

ATTACHMENT #6

**EXCERPTS FROM MISSOURI REGULATIONS
5 CSR 30-261**

(10 Pages)

Rules of
Department of Elementary and
Secondary Education
Division 30—Division of Administrative and
Financial Services
Chapter 261—School Transportation

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**Title 5—DEPARTMENT OF
ELEMENTARY AND
SECONDARY EDUCATION**

**Division 30—Division of
Administrative and Financial Services
Chapter 261—School Transportation**

**5 CSR 30-261.010 Requirements for the
Operation of School Buses**

PURPOSE: The State Board of Education has the authority to adopt and enforce regulations for the operation of all school buses used for the transportation of schoolchildren when owned and operated by any school district or privately-owned and operated under contract with any school district in this state. This rule establishes guidelines for the safe, efficient and economical operation of school buses.

(1) General Requirements for Approval of School Bus Transportation.

(A) All transportation of pupils furnished by a school district shall be authorized in accordance with the law.

(B) School bus routes over which school buses travel shall be approved by public school district board of education action no later than the end of October for its initial approval and no later than the end of June for the final approval of modifications made during the school year.

(C) All vehicles used for transporting pupils shall carry liability and property damage insurance.

(D) There shall be on file in the appropriate school district office copies of current contracts, bonds, driver's physical examination certificates, school bus permits and maps of school bus routes. Public school district boards of education shall require operators of school buses to conduct and prepare a record of the daily pretrip inspection for each school bus.

(E) Public school district boards of education shall provide for proper accounting of pupil transportation data and shall prepare and submit to the State Board of Education (board) necessary reports for apportioning state transportation aid and for statistical purposes.

1. A listing shall be made of pupils regularly transported on each board of education's approved routes on the second Wednesday of the month for the months of October and February.

2. The school district listing of pupils regularly transported by route must be signed and maintained by the superintendent of the schools or an appointed designee.

(F) No school district shall receive state transportation aid for any pupil transported in

a vehicle or over a school bus route which has not been approved by the public school district board of education or for any pupil transported in a vehicle whose driver does not meet the school bus driver qualifications as stated in section (2) of this rule.

(G) If a lock is to be placed on an emergency exit of a school bus, it shall be designed in a manner so that the engine cannot be started with the emergency exit locked.

(H) Public school district boards of education shall forbid drivers to pull any type of trailer behind a school bus.

(I) Only those signs and lettering allowed by law or rule shall be written on or attached to a school bus, except for safety-related signs or lettering which, if used, shall be placed on the rear of the bus, in no way obstructing the driver's view. An exception to the requirement of this subsection concerning rules may be granted by the Department of Elementary and Secondary Education.

(J) Emergency evacuation drills on school buses shall be required for all students in grades kindergarten through six (K-6) at least once per semester. The first drill must be completed annually prior to October 31. The public school district board of education shall prescribe emergency evacuation drill requirements for all other students.

(K) Boards of education shall require operators of school buses to conduct and prepare a record of the daily pretrip inspection for each school bus.

(2) School Bus Driver Qualifications.

(A) All school bus drivers shall be duly licensed in accordance with Missouri statutes and public school district board policy.

1. Be in good physical and mental health;

2. Undergo a physical examination annually no more than ninety (90) days before the beginning of the school year by a medical examiner who is licensed, certified, and/or registered, in accordance with applicable Missouri laws and regulations, to perform physical examinations to determine whether they meet the requirements of section 302.272, RSMo, and present a signed physical examination certificate that they, in the medical examiner's judgment, meet or exceed those requirements to the employer. The term medical examiner includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. A school bus driver whose ability to safely operate a school bus has been impaired by a physical or mental injury or disease, as determined by the public school district board of education, must submit a release by the

attending physician prior to resuming school bus operation; and

3. Undergo testing for drug and alcohol use/abuse, in compliance with laws.

(3) Driver Operation.

(A) A school bus driver shall:

1. Observe carefully all signs, signals and rules of the road as provided by the Missouri Motor Vehicle Laws;

2. Follow these loading and unloading procedures:

A. If school bus is equipped with a master switch, make sure the master switch is in the "on" position;

B. Activate prewarning amber flashing lights at least five hundred feet (500') before a designated stop;

C. When stopping for a designated stop, apply brakes hard enough to light up the brake lights so that vehicles behind the school bus will know it is slowing down;

D. Pull as far to the right as practicable on the traveled portion of the roadway and at a location so that the school bus is visible for at least three hundred feet (300') in both directions or five hundred feet (500') if the speed limit is greater than sixty (60) miles per hour. Check all mirrors to see that traffic is clear and it is safe to stop;

E. Approach waiting students with extreme care, paying attention to the surface on which the school bus will stop (dry, slippery, slopes right, rough ground, and the like). Bring the school bus to a complete stop so that the closest part of the school bus is not less than six feet (6') and not more than ten feet (10') from the closest student;

F. Place the transmission in neutral and set the parking brake as needed;

G. Deactivate the prewarning amber flashing lights and activate the red flashing warning lights and the stop arm when opening the service door after stopping;

H. Check traffic in front and rear of the school bus before you give the students a hand signal that it is okay to cross the road. Drivers should train students not to approach the school bus until given a signal and to check traffic before crossing the roadway;

I. Require students who must cross the roadway after leaving the bus or before boarding the bus to cross a minimum of ten feet (10') in front of the bus and only upon a signal given by the driver, monitor or bus patrol when organized bus patrols are used; and

J. Have students go directly to their seats. When students are seated, check traffic and close the front door to deactivate the red flashing warning lights and stop arm;



3. Perform and prepare written documentation of the daily pretrip inspection which is to be submitted to the transportation administrator. Pretrip inspection of vehicle shall include brakes, steering components, lights, signaling devices, emergency door, tires and safety equipment, as a minimum. Any defects or deficiencies that may affect the safety of vehicle operation or result in mechanical breakdown shall be reported immediately in writing and driver shall not operate school bus until the defect or deficiency has been corrected;

4. Activate the prewarning amber flashing lights if a school bus stop must be made in close proximity to the crest of a hill or on curves with limited sight distance, approximately one hundred feet (100') before passing the crest so that vehicles following to the rear shall be made aware the bus is preparing to stop for the purpose of loading or unloading pupils;

5. Assume control of all children while they are being transported requiring respectable and orderly behavior from them. Particular attention should be given to the care and protection of the younger pupils. Any continued disorderly conduct should be reported to the proper school authorities;

6. Not back school bus on school grounds unless rear is guarded by school patrol or adult and driver is advised that the way is clear. Backing the bus at any time shall be avoided if at all possible;

7. Follow these procedures when a school bus is disabled:

A. Stop the bus as far to the right as possible (on the shoulder, if available);

B. Secure the bus, activate hazard/warning lights and set parking brake;

C. Keep children in bus. If location of the bus is unsafe, remove the children to a safer location;

D. Place triangular reflectors a minimum of one hundred feet (100') in both the front and rear of the bus;

E. Telephone, radio or send capable student to call authorities, giving bus location and description of breakdown; and

F. See that all pupils are delivered to their destinations;

8. Keep inside of vehicle clean and comfortable at all times;

9. Keep lettering and lights on front and rear of bus clean so that all markings are clearly visible;

10. Keep service door closed at all times when bus is in motion;

11. Not leave a loaded bus while motor is running;

12. Fill the fuel tank only when there are no children in the bus;

13. Not allow animals on the school bus except for seeing eye dogs or other specially trained animals necessary to furnishing special education services for handicapped children to comply with applicable state law and regulations;

14. Not allow weapons or explosive material on the school bus;

15. Not allow items on the school bus to protrude into or block the aisle or be left in the driver or emergency exit areas;

16. Make and promptly file all daily, weekly and monthly reports which may be required;

17. Use seat belt whenever the bus is in motion;

18. Not drive any school bus for more than:

A. Eight (8) consecutive hours. Hours will be consecutive unless the individual ceases operation of the vehicle for at least sixty (60) minutes; or

B. An aggregate of twelve (12) hours in a twenty-four (24)-hour period;

19. Illuminate headlights whenever students are being transported;

20. Not use tobacco products at any time in the school bus; and

21. Not operate a school bus while under the influence of intoxicants, narcotics or drugs.

(4) Public School District Route Approval.

(A) General Definitions.

1. Eligible miles. Those actual regular school term and handicapped miles traveled from where the bus is kept at night until it returns to the same location after the pupils have been returned home, as long as it is used only to transport vocational students and K-12 pupils to and from school at the beginning and ending of the regular school day, are eligible for state transportation aid.

2. Ineligible miles. All actual miles that are driven for any purpose other than transporting K-12 students to or from school during the school term are ineligible for state transportation aid. Regular summer school routes, non-handicapped early childhood routes, field trips, athletic trips, maintenance miles and other extracurricular activity trips are examples of ineligible miles. Miles traveled to rerun a route or part of a route to transport students participating in before- or after-school activities or training are also ineligible miles. All ineligible miles shall be recorded and subsequently reported on the application for state transportation aid.

3. School bus route. A bus route begins when a bus leaves a point (home, school, and the like) empty and proceeds on a predetermined route, picking up pupils and then trav-

eling to a school(s) until the bus is empty; and returning the pupils to a designated point after school. If more than one (1) route is run by the same bus, each additional route begins when the bus is empty after discharging all the pupils from a previous route and proceeds along another predetermined route, picking up pupils and discharging all of them at their attendance center(s) and returning them home.

(B) Procedures. Public school districts must adopt a policy implementing school bus route approval procedures for the annual approval of the routes needed for safe and cost efficient pupil transportation service which meets and may exceed the state board's minimum requirements as described in this subsection.

1. Criteria for determining routes:

A. Location of pupil's residence;

B. Grade and age of the pupils to be transported;

C. Type and condition of roads;

D. Standard of service desired; and

E. Funds available for transportation service.

2. Safety considerations for establishing school bus routes:

A. The general safety of all routes in relation to hazards such as hills, intersections, railroad crossings, bridges, sharp curves, and obstructions to visibility;

B. The general safety of loading and unloading stops in relation to the visibility of approaching motorists;

C. Walking distance to the bus stop in relation to the age of the pupil; and

D. Walking route safety to loading stop, from unloading stop, and loading zones.

3. Administrative policy shall be adopted by the public school district board of education which describes the criteria, safety considerations and routing standards school officials must use when establishing or modifying school bus routes. Examples of administrative policy components include but are not limited to:

A. Duplication of route miles and "deadheading" shall be avoided if at all possible;

B. School bus stops should be established no less than five hundred feet (500') apart;

C. Multiple routes by a single school bus should be used when possible;

D. Routes should be planned to avoid dead-end streets or cul-de-sacs whenever possible;

E. Assign pupils to school buses so that passenger loads do not exceed manufacturer vehicle passenger capacity and to avoid overloading;



F. All school buses should be loaded as near their capacity as possible;

G. Buses should be used primarily to transport pupils to and from school. Buses may be used to transport pupils on school-sponsored activity trips, but such trips should not interfere with the transportation of pupils to and from school;

H. Each school district shall keep on file an up-to-date map showing the location and length of each school bus route;

I. Bus routing and seating plans shall be coordinated so that there are no standees and every passenger is provided a seat. The seating space provided each passenger must be sufficient to ensure that the back of each passenger may come into full contact with the seat back;

J. All vehicles used to transport pupils shall comply with the requirements of the law and with standards and safety rules as adopted by the board; and

K. School bus inspections shall not be made more than sixty (60) days prior to operating the vehicles during the school year.

4. School districts which transport non-resident pupils not legally assigned or through an interdistrict contract shall not claim any additional miles as eligible miles and the pupils shall be reported as ineligible pupils.

A. High school pupils from elementary school districts. High school pupils residing in an elementary school district are to be claimed only by the elementary district. The elementary district shall claim mileage from where the bus enters the elementary district, including miles traveled within the elementary district and the most direct route to the school of attendance.

AUTHORITY: sections 161.092, RSMo Supp. 2003, 163.161, and 304.060, RSMo 2000. This rule was previously filed as 5 CSR 40-261.010. Original rule filed June 15, 1951, effective July 1, 1951. Amended: Filed Feb. 27, 1957, effective July 1, 1957. Amended: Filed Aug. 20, 1959, effective Sept. 1, 1959. Amended: Filed June 26, 1962, effective July 10, 1962. Amended: Filed July 25, 1966, effective Aug. 5, 1966. Amended: Filed April 5, 1967, effective July 1, 1967. Amended: Filed Nov. 22, 1972, effective Jan. 1, 1973. Amended: Filed Dec. 23, 1975, effective Jan. 5, 1976. Amended: Filed Dec. 14, 1976, effective May 16, 1977. Amended: Filed Feb. 27, 1979, effective June 15, 1979. Amended: Filed July 1, 1980, effective Nov. 14, 1980. Amended: Filed Feb. 27, 1981, effective July 1, 1981. Amended: Filed Aug. 11, 1983, effective Dec. 12, 1983. Amended: Filed May 23, 1988, effective Aug. 25, 1988. Amended:*

Filed Aug. 1, 1989, effective July 1, 1990. Amended: Filed Jan. 28, 1992, effective Aug. 6, 1992. Amended: Filed Dec. 21, 1992, effective July 8, 1993. Amended: June 21, 1996, effective Jan. 30, 1997. Amended: Filed Oct. 28, 1997, effective May 30, 1998. Amended: Filed July 31, 1998, effective Feb. 28, 1999. Amended: Filed Sept. 27, 2000, effective May 30, 2001. Amended Filed May 27, 2003, effective Dec. 30, 2003.

**Original authority: 161.092, RSMo 1963, amended 1973, 2002; 163.161, RSMo 1963, amended 1965, 1969, 1973, 1977, 1978, 1980, 1983, 1985, 1986, 1987, 1993, 1998; and 304.060, RSMo 1949, amended 1977, 1987, 1992.*

Op. Atty. Gen. No. 66, Neff (12-9-57). It is illegal for school districts to pay for transportation in vehicles not meeting rules adopted by State Board of Education, regardless of whether district receives state aid.

5 CSR 30-261.020 Minimum Requirements for Approval of School Bus Chassis (Rescinded September 30, 1981)

AUTHORITY: section 304.060, RSMo 1978. This rule originally filed as 5 CSR 40-261.020. Original rule filed June 15, 1951, effective July 1, 1951. Amended: Filed Feb. 27, 1957, effective July 1, 1957. Amended: Filed Aug. 20, 1959, effective Sept. 1, 1959. Amended: Filed June 26, 1962, effective July 10, 1962. Amended: Filed July 25, 1966, effective Aug. 5, 1966. Amended: Filed April 15, 1967, effective July 1, 1967. Amended: Filed Nov. 22, 1972, effective July 1, 1973. Amended: Filed July 23, 1979, effective Nov. 13, 1979. Rescinded: Filed Feb. 27, 1981, effective Sept. 30, 1981.

Op. Atty. Gen. No. 66, Neff (12-9-57). It is illegal for school districts to pay for transportation in vehicles not meeting rules adopted by State Board of Education, regardless of whether district receives state aid.

Op. Atty. Gen. No. 57, Marr (1-26-50). State Board of Education may adopt a rule requiring school buses to be painted yellow.

5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body

PURPOSE: The State Board of Education is required by law to adopt and enforce regulations for the design of all school buses used for the transportation of schoolchildren when owned and operated by any school district or privately owned and operated under contract with any school district in this state. This rule

establishes the minimum requirements for the design of chassis and body used for school buses in the transportation of pupils.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The Missouri Minimum Standards for School Buses (revised September 2008) is hereby incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education, School Administrative Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions. The Missouri Minimum Standards for School Buses reflects the changing needs of pupil transportation in Missouri, changes in the national specifications for school buses, and federal motor vehicle safety standards. The changes will enhance the safety of schoolchildren being transported in school buses.

(2) The minimum requirements for school bus chassis and body are divided into five (5) sections. Each section explains the specifications for the parts of a school bus. Section (1) deals with general provisions relative to administrative concerns. Section (2) defines the different types of school buses. Section (3) explains the minimum specifications for a school bus chassis. Section (4) explains the minimum specifications for a school bus body. Section (5) explains the minimum specifications for a school bus equipped specifically to transport handicapped students.

AUTHORITY: section 161.092, RSMo Supp. 2008 and section 304.060, RSMo 2000. This rule was previously filed as 5 CSR 40-261.025. Original rule filed Feb. 23, 1981, effective Oct. 1, 1981. Amended: Filed Sept. 22, 1983, effective Feb. 15, 1984. Amended: Filed Oct. 29, 1986, effective March 1, 1987. Emergency amendment filed Sept. 21, 1990, effective Oct. 1, 1990, expired Jan. 28, 1991. Amended: Filed Sept. 21, 1990, effective March 14, 1991. Amended: Filed Dec. 21, 1992, effective July 8, 1993. Amended: Filed*



April 24, 1996, effective Dec. 30, 1996. Amended: Filed Nov. 20, 1996, effective May 30, 1997. Amended Filed March 21, 2001, effective Oct. 30, 2001. Amended: Filed May 30, 2006, effective Jan. 30, 2007. Amended: Filed Sept. 22, 2008, effective May 30, 2009.

*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003 and 304.060, RSMo 1949, amended 1977, 1987, 1992.

5 CSR 30-261.030 Minimum Requirements for Approval of School Bus Body (Rescinded September 30, 1981)

AUTHORITY: section 304.060, RSMo 1978. This rule originally filed as 5 CSR 40-261.030. Original rule filed June 15, 1951, effective July 1, 1951. Amended: Filed Feb. 27, 1957, effective July 1, 1957. Amended: Filed Aug. 20, 1959, effective Sept. 1, 1959. Amended: Filed June 26, 1962, effective July 10, 1962. Amended: Filed July 25, 1966, effective Aug. 5, 1966. Amended: Filed April 5, 1967, effective July 1, 1967. Amended: Filed Nov. 22, 1972, effective Jan. 1, 1973. Amended: Filed Feb. 5, 1974, effective July 1, 1974. Amended: Filed July 1, 1980, effective Nov. 14, 1980. Rescinded: Filed Feb. 27, 1981, effective Sept. 30, 1981.

Op. Atty. Gen. No. 66, Neff (12-9-57). It is illegal for school districts to pay for transportation in vehicles not meeting regulations adopted by State Board of Education, regardless of whether district receives state aid.

Op. Atty. Gen. No. 57, Marr (1-26-50). State Board of Education may adopt regulations requiring school buses to be painted yellow.

5 CSR 30-261.040 Allowable Costs for State Transportation Aid

PURPOSE: Section 163.161, RSMo authorizes state transportation aid to school districts based upon allowable costs. This rule defines allowable costs and specifies how they will be used in calculating state transportation aid. The rule further specifies school district recordkeeping and audit requirements related to the calculation of state aid.

(1) Allowable Costs for School District Operated School Transportation.

(A) Salaries and benefits of personnel employed for the operation and maintenance of school transportation are allowable costs. If employees have other school duties in addition to those relating directly to transporta-

tion, then salaries and benefits shall be divided between school transportation and other programs according to time actually spent in each program.

1. Examples of school transportation personnel for which salaries and benefits are allowable include those paid to transportation directors, school aides serving students with disabilities pursuant to law, school bus drivers, dispatchers, transportation secretaries, mechanics and garage custodians.

2. Examples of personnel for which salaries and benefits are nonallowable include school administrators and administrative support staff that exceed the limitation described in paragraph (1)(D)1. of this rule.

(B) Purchased service expense is an allowable cost. Examples of allowable purchased service expense include:

- 1. Insurance for school buses;
2. Labor contracted for repairs and parts used for repairs by persons other than school district employees;
3. Expenditures for utilities, insurance and telephone for the school bus garage/storage facility. If these facilities are used for vehicles other than school buses, costs must be prorated on the basis of the number of vehicles served by the facility; and
4. Expenditures for cellular telephone service and two (2)-way radio communication systems.

(C) Supplies expense is an allowable cost. Examples of allowable supplies include:

- 1. Fuel;
2. Oil and other lubricants;
3. Tires, both new and recapped, tubes, tire and tube repair;
4. Tools;
5. Parts, including engine parts, batteries, antifreeze, small motors, lights, lenses, bulbs, springs and shock absorbers; and
6. Custodial supplies for the school bus garage/storage facility. If these facilities are used for vehicles other than school transportation vehicles, costs must be prorated on the basis of the number of vehicles served by the facility.

(D) Capital outlay expense is an allowable cost. Capital outlay expenditures must be paid out of the Capital Projects Fund. Examples of allowable capital outlay expenditures include:

- 1. The cost of retrofit equipment required on school buses under Missouri specification or otherwise authorized in this rule;
2. Expenses incurred to equip school buses with a two (2)-way radio communication system, including a communication tower (antenna) and administrative base station or cellular telephones;

3. Expenses for electronic safety and security equipment;

4. Expenses incurred to equip school buses with strobe lights; and

5. The cost of replacement engines for school buses.

(E) The depreciation costs of new and used school buses are allowable. The purchase price of lease/purchased school buses shall not include interest. Each vehicle eligible for depreciation shall be depreciated on a straight-line depreciation schedule of eight (8) years beginning in the first year the school bus is placed in service. No depreciation will be paid for school buses which are ten (10) model years of age or older. If a vehicle is sold, either for cash or trade-in, its value and the gain or loss from sale or trade must be reflected in the aggregate district depreciation schedule.

(F) The depreciation costs of new school bus facilities and the renovation of existing bus parking lot and school bus facilities that exceed five thousand dollars (\$5,000) per fiscal year shall be claimed by a school district on a straight-line depreciation schedule of twenty (20) years beginning in the first year of the facility's use. If these facilities are used for vehicles other than school buses, the depreciation charged will be prorated on the basis of the number of vehicles served by the facilities.

(G) Allowable cost for transporting students with disabilities.

1. Expenditures for additional equipment necessary for transporting students with disabilities, such as vehicle renovation, lifts, seat restraints and wheelchair locks.

2. Expenditures for salaries and benefits of bus drivers and aides for students with disabilities, purchased services, supplies and capital outlay (excluding vehicle purchases) incurred while operating routes transporting only students with disabilities.

3. Routes to be approved by the local board of education and included for additional costs for transporting students with disabilities must meet the following criteria:

- A. Transport students to and from school on a daily basis; and
B. Transport primarily students with disabilities.

(H) Gasoline, oil, parts or other operating expense for any vehicle or equipment that is not a school bus are not allowable. Examples include, but are not limited to, superintendents' cars, food service vans, school maintenance vehicles, driver education cars, lawn mowers, tractors, speech laboratories and bookmobiles.



(I) Administrative support service expenditures not to exceed five percent (5%) for each district-operated transportation services school district's total of subsections (1)(A)–(F) in this rule and for each contract-operated school district's total of subsection (2)(A) cost for providing administrative support services related to the operation of their school transportation program. Administrative support service expenditures include:

1. Salaries and benefits paid to part-time transportation directors, school administrators and administrative support staff;
2. Expenditures for utilities, insurance and telephone for the transportation office;
3. Custodial and office supplies for the transportation office; and
4. Office space and equipment for the transportation office, including but not limited to: furniture, copy machine, fax machine, computer hardware and software.

(2) Allowable Costs for Contracted School Transportation.

(A) Contracted transportation costs, including transportation of students under the provisions of section 304.060, RSMo administrative support services in subsection (1)(I) of this rule and costs paid to other school districts, are allowable.

(3) Eligible and Ineligible Transportation Mileage.

(A) Transportation eligible for state aid includes:

1. Approved route mileage during the regular school term to and from:
 - A. School at the beginning and end of the regular school day;
 - B. A publicly-operated university laboratory school at the beginning and end of the school day;
 - C. Any school, department or class conducted during the regular school day for which career education aid is paid by the Division of Career Education that provides education services for high school students;
 - D. Special education classes either in or outside the district that require special transportation arrangements at the beginning and end of the regular school day or during the regular school day; and
 - E. Any public school district with an accredited high school when provided by an elementary school district at the beginning and end of the regular school day;
2. Approved route mileage during the summer school term (for summer school programs that are approved by the Division of School Improvement) to and from special education classes either in or outside the dis-

trict that require special transportation arrangements; and

3. Route mileage will be approved by the local board of education on the basis of the most effective and economical route to transport students. All mileage on approved routes will be considered eligible including necessary mileage before student pickups and after student delivery.

(B) Transportation mileage ineligible for state aid includes:

1. Mileage to and from any place at any time for field trips, athletic events or extracurricular activities;
2. Mileage for maintenance or safety inspections;
3. Mileage for school bus operators to take commercial driver's license or school bus permit driving skills tests, or both;
4. Mileage for transporting three (3)- and four (4)-year old special education students to any place for education services authorized by section 162.700, RSMo;
5. Mileage for a route that only picks up students who live less than one (1) mile from school.

(C) Each district shall maintain records in a detail as to readily disclose the eligible and ineligible mileage that contracted and/or district-operated school buses travel during the year.

(4) Students Eligible and Ineligible for State Transportation Aid.

(A) State aid for transportation shall be paid as provided in section 163.161, RSMo, and as implemented in this rule, only on the basis of the cost of transportation for those students living one (1) mile or more from school including publicly-operated university laboratory schools or who are transported one (1) mile or more to and from approved public career education courses, special education classes either in or outside the district. Regular school term, career education and students with disabilities are defined as eligible students in calculating a district's state transportation aid.

(B) If a district provides transportation service to students living less than one (1) mile from school as provided in section 167.231, RSMo, or provide shuttle transportation less than one (1) mile to and from any school or learning center either in or outside the district, these students may be transported and are defined as ineligible students in calculating a district's state transportation aid. If, however, a local board of education determines that certain students who live less than one (1) mile from school or are transported at no appreciable expense to that incurred in the transportation of eligible students, a district

may provide transportation to these students without increasing or diminishing its entitlement to state transportation aid but in no case shall a school district create space by adding an additional school bus to transport these students, or detour from the regular route to transport these ineligible students. No district shall be subject to a penalty when the district reports that certain students transported from a school bus stop, which existed in school year 2005-06 and who live less than one (1) mile from school, are being transported so these students do not have to cross a state highway or county arterial where there are no sidewalks, traffic signals, or a crossing guard to access the students' school building.

(C) If a district receives compensation from a parent or guardian for transporting a student who lives less than one (1) mile from school, as provided in section 167.231, RSMo, the student shall be reported as ineligible and shall not be counted as a part of the students transported at no appreciable additional expense.

(5) Calculation of State Transportation Aid for Districts. State transportation aid, including district-operated transportation costs, contracted costs, or both, will be determined by prorating total allowable cost less the total cost of transportation of students with disabilities on the basis of eligible and ineligible miles less the miles for the transportation of students with disabilities. The average number of students daily transported (ADT) and the applicable mileage resulting from a contract for transportation between two (2) school districts will be certified by the district providing contracted service to the sending district. The ADT and mileage so certified will be omitted by the serving district from its calculation of state aid and will be included by the sending district in its state aid computations.

(A) Non-disabled students allowable costs, less any receipts for interdistrict contracted transportation, will be divided by the total number of non-disabled students eligible miles and ineligible miles traveled to determine a non-disabled student cost per mile.

(B) The non-disabled students cost per mile is multiplied by total non-disabled students eligible miles yielding the cost for non-disabled students eligible miles. This cost is divided by the average number of eligible non-disabled students plus the average number of ineligible students transported, less the average number transported at no appreciable additional expense, yielding the cost per non-disabled student ADT.

(C) The cost per ADT for non-disabled students calculated in subsection (5)(B) is



multiplied by the eligible non-disabled students ADT, representing the average number of non-disabled students transported who live one (1) mile or more from school. If necessary, this product is then adjusted by the district's cost factor, as outlined in paragraph (7)(A)5., to determine what portion of its costs for eligible non-disabled students will be used in calculating transportation aid. The result of this step is then multiplied by seventy-five percent (75%) to obtain the maximum non-disabled students transportation aid amount.

(D) The total cost of transportation of students with disabilities is multiplied by seventy-five percent (75%) to obtain the maximum students with disabilities transportation aid amount.

(E) The cost per ADT for non-disabled students calculated in subsection (5)(C) is combined with the cost per ADT for students with disabilities calculated in subsection (5)(D) to obtain the maximum transportation aid entitlement.

(F) If the amount appropriated for transportation aid is less than the aggregate amount of entitlement for districts, then the amount of aid distributed to each district shall be prorated to equal the level of appropriation.

(6) Records and Audits.

(A) Each school district will annually submit the data required to determine the allowable costs, ridership, and mileage upon which its transportation aid will be computed. The transportation data must be documented by the records of the local school district.

1. Records are to be kept on a school-year basis.

2. Records are to include substantiation for the following:

A. Allowable costs as defined in this rule;

B. Eligible and ineligible mileage as defined in this rule;

C. Numbers of students who are provided transportation under eligible mileage; and

D. All receipts for transportation contracts from other districts, student activities or other sources.

(B) The school district audit provided for in section 165.121, RSMo, shall include an opinion statement regarding the adequacy and accuracy of allowable cost and mileage records kept by the district and used for the transportation aid application for the period audited.

(7) Procedures to Evaluate Circumstances to Authorize State Transportation Aid in Excess

of State Average Approved Cost Per Pupil Transported the Second Previous Year.

(A) The district cost factor described below shall be used to measure the efficiency of the transportation program for costs other than the costs of transporting exclusively students with disabilities.

1. A curvilinear regression analysis is computed annually to predict y, the cost per student mile, based on x, the number of miles per student per day, for each district.

2. The cost per student mile predicted for each district is compared with the district's actual cost per student mile. When the cost factor ratio of actual to predicted costs is one hundred percent (100%) or less, the operation of the district's transportation service is considered to be efficient. If the percentage is greater than one hundred percent (100%), the operation of the transportation service is presumed to be inefficient.

3. A variance factor of four percent (4%) based statistically on the standard error recognizes possible error in the regression analysis. The state maximum cost factor will be one hundred four percent (104%) (one hundred percent plus four percent (100% + 4%) variance factor).

4. The allowable costs of a district will be reduced by the same percentage that the district's cost factor exceeds one hundred four percent (104%) with no adjustment exceeding thirty percent (30%). For example, if the district's cost factor is one hundred ten percent (110%), this figure exceeds one hundred four percent (104%) by six percent (6%) and the allowable costs would be reduced six percent (6%) before calculating transportation aid. Likewise, if the district's cost factor is one hundred fifty percent (150%), this figure exceeds one hundred four percent (104%) by forty-six percent (46%) but the allowable costs will be reduced by thirty percent (30%) so that no less than seventy percent (70%) of the allowable costs will be used in calculating transportation aid.

5. The following statistical formula defines the curvilinear regression analysis used to determine cost factors.

Prediction Formula

$$y = ax^b$$

y = predicted cost per student per mile for a district

x = actual miles per student per day for a district

a and b = computed amounts using the entire state's average miles per student per day (x) and average cost per student mile (y) as further defined.

Formula to compute a
 $a = e^{(\sum Lny - b \sum Lnx) / N}$

e = 2.71. . . (This is a constant from mathematics. "a" is obtained by finding the natural antilog of the exponent of "e" as shown in the equation above.)

Formula to compute b

$$b = \frac{N \sum (Lnx \cdot Lny) - (\sum Lnx) \cdot (\sum Lny)}{N \sum (Lnx)^2 - (\sum Lnx)^2}$$

The meanings of the symbols used in the formulas defining "a" and "b" are as listed:

Lnx = natural logarithm of each x

Lny = natural logarithm of each y

(Lnx)² = natural logarithm of each x squared

(Lnx)·(Lny) = natural logarithm of x multiplied by the natural logarithm of y for each district

∑Lnx = sum of Lnx for all transporting districts

∑Lny = sum of Lny for all transporting districts

∑(Lnx)² = sum of (Lnx)² for all transporting districts

∑(Lnx·Lny) = sum of (Lnx·Lny) for all transporting districts

N = number of transporting districts

AUTHORITY: sections 163.161, 165.121, and 304.060, RSMo 2000 and 161.092, 162.700, and 167.231 RSMo Supp. 2006. This rule was previously filed as 5 CSR 40-261.040. Original rule filed Sept. 15, 1977, effective Jan. 16, 1978. Amended: Filed July 14, 1978, effective Oct. 12, 1978. Amended: Filed July 1, 1980, effective Nov. 17, 1980. Amended: Filed Sept. 22, 1983, effective Feb. 15, 1984. Amended: Filed Jan. 18, 1984, effective June 15, 1984. Amended: Filed Sept. 16, 1985, effective Dec. 26, 1985. Amended: Filed Dec. 30, 1987, effective July 1, 1988. Amended: Filed Dec. 14, 1990, effective June 10, 1991. Amended: Filed March 21, 1995, effective Oct. 30, 1995. Amended: Filed Oct. 28, 1997, effective May 30, 1998. Amended: Filed July 31, 1998, effective Feb. 28, 1999. Amended: Filed Nov. 28, 2006, effective June 30, 2007.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003; 162.700, RSMo 1973, amended 1977, 1990, 1991, 2002, 2005, 2006; 163.161, RSMo 1963, amended 1965, 1969, 1973, 1977, 1978, 1980, 1983, 1985, 1986, 1987, 1993, 1998; 165.121, RSMo 1963; 167.231, RSMo 1963, amended 1965, 1973, 1977, 1978, 1979, 1990, 2000; and 304.060, RSMo 1949, amended 1977, 1987, 1992.*

5 CSR 30-261.045 Pupil Transportation in Vehicles Other Than School Buses

PURPOSE: Section 304.060, RSMo, authorizes vehicles other than approved school



buses to be used for transportation of students. This rule establishes standards for transportation in other than approved school buses.

(1) Requirements for transportation of students in vehicles designed for transporting more than ten (10) passengers including the driver.

(A) After July 1, 2001, newly purchased, newly leased, newly placed into service, newly contracted vehicles or vehicles replaced under contracted services with a rated capacity, as defined by the manufacturer, to carry more than ten (10) passengers including the driver that are used to transport students to or from school or to transport students to or from any place for educational purposes or school purposes shall meet state and federal specification and safety standards applicable to school buses. Contract common carriers meeting federal Department of Transportation standards may be used for field trips as outlined in section (3) of this rule.

(2) Requirements for transportation of students in vehicles designed for transporting ten (10) passengers or less including the driver.

(A) The number of passengers, including students and driver, that may be transported at any one (1) time shall be limited to the number the manufacturer suggests as appropriate for that vehicle in accordance with section 304.060, RSMo, or if not posted in the vehicle, then limited to the number of seat belts in the vehicle.

(B) The driver and each passenger shall be properly secured with the appropriate seat restraint at all times while the vehicle is in motion.

(C) Motor vehicles designed for enclosed passenger transportation may be used subject to approval by the local board of education.

(D) Motor vehicles shall be licensed according to law and shall display a current state safety inspection sticker.

(E) The driver of a district owned or district contracted vehicle shall have a valid Missouri operator's license for the motor vehicle and comply with section 302.272, RSMo, and 5 CSR 30-261.010(2)(A)1.-3., not to include a parent or guardian transporting only their children under a written contract with the district and who is not compensated by the district. The parent or guardian shall have a valid Missouri operator's license for the vehicle operated as per 5 CSR 30-261.010(2)(A).

(F) The driver of a privately owned vehicle who is not compensated by the school district to transport students to and from school or school related events shall have a valid Missouri operator's license for the vehicle oper-

ated as per 5 CSR 30-261.010(2)(A). This shall include any person who transports school children as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator as per section 302.010 (19), RSMo. Compensation shall be defined for the purpose of this section as any reimbursement received by the driver that exceeds the average cost of operating a car per mile as established by the American Automobile Association.

(G) Motor vehicles shall have liability insurance coverage in accordance with section 537.610, RSMo, and as required by the local board of education.

(H) When transportation service in motor vehicles other than those licensed as school buses is contracted, there shall be a written contract between the district and the individual or firm providing the service.

(3) Requirements for Transportation of Students in Authorized Common Carriers.

(A) Authorized common carriers shall only be used to transport students to and from field trips or other special trips for educational purposes and shall not be used to transport students to and from school. Authorized common carriers, as used in this rule, are over-the-road intercity-type coaches equipped with reclining seats, air conditioning and restroom facilities, and holding authority from the Missouri Department of Economic Development, Division of Motor Carrier and Railroad Safety or the Federal Motor Carrier Safety Administration.

(B) There shall be a written contract between the district and individual or firm providing the vehicle.

(C) All contracts with authorized common carriers shall include:

1. Proof of liability insurance in the amount of five (5) million dollars per accident; and

2. Proof of safety inspection and compliance with applicable Federal Motor Carrier Safety Regulations.

(D) The driver of an authorized common carrier shall hold a valid Missouri commercial driver's license or a similar license valid in any other state and shall comply with all applicable driver qualifications of the Federal Motor Carrier Safety Regulations.

AUTHORITY: section 304.060, RSMo 1994. This rule was previously filed as 5 CSR 40-261.045. Original rule filed Sept. 15, 1977, effective Jan. 16, 1978. Amended: Filed July 23, 1987, effective Oct. 25, 1987. Amended: Filed May 23, 1991, effective Dec. 9, 1991.*

Amended: Filed Aug. 31, 1992, effective April 8, 1993. Emergency rule filed June 26, 1996, effective July 6, 1996, expired Jan. 1, 1997. Amended: Filed July 9, 1996, effective Feb. 28, 1997. Rescinded and readopted: Filed March 22, 2000, effective Oct. 30, 2000.

**Original authority: 304.060, RSMo 1949, amended 1977, 1987, 1992.*

5 CSR 30-261.050 Pupil Transportation Hardships

PURPOSE: This rule establishes guidelines for the assignment of pupils based upon the finding of an unusual or unreasonable transportation hardship pursuant to section 167.121, RSMo.

(1) For the purpose of this rule, the following terms shall mean:

(A) Information request—The forms submitted to the designated review officer by the petitioner or the affected districts to document the existence of an unusual or unreasonable transportation hardship;

(B) Natural barriers—Obstructions to school bus routes, for students who are required by law to be transported or students who are transported as a result of school district practice or policy, caused by streams, rivers, lakes and multilane highways with limited access;

(C) Petitioned district—That district to which the pupil will be assigned should the petition for assignment be granted;

(D) Petitioner—A parent or guardian of a pupil or, if eighteen (18) years of age or otherwise emancipated, the pupil who has petitioned for assignment pursuant to section 167.121, RSMo;

(E) Resident district—The district where the pupil resides at the time a petition for assignment is submitted;

(F) Review officer—That individual designated by the commissioner of education to review the request for assignment based upon the finding of an unusual or unreasonable transportation hardship;

(G) Travel distance—The distance traveled to transport a pupil from the pupil's place of residence or other designated pickup point to the site of the pupil's educational placement; and

(H) Travel time—That period of time required to transport a pupil from the pupil's place of residence or other designated pickup point to the site of the pupil's educational placement.



(2) A petition may be filed with the commissioner of education to assign a pupil to another district based upon the existence of an unusual or unreasonable transportation hardship. This petition must outline the basis for the request for assignment and be signed by the petitioning party.

(3) Upon receipt of a petition for assignment, the commissioner of education shall designate a review officer to make findings and a decision as to the existence of an unusual or unreasonable transportation hardship. The designated review officer shall notify both the resident district and the petitioned district of the contents of the petition and shall forward to those districts relevant information requests.

(4) The review officer shall make findings and a decision relating to the existence of a transportation hardship based upon the petition for assignment and responses to the information request submitted by the affected districts. In addition, the review officer, at his/her discretion, may elect to make a visual inspection of the transportation routes in question and use those findings in his/her determination. Assignment requests based upon documented travel time of less than seventy-five (75) minutes shall be granted only upon the demonstration of special circumstances or transportation hardships caused by natural barriers.

(5) The findings and decision of the review officer relating to the petition for assignment shall be made in writing and submitted to the petitioner, the resident district and the petitioned district. If it is the decision of the review officer that an unusual or unreasonable transportation hardship exists, then the pupil shall be assigned to the petitioned school district. The board of education of the resident district shall be responsible for paying the tuition and, when appropriate, transportation costs of the pupil assigned consistent with the provisions of sections 167.121 and 167.241, RSMo.

(6) Not later than thirty (30) days from receipt of notice of the decision of the review officer, the petitioned district shall provide information to the resident district indicating the tuition amount and, if appropriate, transportation costs to be paid by the resident district consistent with the provisions of sections 167.121 and 167.241, RSMo for the pupil that has been assigned. If the resident district disagrees to the amount of the tuition or the transportation costs to be paid, the resident district shall indicate this disagreement to the

review officer no later than forty-five (45) days from the date of notice that the pupil was assigned to the petitioned district. The review officer shall determine the appropriate amount of tuition cost to be paid by the resident district and, if appropriate, transportation costs, within fifteen (15) days, and shall notify the resident district and the petitioned district.

(7) Findings, decisions, or both, of the review officer as described in sections (5) and (6) may be affirmed, rescinded or modified by the commissioner of education upon request of the petitioner, resident district or petitioned district. Requests to affirm, rescind or modify the finding, decision, or both, of the review officer shall be placed before the commissioner of education by the petitioner, resident district or petitioned district within ten (10) days from notification of the findings and decisions of the review officer as described in sections (5) and (6).

(8) Decisions of the commissioner of education, as provided in section (7), may be appealed to the State Board of Education upon a written notice of intent to appeal by the petitioner, resident district or petitioned district. These appeals to the State Board of Education shall be limited to written information provided by the petitioner, resident district or petitioned district as to why the decision of the commissioner of education was in error. The intent to appeal shall be indicated in writing to the commissioner of education within ten (10) days from receipt of the commissioner of education's decisions as provided in section (7).

(9) As soon as reasonably possible after the commissioner of education receives the intent to appeal as provided in section (8), the appeal shall be placed on the agenda of the State Board of Education. The commissioner of education shall notify the petitioner, resident district and petitioned district of the date the appeal is to be considered by the State Board of Education. Upon an adjudication of the appeal, the State Board of Education shall notify the petitioner, resident district and petitioned district of its decision.

(10) Should the resident district refuse or otherwise fail to make payment of the tuition amount and, if appropriate, transportation costs for the pupil that has been assigned consistent with the provisions of sections 167.121 and 167.241, RSMo, as of June 30 following the date the pupil was assigned to the petitioned district, and if requested by the

petitioned district has provided accurate and complete attendance data to the resident district for the pupil as determined by the Department of Elementary and Secondary Education, the department shall be authorized to withhold that amount from subsequent state aid payments to the resident district and transfer the amount withheld to the petitioned district.

(11) Any final decision of assignment made during the course of any school semester, or any other term in which classes are held, shall remain in place until the end of that semester or term. Any petition for review of an existing assignment must be received by the commissioner of education thirty (30) days prior to the beginning of the semester in which rescinding of the assignment would take place.

AUTHORITY: section 167.121, RSMo 1986. Original rule filed Dec. 24, 1991, effective June 25, 1992. Amended: Filed April 28, 1993, effective Nov. 8, 1993.*

**Original authority: 167.121, RSMo 1963, amended 1973, 1979, 1983.*