

**Appendix**

**Regulations**

**Sec. 1354 [24 PS 13-1354] Report of children not enrolling, or withdrawing, or being illegally absent**

It shall be the duty of every principal or teacher of a public school to report immediately to the attendance officer, district superintendent, or secretary of the board of school directors, the names of all children in the list furnished to him who have not appeared for enrollment, and he shall also properly report, from time to time, to the attendance officer, district superintendent, or secretary of the board of school directors, the names of all children who having enrolled have subsequently withdrawn from school, or who have been absent three (3) days, or their equivalent, without lawful excuse. Such person shall thereupon serve upon the parent, guardian, or other person in parental relation to such children unlawfully absent from school, the written notice hereinbefore provided, and if it shall appear that, within three (3) days thereafter, any child, parent, guardian, or other person in parental relation shall have failed to comply with the provisions of this act, the superintendent, attendance officer, or secretary of the board of school directors, in the name of the school district, shall proceed against the person so offending, in accordance with the provisions of this act.

**HISTORY:** 1-14-70, Act 192, § 49 (PL 468 (1969)), eff. 7-1-70; 5-4-70, Act 103, § 1 (PL 326) amended effective date of Act 192 to 7-1-71  
3-10-49, Act 14, Art XIII, § 1354 (PL 30); 7-1-37, § 16 (PL 2560); 5-18-11, § 1428 (PL 309)

**Sec. 1355 [24 PS 13-1355] Penalty for failure to comply**

Any district superintendent, secretary of the board of school directors, attendance officer, or teacher of any public or private school, or any private teacher, or any principal or teacher in any institution for children, who wilfully refuses or neglects to comply with the provisions of this act, shall be liable for and pay a penalty, for the use of the school district, not exceeding twenty-five dollars (\$25) and costs, and, in default of payment thereof, may be committed to the county jail for a period not exceeding thirty (30) days. Such penalty may be recovered by, and in the name of, any school district, as like penalties are now collected by law. Any such superintendent, secretary, attendance officer, or teacher, upon whom a fine is imposed, may, at any time within five (5) days thereafter, appeal to the court of quarter sessions in the proper county, on furnishing proper bail, with one (1) surety, in double the amount of such penalty and costs.

**HISTORY:** 1-14-70, Act 192, § 49 (PL 468 (1969)), eff. 7-1-70; 5-4-70, Act 103, § 1 (PL

326) amended effective date of Act 192 to 7-1-71  
3-10-49, Act 14, Art XIII, § 1355 (PL 30); 5-18-11, § 1430 (PL 309)

**Sec. 1356 [24 PS 13-1356] Costs of proceeding for noncompliance**

If, at any time after proceedings have been instituted against any person under the provisions of this act, sufficient cause is shown by such offending person for noncompliance with its requirements, or, if the cost of such proceedings cannot be collected from such offending person, such costs may be paid out of the district funds, upon proper voucher approved by the board of school directors.

**HISTORY:** 3-10-49, Act 14, Art XIII, § 1356 (PL 30), eff. 7-1-49  
5-18-11, § 1429 (PL 309)

**Sec. 1357 [24 PS 13-1357] Withholding state appropriation**

The Superintendent of Public Instruction upon due hearing, after two (2) weeks' written notice to the board of school directors affected, may withhold and declare forfeited any part, or all, of the State appropriation of any school district which refuses or neglects to comply with and to enforce the provisions of this article in the manner satisfactory to him.

**HISTORY:** 3-10-49, Act 14, Art XIII, § 1357 (PL 30), eff. 7-1-49  
5-2-21, Act 373, § 2 (PL 1034); 5-18-11, § 1431 (PL 309)

**(e) TRANSPORTATION OF PUPILS**

**Sec. 1361 [24 PS 13-1361] When provided**

(1) The board of school directors in any school district may, out of the funds of the district, provide for the free transportation of any resident pupil to and from the kindergarten, elementary school, or secondary school in which he is lawfully enrolled, provided that such school is not operated for profit and is located within the district boundaries or outside the district boundaries at a distance not exceeding ten miles by the nearest public highway, except that such ten-mile limit shall not apply to area vocational technical schools which regularly serve eligible district pupils or to special schools and classes approved by the Department of Education, and to and from any points within or without the Commonwealth in order to provide field trips for any purpose connected with the educational pursuits of the pupils. When provision is made by a board of

school directors for the transportation of public school pupils to and from such schools or to and from any points within or without the Commonwealth in order to provide field trips as herein provided, the board of school directors shall also make identical provision for the free transportation of pupils who regularly attend nonpublic kindergarten, elementary and high schools not operated for profit to and from such schools or to and from any points within or without the Commonwealth in order to provide field trips as herein provided. Such transportation of pupils attending nonpublic schools shall be provided during regular school hours on such dates and periods that the nonpublic school not operated for profit is in regular session, according to the school calendar officially adopted by the directors of the same in accordance with provisions of law. The board of school directors shall provide such transportation whenever so required by any of the provisions of this act or of any other act of Assembly.

(2) The board of school directors in any school district may, if the board deems it to the best interest of the school district, for the purposes of transporting pupils as required or authorized by any of the provisions of this act or of any other act of the Assembly, appropriate funds for urban common carrier mass transportation purposes from current revenues to urban common carrier mass transportation authorities to assist the authorities to meet costs of operation, maintenance, capital improvements, and debt service. Said contributions shall not be subject to reimbursement by the Commonwealth of Pennsylvania.

(3) The State Board of Education shall adopt regulations, including qualifications of school bus drivers, to govern the transportation of school pupils.

**HISTORY:** 5-11-79, Act 7, § 1 (PL 26), eff. 7-10-79  
12-29-72, Act 372, § 1 (PL 1726); 5-4-70, Act 103, § 1 (PL 326); 1-14-70, Act 192, § 50 (PL 468 (1969)); 4-26-68, Act 50, § 1 (PL 100); 6-15-65, Act 91, § 1 (PL 133); 3-10-49, Act 14, Art XIII, § 1361 (PL 30); 6-25-47, § 1 (PL 944); 6-21-47, § 2 (PL 867); 7-1-37, § 1 (PL 2583); 5-13-37, § 7 (PL 605); 6-1-33, § 7 (PL 1152); 5-18-11, § 1404 (PL 309)

**Sec. 1362 [24 PS 13-1362] Kinds of transportation; liability insurance**

The free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using either school conveyances, private conveyances, or electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school, in addition to such transportation, does not exceed one and one-half (1 1/2) miles, and when stations or other proper shelters are pro-

vided for the use of such pupils where needed, and when the highway, road, or traffic conditions are not such that walking constitutes a hazard to the safety of the child, as so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. All private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require.

**HISTORY:** 11-20-79, Act 97, § 4 (PL 465), eff. 11-20-79  
12-29-72, Act 372, § 2 (PL 1726); 3-10-49, Act 14, Art XIII, § 1362 (PL 30); 7-1-37, § 3 (PL 2583); 5-13-25, § 4 (PL 628); 5-20-21, § 4 (PL 1038); 5-18-11, § 1408 (PL 309)

Note: 1979 Act 97, § 5, eff. 11-20-79, provides that this section shall apply to the 1979-80 school year and each year thereafter.

**Sec. 1363 [24 PS 13-1363] Repealed**

**HISTORY:** 12-18-69, Act 170, § 1 (PL 388), eff. 9-1-70  
12-9-69, Act 149, § 4 (PL 343); 10-21-65, Act 312, § 35 (PL 601); 3-10-49, Act 14, Art XIII, § 1363 (PL 30)

**Sec. 1364 [24 PS 13-1364] Repealed**

**HISTORY:** 1-14-70, Act 192, § 51 (PL 468 (1969)), eff. 7-1-70; 5-4-70, Act 103, § 1 (PL 326) amended effective date of Act 192 to 7-1-71  
10-21-65, Act 312, § 35 (PL 601); 3-10-49, Act 14, Art XIII, § 1364 (PL 30); 6-25-47, § 1 (PL 944); 6-21-47, § 2 (PL 867); 7-1-37, § 1 (PL 2583); 5-13-37, § 7 (PL 605); 6-1-33, § 7 (PL 1152); 5-18-11, § 1404 (PL 309)

**Sec. 1365 [24 PS 13-1365] Extra compensation for transporting pupils unlawful; school bus driver employment applications**

(a) It shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district, or for any member of or board of school directors, to demand, request, or accept any compensation for transporting pupils, other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction.

(b) Every application for the position of school bus driver shall be made on a standard form to be

prescribed and furnished by the Bureau of Traffic Safety in the Department of Revenue and filed with such bureau. Such application form shall include questions concerning the applicant's conviction for the commission of crimes. No position of school bus driver shall be filled unless and until such application is made and filed with such bureau.

**HISTORY:** 12-18-69, Act 170, § 2 (PL 388), eff. 9-1-70  
3-10-49, Act 14, Art XIII, § 1365 (PL 30); 6-28-47, Act 443, § 1 (PL 1040); 6-24-39, Act 352, § 5 (PL 786); 7-1-37, Act 483, § 4 (PL 2583); 7-1-37, Act 478, § 7 (PL 2560); 5-13-37, Act 157, § 9 (PL 605); 3-29-27, Act 53, § 1 (PL 75); 5-13-25, Act 340, § 5 (PL 628); 5-18-11, § 1418(d) (PL 309)

**Sec. 1366 [24 PS 13-1366] Computation of distances**

Where, by the terms of this act, or any other act, any distance is specified between the residence of any pupil and any public school to be attended by him, or any transportation is provided for within or beyond any particular distance, in computing such distance no allowance shall be made for the distance that the dwelling house of the pupil is situated off the public highway. All such distances shall be computed by the public highway from the nearest point where a private way or private road connects the dwelling house of the pupil with the highway to the nearest point where said highway touches the school grounds of the school to which the pupil has been assigned.

**HISTORY:** 3-10-49, Act 14, Art XIII, § 1366 (PL 30), eff. 7-1-49  
7-1-37, Act 483, § 3 (PL 2583); 5-13-25, Act 340, § 4 (PL 628); 5-20-21, Act 375, § 4 (PL 1038); 5-18-11, § 1408 (PL 309)

**Sec. 1367 [24 PS 13-1367] Board and lodging in lieu of transportation**

Whenever the board of school directors in any fourth class district or any district of the third class which is in a township agrees to or is required to provide transportation for any pupils, such board of school directors may, upon petition of the parent, guardian, or person in parental relation to any of said pupils, in lieu of providing such transportation, pay for suitable board and lodging for such pupils, if such board and lodging is secured in the home of a near relative of the pupil

or in a proper school or home approved by the person making the petition.

**HISTORY:** 3-10-49, Act 14, Art XIII, § 1367 (PL 30), eff. 7-1-49  
6-21-47, Act 361, § 3 (PL 867); 5-29-45, Act 403, § 5 (PL 1112); 7-1-37, Act 483, § 2 (PL 2583); 5-13-37, Act 157, § 8 (PL 605); 5-29-31, Act 130, § 34 (PL 243); 4-11-29, Act 210, § 5 (PL 497); 5-13-25, Act 340, § 2 (PL 628); 6-28-23, Act 349, § 1 (PL 910); 7-22-19, Act 453, § 1 (PL 1117); 5-18-11, § 1406(e) (PL 309)

**(f) EXCEPTIONAL CHILDREN**

**Sec. 1371 [24 PS 13-1371] Definition of exceptional children; reports; examination**

(1) The term "exceptional children" shall mean children of school age who deviate from the average in physical, mental, emotional or social characteristics to such an extent that they require special educational facilities or services and shall include all children in detention homes.

(2) It shall be the duty of the district superintendent, in every school district in accordance with rules of procedure prescribed by the Superintendent of Public Instruction, to secure information and report to the proper intermediate unit, on or before the fifteenth day of October of each year, and thereafter as cases arise, every exceptional child within said district. As soon thereafter as possible the child shall be examined by a person certified by the Department of Public Instruction as a public school psychologist, and also by any other expert which the type of handicap and the child's condition may necessitate. A report shall be made to the proper intermediate unit of all such children examined and of all children residing in the district who are enrolled in special classes.

**HISTORY:** 1-14-70, Act 192, § 52 (PL 468 (1969)), eff. 7-1-70; 5-4-70, Act 103, § 1 (PL 326) amended effective date of Act 192 to 7-1-71  
8-8-63, Act 310, § 1 (PL 592); 9-12-61, Act 546, § 2 (PL 1245); 4-29-56, Act 429, § 3 (PL 1356); 3-10-49, Act 14, Art XIII, § 1371 (PL 30); 7-7-47, § 1 (PL 1404); 5-21-43, § 1 (PL 512); 4-13-43, § 1 (PL 47); 6-24-39, § 1 (PL 786); 7-1-37, § 3 (PL 2560); 6-1-33, § 8 (PL 1152); 4-26-25, § 1 (PL 70); 7-22-19, § 1 (PL 1090); 5-18-11, § 1413 (PL 309)

**Sec. 1372 [24 PS 13-1372] Exceptional children; education and training**

(1) Standards for Proper Education and Training of Exceptional Children. The State Board of Education shall adopt and prescribe standards and regulations for the proper education and training

REGULATIONS  
OF THE  
STATE BOARD OF EDUCATION OF PENNSYLVANIA

CHAPTER 23  
PUPIL TRANSPORTATION

(Chapter revised May 9, 1975; Section 23.31 amended November 11, 1977)

General Provisions

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[Departmental Approval of Transportation Arrangements]

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|         | <u>23.40.</u> | <u>Depreciation Allowance.</u>               |

GENERAL PROVISIONS

§23.1. Compliance with regulations.

School districts furnishing pupil transportation service shall comply [in every respect] with the provisions of the Public School Code of 1949 (24 P.S. §1 - 101 et. seq.), [as amended,] provisions of the Motor Vehicle Code (75 P.S. 101 et. seq.), [as amended,] regulations adopted by the [State] Board [of Education] and regulations [established by] of the Bureau of [Traffic Safety] Motor Vehicles of the Department of Transportation of the Commonwealth (67 Pa. Code, Chapters 71 and 171 relating respectively to school bus drivers and school buses and vehicles).

§23.2. Approval of means of pupil transportation.

The means of pupil transportation to and from school whether furnished by school conveyances, private conveyances, or common carriers, and all contracts and agreements relating thereto, shall be subject to approval by the Department.

§23.3. Exceptional pupils, kindergarten pupils, and vocational-technical pupils.

Insofar as it is feasible, transportation for exceptional pupils, kindergarten pupils and area vocational-technical school pupils shall be integrated with regular transportation service.

§23.4. Responsibilities of the district board of school directors.

The board of directors of a school district shall be responsible for all aspects of pupil transportation programs, including the following:

- (1) The selection of means of transportation in conformance with the law and [with] regulations.
- (2) The selection and approval of appropriate vehicles for use in district service and eligible operators who qualify under the law and regulations.
- (3) The establishment of routes, schedules and loading zones which comply with laws and regulations, together with a provision of planned instruction for all school bus drivers serving in the district.

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(4) The adoption of [board] policies and establishment of criteria and procedures governing:

(i) The eligibility of resident pupils for free transportation services.

(ii) The [infractions of] discipline related to transportation for both public and nonpublic school pupils.

(iii) [The conduction of field] Field trips.

(5) The furnishing of rosters of pupils to be transported on each school bus run and trip.

(6) The maintenance of a record of [pupil personnel] pupils transported to and from school, including [identification of pupils] determination of pupils' distances from home to pertinent school bus loading zones.

(7) The negotiation and execution of contracts or agreements with contractors, drivers of district's vehicles and common carriers and submission of pertinent documents to the Department for approval of operation.

(8) [The ascertainment] Assuring that all vehicles used in transporting pupils have adequate public liability insurance coverage.

§23.5. Shared use of the same vehicle.

If two or more school districts or administrative units share the same vehicle in providing pupil transportation, the [approvable and reimbursable costs] basic annual allowance per vehicle shall be prorated to each district or administrative unit in accordance with annual pupil miles of service rendered to that individual district.

§23.6. Authorized passengers.

Only eligible pupils and school personnel authorized by the board of school directors shall be transported on the school bus while engaged in transporting pupils. The board of school directors also may authorize vehicle drivers to be accompanied by their minor children.

§23.7. [Purchase of new vehicles.] Reserved.

[New model vehicles shall be purchased under bidding procedures provided in Section 807.1 of the Public School Code of 1949, as amended, (24 P.S. §8 - 807.1) for the purchase of supplies costing more than \$1,500.]

§23.8. [Purchase of used or noncurrent vehicles.] Reserved.

[The following conditions shall be met in the purchase of used or new noncurrent model school buses.

- (1) The district need not advertise for sealed bids if the purchase price is less than \$1,500. In lieu of advertising for bids, the true market value of the vehicle shall be established by three disinterested qualified appraisers. Two copies of the complete written appraisal shall be submitted to the board of school directors. Reference should be made to paragraph (4) of this subsection.
- (2) Bid specification shall be prepared to request the age of the vehicle, date of original purchase and price, complete description of the vehicle, including specific condition of motor, tires, body, mileage, and passenger capacity as required for registration purposes.
- (3) The district must have the vehicle appraised by a disinterested qualified individual or individuals to determine an actual market value of the vehicle for comparison with the bid price.
- (4) For the purpose of determining the approvable cost of the vehicle for annual depreciation payments, the school district shall submit the following data to the Department:
  - (i) Copy of written appraisal submitted to the board of school directors.
  - (ii) A copy of the bid specifications.
  - (iii) Original purchase date and net cost of vehicle.
  - (iv) District purchase date and net cost of the vehicle.
  - (v) Vehicle registration information, including the following items:
    - (A) Name and make of chassis manufacturer.
    - (B) Model number.
    - (C) Manufacturer's number.
    - (D) Body make.
    - (E) Body capacity.



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(5) Upon receipt of the information requested together with the evidence of compliance with the law and regulations, the Department will inform the district of the approved purchase price allowable for annual depreciation payments and the maximum duration of such payments.]

[DEPARTMENTAL APPROVAL OF  
TRANSPORTATION ARRANGEMENTS]

§23.21. [General procedure.] Reserved.

[(a) The means of, records, agreements and contracts for, all pupil transportation to and from eligible nonprofit schools located within the-legal distance limitations shall be submitted to the Department for approval of operation and for evaluation when pertinent and advisable.]

(b) Approval by the Department shall denote approval of the operation proposed, but shall not signify that the anticipated costs thereof shall be approvable for reimbursement purposes.]

§23.22. [Supplemental contracts and records.] Reserved.

[(a) When it is necessary to extend the scope of pupil transportation service, provided by one or more of the specified vehicles providing such service in a school district, a properly executed supplement to the agreement or record shall be submitted to the Department of Education for approval of operation.]

(b) The following conditions warrant such supplement:

(i) The route must be extended to accommodate pupil load.

(ii) A rerouting of vehicles is made necessary by highway construction or official detours.

(iii) It becomes necessary that a noon run be established to take kindergarten pupils to and from school.

(iv) For all anticipated late afternoon runs not included in the normal daily scheduled transportation program.

(v) Additional regular transportation for nonpublic school pupils on days when the public schools are not in session.]

REIMBURSEMENT OF COSTS

§23.31. Definitions.

The following words and terms, when used in [these 23.31 - 23.37] this chapter shall have the following meanings unless the context clearly indicates otherwise:

Administrative unit - A school district, intermediate unit, or area vocational technical school.

Age of vehicle - The remainder determined by subtracting the year of manufacture of the chassis from the calendar year in which the school term of usage ends.

[Annual approved hours of operation of a vehicle - The product of the daily approved hours of operation times the number of days in the school term of which approved pupil transportation to and from school was provided on the designated vehicle.]

Approved annual mileage - The product of the approved daily mileage times the number of days in the school term on which transportation to and from school was provided on the designated vehicle.

Approved daily mileage - Mileage which the vehicle travels daily in transporting pupils to and from school, as approved by the Department, but the number of miles approved without passengers shall not exceed the number of miles with passengers.

[Daily approved hours of operation of a vehicle - The approved number of hours a vehicle is in operation in transportation of pupils to and from school with departmental approval.]

Department - The Department of Education of the Commonwealth.

One-way trip fares - The agreed upon rate per pupil for a specified distance or area.

Utilized passenger capacity miles - The product of the utilized passenger capacity times the approved annual mileage of the vehicle in transportation of pupils to and from school.

Utilized passenger capacity of vehicle - The greatest number of pupils transported to or from[, or both,] school on any one run. This figure shall not exceed the approved passenger capacity of the vehicle. If the seating capacity of the [school bus] vehicle is permanently reduced to accommodate transportation of certain exceptional pupils, the equivalent utilized capacity of the vehicle may be used in computing maximum allowable costs for reimbursement purposes upon submission of evidence justifying eligibility for such equalization being granted.

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§23.32. Submission of claims to the Department.

(a) [Sworn] Signed statements of claims for reimbursement shall be submitted to the Department on the prescribed forms furnished for that purpose.

(b) Claims for reimbursement shall cover allowable district expenditures [during the preceding year of] for approved pupil transportation, or for lodging provided in lieu of transportation, during the preceding year.

§23.33. Regular reimbursement.

Regular reimbursement shall be determined by multiplying the approved reimbursable costs of approved reimbursable pupil transportation expended during the preceding year times the applicable aid ratio of the school district. In determining [allowable] approved reimbursable costs, maximum allowable costs shall be subject to a [proration] prorated reduction on the basis cost per utilized passenger capacity mile for those pupils for whom transportation reimbursement is not authorized by law. In addition, depreciation payments are made to qualifying school districts.

§23.34. Transportation furnished on a fare base.

Maximum [costs] allowable costs for reimbursement purposes shall be determined by multiplying the number of one way trip fares paid for qualifying pupils transported to and from school in accordance with the approved agreement times the approved rate per one way trip fare.

§23.35. Transportation by contract.

(a) In order to compute the maximum allowable costs for reimbursement purposes, the allowable amount shall be determined by adding together the items covered in paragraphs (1) - (4) of subsection (b) of this section, where they are applicable. However, in no case shall the [total] maximum allowable costs per contractor exceed the amount paid to the contractor under the terms of the approved written contract.

(b) The maximum allowable [reimbursement] costs for reimbursement shall be the sum of the amounts determined in accordance with the following:

(1) A basic annual allowance per vehicle shall be computed as follows:

(i) For each vehicle approved and used in pupil transportation both to and from school during the full school term under an approved contract, an allowance of \$540 shall be made except that for vehicles with an approved rated pupil capacity of ten or less, the allowance shall be \$360. Each such qualifying vehicle shall be

allotted an additional amount determined by multiplying the approved rated pupil capacity of the vehicle times \$20 if the vehicle is from one to three years of age; times \$18 if the vehicle is from four to six years of age; times \$16 if the vehicle is from seven to ten years of age; and[,] times \$12 if the vehicle is eleven years of age or over.

(ii) If a vehicle is used daily only for transportation either to school or from school, the basic annual allowance shall be reduced by 50%. If a vehicle is used less than the full school term, the basic annual allowance shall be prorated in accordance with the fractional part of the term the vehicle was in usage.

(iii) If the approved mileage which a vehicle travels daily in transporting pupils to and from school is less than 20 miles, the basic allowance shall be reduced to the amount determined by multiplying the basic allowance times a fraction in which the numerator is the number of approved miles the vehicle travels daily and the denominator is 20.

(2) The mileage allowance for reimbursement purposes shall be computed by multiplying the approved annual mileage to and from school during the school term times \$.23.

(3) The utilized passenger capacity miles allowance for reimbursement purposes shall be determined by multiplying the approved utilized passenger capacity miles of service to and from school provided during the school term times \$3.50 per thousand or fraction thereof.

(4) When heavily congested traffic conditions or driver layover time for economy in operation requires for any specified vehicle in the district program of pupil transportation a greater number of driver hours than the quotient of the total annual mileage for approved transportation to and from school divided by 15 miles, the [applicant] district may qualify for an additional allowance for excess driver hours subject to approval by the Department. School districts requesting an allowance for excess driver hours shall submit with their request for reimbursement a written justification and supporting evidence of entitlement for such allowance to the Department for review, evaluation, and approval of the number of excess hours allowable for reimbursement purposes, if any. The additional amount, if any, allowable for reimbursement purposes on account of approved excess driver hours shall be computed by multiplying the number of excess driver hours approved by the Department times \$3.00.

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(c) Approved reimbursable costs of approved reimbursable pupil transportation provided by contract shall be computed by multiplying the maximum allowable costs for reimbursement provided for in subsection (b) by the cost index provided for in section 23.39 (relating to adjustments).

§23.36. Transportation by district-owned equipment.

(a) The maximum allowable [reimbursable] costs for reimbursement, other than depreciation, shall be determined by adding together the amounts determined in paragraphs (1) - (4) of subsection (b) of this section. However, in no case shall the [total] maximum allowable costs for reimbursement for any school year exceed the amount reported for actual operation of district-owned vehicles on the annual financial report for the school year in question prorated on the ratio of approved annual mileage to and from school during the school term to the total annual mileage traveled during the school year for all purposes by the designated vehicles.

(b) The maximum allowable [reimbursable] costs shall be the sum of the amounts determined in accordance with the following:

(1) A basic annual allowance per vehicle and driver for reimbursement purposes shall be [the remainder determined by subtracting 10% of the approved purchase price of the vehicle at the time of acquisition or \$700, whichever is the lesser, from the amount] computed as follows:

(i) For each district-owned vehicle approved and used in pupil transportation both to and from school during the full school term, an allowance of \$540 shall be made, except that for vehicles with an approved rated pupil capacity of ten or less, the allowance shall be \$360. Each such qualifying vehicle shall be allotted an additional amount determined by multiplying the approved rated pupil capacity of the vehicle times \$15 if the vehicle is from one to ten years of age, and times \$12 if the vehicle is eleven years of age or over.

(ii) When the vehicle is used less than a full school term or is used daily only for transportation either to school or from school [or both], or travels less than 20 miles per day in transporting pupils to and from school, the basic annual allowance shall be reduced in accordance with [§23.25(a)] §23.35 (b)(1) (ii) and (iii) (relating to transportation by contract).

(2) The allowance based on mileage shall be computed in accordance with paragraph (2) of subsection (b) of 23.35 [of this Title] (relating to transportation by contract).

(3) The utilized passenger capacity miles allowance for reimbursement purposes shall be determined by multiplying the approved utilized passenger capacity miles of service to and from school provided during the school term times \$3.00 per thousand or fraction thereof.

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(4) [In order to determine the] The allowance, if any, based on annual approved excess driver hours, [reference should be made to] shall be calculated in accordance with the provisions of paragraph (4) of subsection (b) of 23.35 [of this Title] (relating to transportation by contract).

(c) Approved reimbursable costs of approved reimbursable pupil transportation provided by district-owned vehicles shall be computed by multiplying the maximum allowable costs for reimbursement provided for in subsection (b) by the cost index provided for in section 23.39 (relating to adjustments), and subtracting from the result an amount equal to the lesser of ten percent of the approved purchase price of each vehicle at the time of acquisition or \$700 for each such vehicle.

§23.37.. Board and lodging in lieu of transportation.

Reimbursement for approvable costs of approved board and lodging provided in lieu of reimbursable pupil transportation shall be an amount determined by multiplying the approved district expenditure for the approved board and lodging times the applicable aid ratio of the school district or an amount computed by multiplying \$1.00 times the aggregate number of days such pupil attended a public school during the school term, whichever is the lesser.

§23.38. Additional reimbursement.

The Department will compute the additional reimbursement, if any, to which a qualifying eligible school district may be entitled on account of excess reimbursable pupil transportation as prescribed in (24. P.S. 25-2541).

§23.39. Adjustments.

Beginning with the 1973-1974 school year and in subsequent years, unless the formula relating to reimbursement is revised by either the State Board of Education or by the General Assembly, the [total reimbursable] maximum allowable costs for contracted transportation or transportation by district-owned vehicles shall be subject to an annual percentage increase or decrease. [Adjustment] This annual adjustment shall be determined in accordance with the percentage of increase or decrease in the consumer price index established by the United States Department of Labor for the calendar year immediately preceding the year of operation.

§23.40 Depreciation Allowance.

Districts which own their own transportation vehicles shall be paid a depreciation allowance in addition to the regular reimbursement. The depreciation allowance shall be the sum of the lesser of either ten percent of the approved purchase price of each district owned vehicle at the time of acquisition or \$700 for each district-owned vehicle.

walks shall be a factor in the evaluation but shall not be the controlling factor. The criteria for road and traffic conditions shall apply only to student walking routes, as defined in this chapter.

(d) These guidelines shall not be construed to require school buses to stop at every dwelling in the event that a student walking route or any portion thereof is declared hazardous, since such a policy would increase the probability of bus-related accidents. A student may be required to walk up to 500 feet on a roadway designated as a hazardous walking route when the route is designated as hazardous in accordance with § 447.4(b) (relating to criteria).

(e) If changes occur in the condition of a walking route that was previously inspected, a reevaluation of such route may be requested.

#### §447.4. Criteria.

(a) A student walking route shall be considered hazardous if any one of the following three conditions exist:

(1) Two or more pedestrian-related accidents have occurred during the last three years while the pedestrians were walking along the student walking route during hours students are normally going to or from school.

(2) It is necessary for a student to cross a roadway; either daily or intermittently, at any location where vehicular traffic is not controlled by either traffic control signals or a stop sign, or where students are not protected by an adult crossing guard; provided vehicular traffic on roadway is in excess of the values given in the table below for any 15-minute period during which students are enroute to or from school:

TABLE I

<i>Roadway Width (ft)*</i>	<i>For Elementary Students Number of Vehicles</i>	<i>For Secondary Students Number of Vehicles</i>
20 or less	155	175
24	130	150
30	100	120
36	80	100
48	40	60

\* If the roadway is divided by a raised median which is at least eight feet wide and has non-mountable curbs, the roadway should be considered as two separate roadways.

(3) It is necessary for students to cross a railroad-highway grade crossing which has two or more tracks and the following three qualifications are met:

(i) Trains normally — not necessarily with regularity — use the

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crossing at the time the students cross the tracks going to or from school.

(ii) The crossing is not protected by a flashing light signal or a crossing guard.

(iii) The speed of the trains and the available sight distance are such that students walking at a speed of 3.5 feet per second cannot safely cross the tracks.

(b) A student walking route shall be considered hazardous if a sidewalk does not exist and either paragraphs (1) or (2) applies:

(1) The shoulders are less than four feet wide and:

(i) for elementary students, the roadway surface is less than 20 feet wide and one or more trucks with three or more axles, not including garbage trucks or other types of trucks making house-to-house stops, normally use the roadway during the time the elementary students are enroute to or from school; or

(ii) for streets and highways with an average traffic volume of at least ten vehicles per-hour during the time students are walking, a 3.5-foot tall elementary school student or a 4.5-foot tall secondary student is not visible by approaching drivers from at least the following minimum distances:

TABLE II

<i>Safe-running Speed</i>	<i>Minimum Distance (ft.)</i>
30 or less	200
35	240
40	275
45	315
50	350
55	410

(2) The normal vehicular traffic volume during any 15-minute period that students are enroute to or from school exceeds the following values for the appropriate safe-running speed range:

(i) Safe-running speed is 35 mph or less:

<i>Shoulder Width</i>	<i>For Elementary Students</i>	<i>Number of Vehicles For Secondary Students Only</i>
less than 4 ft.	30	45
4 ft. — 6 ft.	60	100

(ii) Safe-running speed is over 35 mph:

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<i>Shoulder Width</i>	<i>For Elementary Students</i>	<i>Number of Vehicles For Secondary Students Only</i>
less than 4 ft.	20	30
4 ft. — 6 ft.	40	65

**Cross References**

This section cited in 67 Pa. Code § 447.3 (relating to general policy).