to Section 10-186.

- a. If requested, the Board of Education, a subcommittee of the Board composed of three Board members, or an impartial Hearing Officer established by the Board shall hold a hearing within ten (10) days of receipt of a written request by the parent or guardian; AND
- b. A stenographic record or tape recording of such hearing shall be made, and, upon written request, a transcript of such hearing shall be provided to the parent or guardian within thirty (30) days of such request; AND
- c. The Board of Education shall render a written finding within ten (10) days after such hearing; AND
- d. Such hearing shall be held in accordance with the provisions of Section 10-186, and of Sections 4-176e to 180a, inclusive, and 4-181a of the Connecticut General Statutes;
- e. If a parent or guardian is aggrieved by the findings of the Board of Education, an appeal may be taken to the State Board of Education; AND
- f. The findings of the Board of Education shall be upheld by the State Board of Education unless it is determined that such findings were illegal, arbitrary, capricious or unreasonable.

Legal References:

Connecticut General Statutes

- 10-186 Duties of local and regional boards of education re: school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers.
- 10-187 Appeal from finding of hearing board.
- 10-220 Duties of boards of education.
- 10-220c Transportation of children over private roads. Immunity from Liability
- 10-221c Development of policy for reporting complaints regarding school transportation safety.
- 10-273a Reimbursement for transportation to and from elementary and secondary schools.
- 10-280a Transportation for students in non-profit private schools outside school district.
- 10-281 Transportation for pupils in nonprofit private schools within school district.
- 14-275 Equipment and color of school buses.
- 14-275b Transportation of mobility impaired students.
- 14-275c Regulations re: school buses and motor vehicles used to transport special education students.

McKinney-Vento Homeless Education Assistance Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.