

MEMORANDUM

To: School Superintendents, Principals, and Directors of Transportation

From: Michael A. LaRocco, Director of School Transportation

Date: August 12, 2020

Re: Special Purpose / Activity Bus Use

Background

Recently it has come to my attention that there may be some confusion as to the proper use of a Special Purpose Bus (SPB), or what is commonly referred to as an activity bus. This memo has been created to help clarify when a SPB can be used, what students can be transported, and what licenses and/or certifications the driver of a SPB must have to be able to legally drive.

Guidance

When a SPB can be used, who can be transported, and the driver requirements is determined by one or more of three factors - the capacity of the bus, the type of transportation being provided, and the type of student being transported.

Student and Transportation Type

“Regular Education” students can only be transported in a SPB from school to school, or school to an activity and then back to school (*yellow highlighted area below*); **they cannot be transported from home to school or school to home. That includes transportation to or from a parking lot where parents are picking up or dropping off as that would still be considered home to school transportation.**

Students with special needs with an IEP calling for special transportation and their siblings going to the same school on the same schedule; pre-school students; McKinney-Vento (homeless) or ESSA (foster care) students can be transported to activities or schools, like regular education students, and can also be transported from home to school and school to home (*blue highlighted area below*). **Bear in mind that since the SPB does not have overhead warning lights and a stop arm the bus cannot load or unload students on the roadway, so you would be required to pull into a driveway or pickup in a parking lot.**

Driver Requirements

Bus capacity more than 15 passenger (includes the driver):

If a SPB is more than 15 passenger capacity (listed on the data plate above the driver's head in the driver's compartment) then the driver must hold a Class B or higher commercial driver's license (CDL) that must include a P endorsement as the bus is a passenger bus, but an S endorsement is not required as this vehicle is not a school bus. The driver also must meet all of the requirements of a school bus driver covered in IC 20-27-8-1; in other words they must hold a yellow card certification (*pink highlighted area below*).

Bus capacity less than 16 passenger (includes driver):

If a SPB is less than 16 passenger capacity (listed on the data plate above the driver's head in the driver's compartment) then the driver only has to hold an operator's license (*gray highlighted area below*).

Home to school transportation special needs and pre-school – if the driver is providing home to school or school to home transport for any special needs students or pre-school students the driver also must meet all of the requirements of a school bus driver covered in IC 20-27-8-1; in other words they must hold a yellow card certification (*pink highlighted area below*).

Home to school transportation homeless and foster care – if the driver is providing home to school or school to home transport for homeless or foster care students **only** the driver will not need to hold a yellow card certification (*gray highlighted area below*).

Yellow Card Process

1. District/school request a Certificate of Enrollment (commonly known as a blue card) from the Office of School Transportation.
2. State physical fitness certificate. Not the same as a CDL physical.
3. Physical performance test.
4. Driving and observation hours with a CDL licensed and certified school bus driver entered into the school transportation portion of DOE Online. Eight hours of driving time and four hours of observation time in the SPB. If the driver has a CDL permit then no students can be on the bus during the driving time.
5. Pre-service class attendance.
6. Standard Certificate – yellow card!

Indiana Code References

IC 20-27-9-5 Use of special purpose bus

Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling;

(4) to transport homeless students under IC 20-27-12; and

(5) by a school corporation to provide regular transportation of an individual described in section 4 or 7 of this chapter between the individual's residence and the school; and

(Note: section 4 and 7 of this chapter are listed below highlighted in green).

(6) to transport students to career and technical education programs under IC 20-27-12.1.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school

corporation, and meet the following requirements:

(1) Except as provided in subdivision (2)(B) and in addition to the license required under this subdivision, if the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid:

(A) operator's;

(B) chauffeur's;

(C) public passenger chauffeur's; or

(D) commercial driver's;

license.

(2) If the special purpose bus:

(A) has a capacity of more than fifteen (15) passengers; or

(B) is used to provide transportation to an individual described in subsection (a)(3)

or (a)(5);

the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

IC 20-27-9-4 Transportation; chaperones

Sec. 4. (a) The governing body of a school corporation may, by written authorization, allow the use of a school bus for transportation:

(1) of preschool children who attend preschool offered by the school corporation or under a contract entered into by the school corporation to and from the preschool facility site; and

(2) subject to the geographic and residency requirements set forth in section 3(b) of this chapter, of preschool children and necessary adult chaperones to and from an educational or recreational activity approved or sponsored by the governing body for the preschool children.

(b) The number and qualifications of adult chaperones under Subsection (a)(2) may be determined by the governing body.

IC 20-27-9-7 Developmental disability

Sec. 7. (a) As used in this section, "developmental disability" has the meaning set forth in IC 12-7-2-61.

(b) A special education cooperative operating under IC 36-1-7, IC 20-35-5, or IC 20-26-10 or a school corporation may enter into an agreement with an agency or organization serving persons with a developmental disability in which a school bus or special purpose bus used by the special education cooperative or school corporation may be used to transport persons with a developmental disability who are at least two (2) years of age to and from programs for persons with a developmental disability.

(c) An increased cost of transportation for persons with a developmental disability shall be borne by the persons transported or the state supported agency serving persons with a developmental disability. However, a person with a developmental disability may not be required to pay for transportation provided under this section if the required payment is contrary to law.

If you have any questions, please contact Michael A. LaRocco at (317) 232 - 0891 or mlarocco@doe.in.gov.