



## **POLICY 2.404**

**4-B** I recommend that the Board adopt the proposed revised Policy 2.404, entitled "Use of School Buses for Field Trips and Other Purposes."

[Contact: Dale Fambrough, PX 56525.]

### **Adoption**

### **CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on May 16, 2012. No changes were requested.
- The attached policy is revised to incorporate statutory provisions which provide for the use of school buses for certain non-district reasons and by certain non-district organizations. Under Florida law, school buses may be used for transportation and other public purposes by:
  - Departments, boards, commissions, or officers of such county or municipality or of the state for county, municipal, or state purposes, including, but not limited to, transportation of the elderly, transportation of the disadvantaged, transportation for welfare transition program participants or other public purposes.
  - Nonprofit corporations and nonprofit civic associations and groups to allow the use of school buses to transport school-age children for activities sponsored by such associations and groups, including, but not limited to, the Girl Scouts, the Boy Scouts, 4-H Clubs, the Y.M.C.A., and similar groups.
- The revised policy further requires:
  - A non-district organization to enter a lease or a joint use agreement, if the organization is a public entity.
  - Each lease or joint use agreement is required to provide for reimbursement to the District of all costs and expenses incidental to school buses leased to such outside entities or organizations, including compensation for bus drivers, consideration for insurance coverage and the cost of service and repairs. See Sec. 4(b).
  - Governmental agencies, nonprofit corporations or civic groups must indemnify and hold harmless the School Board from any and all liability. See Sec. 4(c).
  - Governmental entities are required to provide coverage in accordance

with Sec. 768.28, Fla. Stat, and list the School Board as an additional insured or its equivalent, as required by Sec. 1006.261, Fla. Stat. See Sec. 4d.

- Non-governmental agencies must provide liability insurance coverage in the minimum amounts of \$100,000 on any claim or judgment and \$200,000 on all claims and judgments arising from the same incident, or occurrence, as required by Sec. 1006.261, Fla. Stat. See Sec. 4e.
- The policy continues to provide for the use of buses for educational field trips. However, buses are permitted to travel to adjacent counties for such purposes. See Sec. 3.
- Any funds received regarding the leasing of school buses to governmental and other organizations must be deposited in the Transportation Department's maintenance fund.

## POLICY 2.404

### 1            USE OF SCHOOL BUSES FOR FIELD TRIPS AND OTHER PURPOSES

#### 2 3    1.    Purpose

4            This policy is to prescribe the conditions for the use of school buses for school  
5            related activities and non-school related activities by certain organizations as  
6            provided in Section 1006.261, Fla. Stat.

#### 7    2.    Policy Statement

8            School buses are to be used for school and school related activities and taxpayers  
9            shall not be expected to subsidize busing equipment or personnel not necessary  
10           for District purposes. Nevertheless, it is the policy of the Board to make available  
11           for use by appropriate groups transportation equipment to the extent that such use  
12           does not impinge upon or impair use for District purposes. Thus, the Board  
13           authorizes the District's school buses to be used under the following  
14           circumstances:

15           a.    For transporting persons other than District students to Board sponsored  
16           events.

17           b.    Upon special requests by Emergency Management Services due to a pending  
18           of actual emergency or disaster, as defined by [Policy 2.3815](#), and approval by  
19           the Superintendent or Superintendent's designee. Such requests shall  
20           supersede any scheduled use by non-school groups.

21           c.    Pursuant to requests by federal, state, county or city agencies and after  
22           approval of a contract or joint use agreement by the School Board, as  
23           provided in §§ 1006.261(1)(a) and 1006.261(2), Fla. Stat.

24           d.    Any non-profit corporations and non-profit civic associations and groups,  
25           including but not limited to, the Girl Scouts, Boy Scouts, YMCA, YWCA, and  
26           similar groups, pursuant to an agreement as approved by the Board.

#### 27   3.    Educational Field Trips or School Related Use.

28           a.    ~~1. Non-school groups shall not be authorized to use school buses without prior~~  
29           ~~school board approval.~~ Authorized Passengers for Field Trips. Passengers  
30           on the buses used for field trips shall be limited to students participating in the  
31           activity and their sponsors or chaperones. Spectators and pep clubs shall not  
32           be transported on school buses.

33           b.    ~~2. Authorized Use of Buses.~~ Use of buses for field trips shall be approved

34 only when the trip pertains to the course of study or to approved school  
35 activities, and buses should be used whenever practical. Sponsors shall direct  
36 their request to the principal and include a statement justifying the trip. Such  
37 requests shall be approved as provided in [Policy 2.40](#). The principal shall  
38 request transportation two weeks prior to the field trip, after the necessary  
39 approval, in the manner required by the transportation department. This use  
40 shall be permitted when it does not interfere with routine transportation of  
41 students to and from school.

42 c. ~~3.~~ Notification and Permission. Parental/guardian notification and ~~P~~permission  
43 as outlined in [Policy 2.40](#) shall be required.

44 d. ~~4.~~ Fiscal Responsibility of School. It shall be the responsibility of each  
45 school using school buses to reimburse the finance department for the driver's  
46 salary and other charges as billed by the transportation department. Under no  
47 circumstances shall students be charged for school bus transportation in  
48 excess of the actual costs to the school. No student will be denied the field trip  
49 for failure to contribute towards the cost and any payments by students must  
50 be in compliance with [Policy 2.21](#).

51 e. Limitations on Use of School Buses. School buses may not be used for  
52 travel beyond adjacent counties. Any field trips beyond adjacent counties  
53 require the use of approved chartered buses. A list of district approved charter  
54 bus companies can be located on the Risk Management website at  
55 <http://www.palmbeachschools.org/riskmgmt/Safety/RiskManagementPrograms>  
56 .asp.

57 f. ~~5.~~ Compliance with Regulations. State and school board regulations for  
58 safety and conduct for the passengers shall be observed.

59 g. ~~6.~~ Delegation of Authority to Limit. Whenever necessary and appropriate,  
60 the superintendent shall develop guidelines for limitations on the use of school  
61 buses for field trips. Such guidelines shall be consistent with this policy.

62 h. ~~7.~~ Liability. The School Board's tort liability for use of school buses is  
63 governed by the provisions within Fla. Stat. § [1006.24\(1\)](#).

#### 64 4. Use for Non-School Transportation Purposes

65 School buses may be leased to outside entities, non-profit corporations of non-  
66 profit civic organizations or groups as provided in Section 2 (c) and (d) of this  
67 policy; provided however:

68 a. The use of District-owned school buses shall be scheduled through the  
69 Director of Transportation Services and such trip shall in no way alter, interfere  
70 with, or disrupt the operation of a regular bus route carrying students to and

- 71           from school.
- 72           b. Such lease of school buses is at no cost to the Board. All costs and expenses  
73           incidental to school buses leased to such outside entities or organizations,  
74           including compensation for bus drivers, consideration for insurance coverage  
75           and the cost of service and repairs, shall be borne by the outside entity or  
76           organization and shall be required by the terms of the lease agreement.
- 77           c. Any governmental agency, a non-profit organization or a non-profit civic  
78           association or group shall indemnify and hold harmless the Board from any  
79           and all liability of the Board by virtue of the bus usage, consistent with §  
80           1006.261(2)(a), Fla. Stat.
- 81           d. A non-profit organization or a non-profit civic association or group shall provide  
82           liability insurance coverage in such amounts as specified in § 1006.261(2)(b),  
83           Fla. Stat. In such instances, the Board shall be listed as an additional insured  
84           and a Proof of Insurance Certificate shall be required as part of the lease  
85           agreement.
- 86           e. State agencies and other political subdivisions of the state as provided for in §  
87           768.28(2), Fla. Stat., shall provide the same type of insurance coverage as the  
88           Board provides for itself with the limits as established in § 768.28, Fla. Stat.  
89           The Board shall be listed as an additional insured or its equivalent.
- 90           f. The lease agreement shall describe the itinerary of the planned trip.
- 91           g. Only a regularly employed bus driver approved by the Director of  
92           Transportation or a special driver who is fully qualified and approved by the  
93           School Board may be used for special trips. Eight hours shall constitute a  
94           minimum day when a trip requires an overnight stay. Drivers on trips requiring  
95           an overnight stay shall be entitled to regular travel expenses as approved by  
96           the School Board.
- 97           h. Leased buses shall not be for out-of-state trips, or for use beyond the  
98           geographical limitations provided in section (3)(e) of this policy.
- 99    5. Deposit of Lease Funds
- 100       Funds derived from the lease of a bus shall be deposited in the transportation  
101       department's maintenance fund.
- 102    6. Prohibited Uses
- 103       District buses may not be used for religious, commercial (for profit), or politically  
104       related events.

105 7. Administrative Procedures

106 The Superintendent or designee shall develop administrative procedures to  
107 process requests for school bus use, including such fees for the use of buses.

108 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(23)

109 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.32(2); 1001.41; 1006.21; 1006.261;  
110 1006.22; 1006.24

111 HISTORY: 6/12/74; 7/21/82; 3/3/10; \_\_\_/\_\_\_2012

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113 **Cross References:**

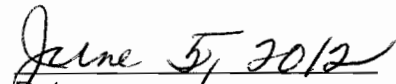
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115 Policy **2.40** Field Trips

Legal Signoff:

The Legal Department has reviewed proposed Policy 2.404 and finds it legally sufficient for adoption by the Board.

  
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Attorney

  
\_\_\_\_\_  
Date