

TENNESSEE STATE BOARD OF EDUCATION		
TRANSPORTATION		3400
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Each authorized charter school shall provide transportation in accordance with its charter agreement. If a school elects to provide transportation for its pupils as a part of its charter agreement, the school shall receive the additional transportation component as a part of the BEP payments received from the State Board. The transportation shall be provided by the school or by agreement with the district in which the school is located in accordance with state law.¹ If a school elects not to provide transportation for its pupils, the school shall not receive the additional transportation component of the BEP. All schools shall provide transportation to students if required by a student’s Individualized Education Program (IEP).

At the time a pupil enrolls in a charter school, the school shall provide the child's parent or guardian with information regarding transportation.

Both the charter school and the district in which the school is located shall include in their annual reports what transportation plans are in effect for charter schools.²

Transportation Supervisor. The Director of Schools shall appoint a transportation supervisor for the district. He/she shall be responsible for monitoring the authorized charter schools’ compliance and oversight of transportation services. The transportation supervisor shall complete a student transportation management training program upon appointment. The transportation supervisor shall complete a minimum of four (4) hours of training annually. The Director of Schools shall ensure that training is completed and provide the Tennessee Department of Education with appropriate documentation.

Each authorized charter school shall appoint a transportation supervisor for the school. He/she shall be responsible for monitoring and oversight of transportation services for the charter school. The transportation supervisor shall complete a student transportation management training program upon appointment. Every year, the transportation supervisor shall complete a minimum of four (4) hours of training annually. The school leader shall ensure that training is completed and provide the Tennessee Department of Education with appropriate documentation.

FOR CHARTER SCHOOLS ELECTING TO PROVIDE TRANSPORTATION

Bus Regulations.³ A school shall adopt policies and procedures regarding the transportation of students to ensure compliance with the statutory and regulatory requirements for a transportation program.

The allocation of minimum program funds for pupil transportation shall be based on a formula for the distribution of available funds. A school that receives aid under T.C.A. § 49-10-113 shall operate in accordance with the Tennessee Children with Disabilities Transportation Act.⁴ The school shall

keep records of transportation costs and the number of pupils transported on a monthly basis, and make such reports as required by the Commissioner of Education.

No school bus shall be operated to transport pupils to and from school unless the school bus is insured for liability and property damage according to the rules and regulations of the State Board.⁵ The school shall safely operate buses and transport students in accordance with state law.

All school bus accidents shall be immediately reported to the State Board's transportation supervisor. School bus accidents shall be reported to the Tennessee Department of Education in the following manner⁶:

- (1) Pupil injury and/or fatality accidents: By telephone within twenty-four (24) hours of the accident and by written report within ten (10) days on the Department's provided School Bus Accident Report Form.
- (2) Property damage accidents: At the end of the school year on the Annual Pupil Transportation Report.

A school shall only operate buses that are approved under State Board rule 0520-01-05-.01(8). All school buses purchased by a school or private contractor shall meet the Tennessee Minimum School Bus Standards approved by the State Board and all applicable federal motor vehicle safety standards. Vehicles constructed for transporting children with disabilities shall comply generally with the Tennessee Minimum School Bus Standards approved by the State Board but, because of special equipment, appropriate modifications shall be made for children with disabilities. All school buses shall be inspected, maintained, serviced, and operated in accordance with state law and State Board rules and regulations.⁷

Bus Drivers.⁸ A school shall select and hire school bus drivers in accordance with state law. The school shall submit reports on forms prescribed by the State Board verifying the school has documentation, or has access to documentation, of physical and mental examinations of school bus drivers, in accordance with state law.

The district will issue certificates authorizing a person to drive a school bus for an authorized charter school in accordance with state law and State Board transportation procedures.

Transportation of Students. A school, prior to the beginning of each school year or upon hire of a school bus driver during the school year, shall assure that every school bus driver knows and understands the school's policies and procedures concerning transportation, including, but not limited to, bus drivers' responsibilities and duties with regard to a student exiting a bus at a point other than the student's destination for the trip, in accordance with state law.

In accordance with state law, a student whom a parent or guardian desires to exit a school bus at a destination other than the student's regular bus stop on the student's return bus route after dismissal of school shall provide the bus driver with a signed note from the parent or guardian informing the driver of the change in the student's bus stop for that day. The driver shall be required to turn the signed note over to the student's school principal or his/her designee as soon as practicable after completion of the route. A school may adopt more stringent policies and procedures than the above requirements (with respect to a student's exiting the bus at a point other

than the student's regular bus stop), including a policy that does not permit a student to exit at a point other than the student's regular bus stop.⁹

In accordance with state law, no school bus driver shall require or permit a student to exit a bus in violation of the school's policies and procedures. However, nothing shall prevent a school from adopting policies and procedures for management of unruly students on school buses, including the ejection of a student when necessary for the safety of other student passengers or the bus driver; provided, that the driver secures the safety of that student for the uncompleted trip. The school shall immediately review the fitness to drive of a school bus driver who permits or requires a student to exit a bus in violation of the school's policies and procedures.⁷

In accordance with state law, a driver shall report to school authorities as soon as possible, but no later than the end of the route, any student refusing to obey the driver and exiting the bus without the driver's permission at a point other than the student's destination for that trip.⁷

No pupil shall be allowed to remain in transit to or from school on a school bus more than one and one half (1 ½) hours in the morning or one and one half (1 ½) hours in the afternoon, in accordance with state law.¹⁰

A school bus shall at no time transport more pupils than the manufacturer's rated capacity for the bus, allowing no less than thirteen (13) linear inches of seat space for each pupil. The Commissioner of Education may, under rules and regulations prepared by the Commissioner and approved by the State Board, issue permits to a local board of education allowing the number of pupils transported on a school bus to exceed this limit, up to, but not to exceed, twenty percent (20%) of the manufacturer's rated capacity. In no event shall a permit be issued authorizing the loading of a school bus beyond the limits of safety.¹¹

A school bus transporting pupils to and from school or on school-sponsored activity trips shall not exceed posted speed limits or a maximum speed of thirty-five (35) miles per hour on unpaved roadways.¹¹

A school may choose to allow commercial advertising to be displayed on school buses; however, any school that chooses to do so shall adopt a policy regulating commercial advertising on school buses in accordance with state law and the minimum standards outlined in State Board rule 0520-01-05-.01(8).

Use of Photographs and Video Footage.¹² Authorized charter schools who have one (1) or more school buses with a camera or video camera installed inside a school bus that is used to transport students to and from school or school-sponsored activities shall develop a policy governing the use of cameras and video cameras in accordance with the provisions of state and federal law. The policy shall include a process to allow a parent of a student to view footage collected from a camera or video camera installed inside a school bus and must establish the duration for which the school will maintain photographs or video footage collected from a camera or video camera installed inside a school bus.

Schools which do not have cameras or video recording equipment currently installed in buses used by the school are not required to install cameras in buses or develop a policy for their use.

Complaint Number.¹⁴ Each authorized charter school providing transportation, including through a contractual agreement, to students to and from school shall ensure that each school bus serving the charter school is equipped with the phone number for reporting complaints on the rear bumper. The phone number shall not go to the transportation contractor.

Complaint Process.¹⁴ Each authorized charter school providing transportation to students to and from school shall develop a policy to govern how students, teachers, staff, and community members shall submit bus safety complaints. The policy must include:

1. All complaints shall be submitted to the charter school transportation supervisor; and
2. Complaints may be submitted in person, via phone call, mail, or email.
3. The charter school transportation supervisor shall begin an investigation of all bus safety complaints within twenty-four (24) hours of receipt.
4. Within forty-eight (48) hours of receipt of the initial complaint, the charter school transportation supervisor shall submit a preliminary report to the State Board's Director of Schools. The report shall include:
 - a. The time and date the complaint was received;
 - b. The name of the bus driver;
 - c. A copy or summary of the complaint; and
 - d. Any prior complaints or disciplinary actions taken against the driver.
5. Within sixty (60) school days of receiving the initial complaint, the charter school transportation supervisor shall submit a final written report to the State Board's Director of Schools that details the investigation's findings as well as the action taken in response to the complaint.

Annual notice of the charter school's complaint process shall be provided to parents and students. This information shall be made available in the charter school's student handbook.

Recording Keeping.¹⁴ The charter school transportation supervisor shall be responsible for the collection and maintenance of the following records regardless of whether transportation services are provided directly by the charter school or via contractual agreement:

1. Bus maintenance and inspection forms;
2. Bus driver credentials, including required background checks, health records, and performance reviews;
3. Driver training records; and
4. Complaints received and any records related to the investigation of complaints.

Legal References:

¹ T.C.A. § 49-13-114; T.C.A. § 49-6-2101 *et seq.*

² T.C.A. § 49-13-114

³ T.C.A. § 49-6-2109

⁴ T.C.A. § 49-6-2114

⁵ T.C.A. § 49-6-2111

⁶ TRR/MS 0520-01-05-.01(2)(b)

⁷ TRR/MS 0520-01-05; T.C.A. § 49-6-2118

⁸ T.C.A. § 49-6-2107; T.C.A. § 49-6-2108

⁹ T.C.A. § 49-6-2118

¹⁰ T.C.A. § 49-6-2105

¹¹ T.C.A. § 49-6-2110

¹² T.C.A. § 10-7-504; 20 USCA §1232g

¹³ Public Acts of 2019, Chapter No. 256

¹⁴ T.C.A. § 49-6-2116

Cross References:

Transportation Procedures