

## **Business and Non-Instructional Operations**

### **Transportation - Guidelines**

#### **General**

The Board of Education is responsible for the school transportation system. It is the aim of the Board of Education to establish for the public schools the safest possible transportation system, one which will enable all qualified students of school age to attend school by school bus wherever transportation is reasonable. Bus transportation shall be for students only. Exceptions shall be made only with the approval of the Superintendent.

The transportation system shall be planned and operated in compliance with the General Statutes of the State of Connecticut and all regulations of the State Department of Education and the State Department of Motor Vehicles concerning the operation of school buses.

The Board of Education shall further attempt to maintain transportation schedules which shall provide convenient and equal opportunity for all qualified students consistent with efficient and economical operations.

The Board of Education will provide reasonable transportation for every eligible student according to this policy, and according to established maximum walking distances. The Board may grant an exception to any provision of these guidelines wherein a peculiar combination of conditions renders such condition a hazard based upon reasonable judgment.

The Board will make every attempt to make transportation routes not exceed one hour.

No student in Kindergarten through the sixth grade shall be required to walk to or from school prior to one-half hour before sunrise or beyond one-half hour after sunset.

Students possessing physical handicaps and/or health conditions rendering them unable to walk to either the bus stop or school, as determined by their physicians or the school medical advisor, shall receive appropriate transportation.

Special education students shall be judged on an individual basis and the Superintendent is authorized to act appropriately.

#### **Use of Private Vehicles**

The use of private vehicles for the transportation of school children will be authorized only by the Superintendent of Schools or his/her designee. The Board does not encourage the use of private vehicles unless determined to be necessary or essential. In most cases, school buses or other approved transportation will be utilized.

## **Business and Non-Instructional Operations**

### **Transportation - Guidelines (continued)**

#### **Federal Compliance**

Transportation will be provided for homeless students to and from the school of origin as required by the No Child Left Behind Act. These services shall be provided throughout the regularly scheduled school year and day as determined by the Board.

Transportation will be provided for an eligible student who attends a district school out of the student's attendance area because his/her home school has been identified as in need of improvement, or the student is a victim of a violent criminal offense occurring in or on the grounds of the school the student attends or the student attends a school identified as persistently dangerous.

Transportation may be provided to eligible students who transfer from a district school to an out-of-district school under a cooperative agreement because their home school has been identified as in need of improvement under the No Child Left Behind Act.

Legal Reference: Connecticut General Statutes

10-186 Duties of local and regional boards of education.

10-220 Duties of boards of education.

14-275 Equipment and color of school buses.

14-275a Use of standard school bus required.

14-275b Transportation of handicapped students.

14-275c Regulations re school buses and motor vehicles used to transport special education students.

14-276a (c) Town/school district may require its school bus operators to have completed a safety training course.

14-280 Letters and signals to be concealed when not used in transporting children. Signs on other vehicles.

20 U.S.C. NCLB Act of 2001, P.L. 107-110, Title I, Section 1116

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

Policy adopted: March 12, 2003  
Policy revised: December 14, 2004

HAMDEN PUBLIC SCHOOLS  
Hamden, Connecticut

## **Business and Non-Instructional Operations**

### **Transportation**

#### **1. Definitions**

- a. **"School transportation"** means the procedure, program or fully effective implemented plan by which a student is conveyed to or from his/her residence to or from the school in which s/he is enrolled by the Board of Education at public expense, whether by use of publicly owned equipment or by contract.
- b. **"Walking distance"** means the linear measure of a prescribed or authorized pedestrian route between the student's residence and his/her assigned bus stop, or the entrance to the school property. This distance will be measured from a point at the edge of a public road nearest to the student's residence and
  - (1) the entrance to the school property, OR
  - (2) the embarkation point established by the Board of Education for the school bus.
- c. **"One mile walking distance"** means a reasonable measurement of a route to be traversed, extending from the point of measurement 5,280 feet on a public or semi-public right-of way.
- d. **"Maximum walking distance"** means one (1) mile for students in Grades K-6, one and one-half (1 1/2) miles for junior high school students, and two (2) miles for senior high school students.
- e. **"Grade K"** means kindergarten.
- f. **"Hazard"** means a thing or condition affecting the safety of students walking to or from school, or a designated bus pickup area; a possible source of peril, danger, duress or difficulty (cf. Webster), exposure to molestation or attack considered morally degrading or physically harmful. **"Undue or unreasonable hazard"** means an unsafe thing or condition presenting difficulties or problems the solution of which is beyond the ordinary capability of a student of a given grade.
- g. **"Walk area"** means a portion of the right-of-way usually parallel to the traffic lanes, which may be paved or unpaved.
- h. **"Gap"** means a time period which is of sufficient duration to permit the student to cross the street.

## **Business and Non-Instructional Operations**

### **Transportation**

#### **Definitions (continued)**

#### **2. Hazardous Conditions**

- a. A street or road having an adjacent or parallel sidewalk or walk area shall be deemed hazardous when any one of the following conditions exists:
  - (1) For all students, in the absence of a pedestrian crossing light, stop sign, or crossing guard at any street which students must cross, when the number of gaps in the traffic stream, during the period the children are using a crossing, is less than the number of minutes in the same time period;
  - (2) For all students, any street, road or highway with speed limits in excess of forty (40) miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where students must cross in going to or from school;
- b. For all students, any street, road or highway which has no sidewalks or walk areas shall be deemed unduly hazardous for students only if any of the following conditions exist:
  - (1) a line-of-sight obstruction caused by a hill, curve, structure, outcropping, land form, planting or other obscuring object or structure which may be safely negotiated by vehicles only at speeds under fifteen (15) miles per hour;
  - (2) the line-of-sight visibility together with posted speed limits will not permit vehicular braking/ stopping distance in accordance with the Connecticut Driver's Manual;
- c. For students enrolled in Kindergarten through sixth grade, any street, road or highway which has no sidewalks or walk areas shall be deemed unduly hazardous for students only if any of the following conditions exist:
  - (1) the traffic count is more than sixty (60) vehicles per hour during the time that students are walking to or from school;
  - (2) human-made hazards, including attractive nuisances, are present;
  - (3) the roadway available to vehicles, when plowed free of snow accumulation, has a minimum width of less than twenty (20) feet.

## **Business and Non-Instructional Operations**

### **Transportation**

#### **Definitions (continued)**

- d. Any walkway or path in an area adjacent and parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian routes is present and fixed between students and the tracks; and any crossing of railroad tracks that carry moving traffic during hours that students are walking to or from school shall be deemed hazardous unless the following conditions exist:
  - (1) a crossing guard is present, OR
  - (2) an automatic control bar is present at crossings used by students in Grades K-6, or a bar or red flashing signal light is operational when the crossing is used by students in Grades 7-12.
- e. For students in kindergarten through sixth grade, a lake, pond, stream, culvert or waterway may be deemed a hazard in the absence of a fence or other suitable barrier fixed between the student and the water.
- f. For students in kindergarten through sixth grade, any roadway, walkway or bridge having a slope of 30 degrees or more on either side of the established lanes without a fence or other suitable barrier shall be deemed a hazard.

#### **Hearing Procedure**

If a parent or guardian requests in writing a hearing by the Board of Education on school transportation for a student, the Board of Education shall:

1. Conduct a hearing within ten (10) calendar days after receipt of a written request;
2. Make a tape recording of such hearing;
3. Make a finding within ten (10) calendar days after such hearing;
4. Conduct the hearing in compliance with the provisions of Sections 4-177 through 4-180 of the Connecticut General Statutes;
5. Upon request of the parent or guardian, provide a transcript of the hearing within thirty (30) working days of such request, at the expense of the parent or guardian.

The parent or guardian will be informed about the appeal process established by law.

## **Business and Non-Instructional Operations**

### **Transportation**

Legal Reference: Connecticut General Statutes

10-76d re transportation for special education program services.

10-97 Transportation to vocational schools.

10-186 Duties of local and regional boards of education re school attendance. Hearings. Appeals to state board. Establishment of hearing board.

10-220 Duties of boards of education.

10-220c Transportation of children over private roads. Immunity from liability.

10-273a Reimbursement for transportation to and from elementary and secondary schools.

10-280a Transportation for pupils in non-profit private schools within school district.

10-281 Transportation for pupils in non-profit private schools within school district.

14-275a Use of standard school bus required, when.

14-275b Transportation of handicapped students.

14-275c Regulations re school buses and motor vehicles used to transport special education students.

14-280 Letters and signals to be concealed when not used in transporting children. Signs on other vehicles.

Regulation approved:

HAMDEN PUBLIC SCHOOLS  
Hamden, Connecticut

**HAMDEN PUBLIC SCHOOLS**  
**Hamden, Connecticut**

**PETITION TO THE BOARD OF EDUCATION**

**Your petitioner represents**

That the Board of Education of the Town of Hamden has illegally and/or unreasonably deprived the following-named children of the petitioner of school accommodations required by Section 10-186 of the General Statutes of Connecticut.

Further, the following-named children of the petitioner are between five and twenty-one years of age, reside in the Town of Hamden, and are enrolled between grades kindergarten through twelve.

**LIST CHILDREN INVOLVED** (please print or type)

| <u>Full Name of Child</u> | <u>Date of Birth</u> | <u>School Attending</u> | <u>Grade</u> |
|---------------------------|----------------------|-------------------------|--------------|
|---------------------------|----------------------|-------------------------|--------------|

Summary of facts:

A. Walking Distance:

B. Hazards:

C. Other:

*(If more space is needed, add pages. Testimony on facts presented at the hearing will be given under oath.)*

Dated at: \_\_\_\_\_, Connecticut, this day of \_\_\_\_, 20\_\_

PLEASE TYPE OR PRINT:

Name of Parent or Guardian:

Residential Address of Parent or Guardian:

Telephone Number:

Signature of Parent or Guardian:

**HAMDEN PUBLIC SCHOOLS**  
**Hamden, Connecticut**

**HEARING ATTENDANCE SHEET**

Name of Parent or Guardian for Whom Hearing is Held:

Date of Transportation Hearing:

PLEASE PRINT

**Name**

**Position**



Dear \_\_\_\_\_:

In accordance with section 10-186 of the Connecticut General Statutes, a hearing on the appeal of the following person(s) from the action of the Hamden Board of Education, regarding school transportation is scheduled as follows:

Appellant:

Board:

Date:

Time:

Place:

The following is alleged

Hearing Agent for the Hamden Board of Education

**APPLICABLE SECTIONS OF GENERAL STATUTES FOR  
TRANSPORTATION HEARING**

**PROCEDURES**

**Sec. 4-177. Contested cases. Notice. Record.**

- (a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.
- (b) The notice shall include: (1) A statement of the time, place and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
- (c) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.
- (d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default;
- (e) The record in a contested case shall include: (1) all pleadings, motions and intermediate rulings; (2) evidence received or considered; (3) a statement of matters officially noticed; (4) questions and offers of proof, objections and rulings thereon; (5) proposed findings and exceptions; (6) any decision, opinion, or report by the officer presiding at the hearing; (7) all staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.
- (f) Oral proceedings or any part thereof shall be transcribed on request of any party.
- (g) Findings of fact shall be based exclusively on the evidence and on matters officially noted.

**(1971, P.A. 854, S. 12) Sec. 4-178. Evidence in contested cases. In contested cases:**

(1) irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in non-jury civil cases in the courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonable prudent men in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form; (2) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original; (3) a party may conduct cross-examinations required for a full and true disclosure of the facts;

**APPLICABLE SECTIONS OF GENERAL STATUTES FOR TRANSPORTATION  
HEARING PROCEDURES (continued)**

(4) notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience,, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. (1971, P.A. 854, S. 13.)

Sec. 4-179. Proposal for decision. Procedure, Waiver. When in a contested case a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefore and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this section. (1971, P.A. 854, S. 14.)

Sec. 4-180. Final decision or order. A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency regulations, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. (1971, P.A. 854, S. 15.)