

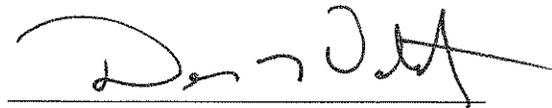
**DECLARATION PURSUANT TO EDUCATION LAW SECTION 2590-g(9)
REGARDING THE IMMEDIATE ADOPTION OF AMENDMENTS TO
CHANCELLOR'S REGULATION A-801, PUPIL TRANSPORTATION**

I, Dennis M. Walcott, Chancellor of the New York City Department of Education, pursuant to section 2590-g(9) of the New York State Education Law, do hereby determine that the immediate approval of proposed amendments to Chancellor's Regulation A-801, Pupil Transportation ("Amended A-801") is necessary to preserve the health, safety and general welfare of the students and school system as a whole. A copy of Amended A-801 is attached hereto as Appendix A. This emergency declaration shall remain in effect for 60 days or until the Panel for Educational Policy ("Panel") votes to approve the Amended A-801, whichever comes first.

Chancellor's Regulation A-801 sets forth the Department's policies regarding student transportation. Among other things, the regulation specifies when students are entitled to receive free or reduced fare MetroCards or transportation by school bus, and how long school bus routes may be. However, the effects of the recent storm and flooding in New York City have made several of these policies either impracticable, or likely to have a deleterious effect on student health and safety. The Department must immediately adopt Amended A-801 in order to allow for the provision of safe and adequate transportation to students and schools affected by the storm.

Pursuant to section 2590-g(1)(c) of the New York State Education Law, the Panel ordinarily must approve any proposed revisions to Chancellor's Regulations before they take effect. By law, permanent Panel approval can come only after a statutory forty-five day public comment period. However, as described above, any delay in the adoption of Amended A-801 would negatively affect the health, safety, and general welfare of the students and the school system as a whole. For this reason, in accordance with section 2590-g(9), I have determined that it is necessary to immediately adopt Amended A-801, which shall remain in effect for 60 days or until the Panel votes to approve Amended A-801, whichever comes first.

Dated: New York, New York
November 9, 2012


Dennis M. Walcott

APPENDIX A



Regulation of the Chancellor

Category: **STUDENTS**

Number: **A-801**

Subject: PUPIL TRANSPORTATION

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Issued: 11/02/12

SUMMARY OF CHANGES

This regulation supersedes A-801 - dated 9/05/00

The regulation sets forth the provisions that govern the transportation of pupils who are New York City residents to and from school, by contract bus or common carrier service, according to grade, distance and program as well as limitations and implementation mechanisms.

Changes:

- Adds circumstances under which the Chancellor or his/her designee may waive the provisions of this regulation.



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ABSTRACT

This Regulation consolidates four (4) Chancellor's Regulations Concerning Pupil Transportation: A-434, A-801, A-805 and A-806, into one Regulation A-801. The four (4) Chancellor's Regulations concerning Pupil Transportation have been consolidated as follows:

1. A-801 "Pupil Transportation" changed to A-801 Section 1 "General Education Pupil Transportation Policies, Procedures and Eligibility Requirements"
2. A-805 "Transportation of Special Education Pupils by Bus" changed to A-801 Section 2 "Special Education Pupil Transportation Policies, Procedures and Eligibility Requirements"
3. A-434 "Behavior of Children on Buses" changed to A-801 Section 3 "Behavior of Students on School Buses"
4. A-806 "School Bus Safety Drill" changed to A-801 Section 4 "School Bus Safety Drills"
5. A-801 paragraph 5 "Inquiries" changed to A-801 Section 5 "Inquiries"



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SECTION 1. GENERAL EDUCATION PUPIL TRANSPORTATION POLICIES, PROCEDURES AND ELIGIBILITY REQUIREMENTS

The transportation regulations contained herein provide students who are New York City residents with pupil transportation to and from school by contract bus or common carrier service according to grade, distance and program. Implementation mechanisms and limitations are part of these regulations.

1. TRANSPORTATION POLICY

Pupil transportation policies are to be strictly enforced at the district and school level. This includes the submission to the Office of Pupil Transportation (OPT) of all documentation for transportation service.

Penalties may be assessed against districts and/or schools where schools have been found in non-compliance with eligibility policies, MetroCard distribution and safekeeping and accounting procedures. Penalties may include deducting funds from a district's budget to cover losses to the Board of Education due to non-compliance. In the case of non-public schools, MetroCards for future semesters may be withheld until the Board of Education is reimbursed for its losses.

The Director of the Office of Pupil Transportation will make the final determination as to the mode of transportation to be provided to each student. Transportation modes are defined as follows:

COMMON CARRIER – Public transit bus or subway using a MetroCard between closest stop to home and closest stop to school.

CONTRACT CARRIER - Service by yellow school bus under contract to the Board of Education, between stops designated by the Office of Pupil Transportation and the school.

FREE FARE - The student does not contribute to the cost of the fare.

HALF FARE - The student contributes half of the cost of the fare. The half fare MetroCard is good for surface transportation only and is entirely subsidized by NYCT. It is an alternative to students when they are unable to walk (i.e. inclement weather) to school. This program is a benefit for students provided by the City of New York and is not a required service mandated by the State or Federal governments.

METROCARD - Plastic laminate card with a ten-digit serial number imprinted on the reverse side of the pass near the magnetic tape. Swipe card will provide up to three trips per student per day; unless additional trips are authorized by the school principal, Executive Director of OPT and NYCT. MetroCard will be issued as a free fare combination bus and subway pass (where the transfer from surface to rapid during one commute is considered one trip) and half fare surface (bus only) pass.



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2. ELIGIBILITY REQUIREMENTS

2.1 Grades K - 2

Pupils in grades K - 2 are eligible for free transportation if they reside $\frac{1}{2}$ mile or more from their school. Pupils in grades K - 2 are eligible for half fare transportation if they reside less than $\frac{1}{2}$ mile from their school.

2.2 Grades 3 – 6

Pupils in grades 3-6 are eligible for free transportation if they reside one mile or more from their school. Pupils in grades 3 - 6 are eligible for half fare surface transportation if they reside one half mile and less than one mile from their school.

2.3 Grades 7 – 12

Pupils in grades 7 - 12 are eligible for free fare privileges on public transit facilities if they reside 1 $\frac{1}{2}$ miles or more from school. Pupils in grades 7 - 12 are eligible for half fare surface transportation if they reside one half mile and less than one and one half miles from their school. In a small number of cases where public transit facilities are inadequate or unavailable, exceptions may be granted by the Office of Pupil Transportation to allow the use of existing contract bus service provided for children in elementary grades by pupils in grades 7 and 8. All such pupils must be otherwise eligible by meeting the distance criteria.

2.4 Temporary Shelter

Pupils in grades K - 12 who have been placed in temporary housing (homeless shelters, hotels, etc.) by public authorities are exempt from age and distance requirements for so long as they reside in that temporary housing. At any time that a student is placed in temporary housing a request for emergency transportation can be placed immediately with the Office of Pupil Transportation. All subsequent requests for the student's transportation must follow normal pupil documentation procedures.

2.5 Special Education

Students designated as Special Education by the Committee on Special Education are exempt from the minimum grade and distance requirement. Special Education students must also fall within the age guidelines stipulated in the most recent Office of Pupil Transportation General Education Transportation Manual.



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3. SPECIFIC CRITERIA AND PROCEDURES TO BE FOLLOWED FOR PUPILS RIDING PUBLIC TRANSIT

3.1 Public Transit Carriers on which MetroCard criteria and Procedures Apply

The public carriers include: New York City Transit (NYCT), Staten Island Rapid Transit (SIRTA), Command Bus Corp., Green Bus Lines, Jamaica Bus Co., Queens Surface Transit and Tri-boro Corp.

3.2 Public Transit MetroCards to be Utilized by Each Grade Level

Grades K – 6: These pupils will receive from the school either a free or half fare general education or full fare special education MetroCard good for the fall or spring semesters.

Grades 7 – 12: Pupils in this category will be issued a free or half fare general education or full fare special education MetroCard good for the fall or spring.

Grades K – 12: Half Fare MetroCard: After contributing half of the cost, the half fare card will be good for free transfer privileges on franchise/ NYCT buses. The elementary full fare MetroCard will be color coded to differentiate it from the high school full fare card and the all grade half fare card. GOOD ON SUNDAY METROCARD PROVIDES PUPILS WITH THE SAME SERVICE BUT ON A SUNDAY THROUGH FRIDAY SCHEDULE.

3.3 Request for Eligibility Checks

The Office of Pupil Transportation will evaluate all appeals to a pupil's calculated distance from their home to the school when there is a legitimate question concerning student eligibility. However, until the evaluation is completed and a decision reached, the pupil must abide by the original school decision concerning eligibility or by directives issued by the Office of Pupil Transportation. All decisions will be written and forwarded to the pupil's parent/guardian and school principal. Included in the written correspondence will be a copy of the designated walking route and subsequent appeal process.

4. SPECIFIC CRITERIA AND PROCEDURES TO BE FOLLOWED FOR PUPILS RIDING CONTRACT BUS

4.1 Where contract school bus service is provided, no bus route shall exceed a total one way route length of 5 miles through all stop points.

4.2 No contract bus route will be established to serve less than the following minimums:

4.2.1 Route for kindergarten students only: not less than 11 students.



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4.2.2 Route for students - mixed grades: not less than 11 students.

4.2.3 No contract bus route shall operate across borough or county lines.

4.2.4 If a pupil has a MetroCard for public transportation, the pupil is not eligible to ride a contract bus.

4.2.5 Contract bus service shall not be provided for special nonmandated programs which draw pupils from their regularly zoned schools except for pupils attending approved programs for the gifted and talented. The Office of Pupil Transportation will, based on criteria and procedures contained in Chancellor's regulations, determine the type of transportation to be provided. The Community Superintendent, when selecting sites for these programs, will coordinate the selection of these sites with the Office of Zoning and Integration and the Office of Pupil Transportation. Every effort will be made to make maximum use of existing transportation facilities.

4.2.6 Requests for transportation that require the installation of new bus routes must be submitted to the Office of Pupil Transportation before April 1, for service beginning the following September.

4.2.7 The Office of Pupil Transportation is the only Board of Education unit authorized to establish new bus stops and routes. Should a need develop for any changes in designated bus stops or routes, principals are to direct correspondence to the Office of Pupil Transportation for review and possible establishment of new stops.

SECTION 2. SPECIAL EDUCATION PUPIL TRANSPORTATION POLICIES, PROCEDURES AND ELIGIBILITY REQUIREMENTS

I. INTRODUCTION

- A.** State Education Law mandates that the City School District provide Transportation for special education children residing in New York City to and from the school they legally attend.
- B.** The following regulations serve to delineate the key responsibilities of everyone involved in the movement of special education school children. This includes the Office of Pupil Transportation, the Community School Districts, the Division of Special Education, the Committees on Special Education, the bus companies, drivers, escorts, schools, parents, and children.



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II. SCHOOL RESPONSIBILITIES

- A. The principal shall, in consultation with the driver, schedule three emergency drills during the school year.
- B. The teacher is to review regularly with the children in class all the safety rules to be followed on the bus including rules for boarding, riding, leaving, and conduct on the bus.

1. Rules on boarding the bus:

- a. Stay as far from the edge of the road as possible.
- b. Let the bus come to a full stop before approaching the door of the bus.
- c. Use the handrail to help keep your balance as you go up the steps, one at a time.
- d. Report anything damaged on the bus (such as clamps for securing wheelchairs) to the driver as you leave.

2. Rules while riding the bus:

- a. Speak softly.
- b. Get permission before opening a window and don't throw or put anything (such as hands, head, or arms) out of the window.
- c. Don't talk to the driver while the bus is in motion, unless it is an emergency. The driver has to keep his or her mind on the road.
- d. No talking at all when the bus comes to a railroad crossing, so the driver can hear any approaching train.
- e. Keep arms and legs out of the aisle, where they could trip or hurt somebody.
- f. Sit quietly in your seat until the trip is over and the bus has come to a full stop.
- g. Keep seat belt on until the bus comes to a halt at the school or home.

3. Rules for leaving the bus:



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- a. Stay seated until the bus comes to a full stop. The driver will tell you when to go.
 - b. Always use the handrail going up and down steps to protect yourself from falling.
 - c. Move away from the bus quickly. Stay clear of the rear wheels. Never reach back through a window.
- C.** For procedures regarding misbehavior, refer to Section 4 of this Regulation regarding behavior of children on buses.
- D.** The teacher shall advise parents of special education children to inform the bus escort of any medical problems that may affect child's well being on the bus (e.g. asthma, heart condition, diabetes, convulsions, etc.).
- E.** The teacher or aide should check to be sure that an escort is on the bus when it arrives at the school. The Office of Pupil Transportation is to be notified immediately if no escort is on the vehicle.
- F.** The principal of the school that the child attends will review all complaints about the bus service made by the parent. The principal will consult with the child's teacher. The principal will:
1. Speak to the driver and/or the escort and try to resolve the problem.
 2. If the problem cannot be resolved in this manner, the principal shall contact the dispatcher at the appropriate bus company for a resolution.
 3. If no satisfactory response results, the "Violation Form" available from the Office of Pupil Transportation should be submitted to the Office. The special education supervisor should also be notified of actions taken. In case of an emergency, contact the Office of Pupil Transportation directly at **(718) 784-3313**.
 4. If the Office of Pupil Transportation or the bus company has not resolved the problem, contact the District Administrator of Special Education of the Community School District through the Community School District office.
- G.** The teacher should not dismiss pupils from class prior to the regularly scheduled dismissal time.



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- H. The teacher shall advise parents of the procedure whereby children who are not met by the parent or otherwise authorized person on their return home from school, are to be taken to the police station after the bus driver or escort has notified the garage dispatcher, unless the parent has signed a waiver of the need to have the child met.
- I. The special education supervisor should notify the district placement officer immediately when a child is transferred or discharged from the program or has had a change of address. The district placement officer will notify the Office of Pupil Transportation immediately, using the OPT 77 or the ATS System, of the change of pupil status.
- J. The principal will inform parents of their responsibilities as outlined in section 3.

III. PARENTS' RESPONSIBILITIES

- A. On the first day of the school year, parents are to have their child ready at 7:00 a.m. During the school year, when a child is picked up for the first time, the Office of Pupil Transportation will notify the parent when the child should be ready. The bus company is required to provide curb-to-curb service.
- B. After the first day, the parent shall receive notice from the bus driver specifying the scheduled time of the pick-up and return for the child, the bus number, route number, name of the bus company and names of the driver and escort.
- C. The parent shall have the child ready on time so that no delay occurs for other children. The driver is not required to wait more than one minute for any child who is not ready at the pick-up point. The bus driver is forbidden to blow the bus horn.
- D. For the safety of all children on the bus, it is essential that parents advise their children to obey the following rules:
 - 1. All children must be seated on the bus at all times, with a seat belt fastened.
 - 2. Children are not permitted to lean out bus windows; hands and heads must be kept inside the bus at all times.
 - 3. Children should speak quietly on the bus and should not speak to the driver when the bus is in motion.
 - 4. Children should not throw objects inside the bus or out of the bus windows.



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5. No hitting, spitting or fighting is allowed on the bus; no shoving is allowed when boarding or leaving the bus.

6. Children shall board and leave the bus one at a time.

- E. If the child has any medical problems which might affect his or her well-being on the bus, the parent shall inform the escort of the problem and of any action he or she should take in the event that action is required (medical problems might be asthma, heart condition, diabetes, convulsions, etc.).
- F. If parents have complaints about bus service, they should report these to the principal, who will notify the bus company and the Office of Pupil Transportation to resolve the problem. If the problem is not resolved within a reasonable time, parents should call the District Administrator of Special Education of the Community School District. (The District Administrator of Special Education may be contacted through the Community School District Office.)
- G. If the adult designated to receive the child is not present when the child is returned from the school by bus, the child may not be left with an unauthorized individual. The driver and/or escort are to notify the dispatcher immediately and take the youngster to the police station. A parent may elect to designate another family member, neighbor, etc. to receive the youngster and may further elect to permit the escort and driver to deliver their child without an authorized adult present to receive the child. In any case, such alternative designations by the parent must be given in writing by the parent or guardian to the principal and driver.
- H. In the case of inclement weather or strikes in the schools, parents should listen to their local radio station starting at 6:00 a.m. for announcements. Parents can also call (718) 392-8855 for weather and strike information.

IV. BUS DRIVER AND ESCORT RESPONSIBILITIES

- A. The driver and escort are responsible for monitoring pupil behavior on the bus.
- B. The escort will be responsible for administration of first aid in emergency situations.
- C. The escort is required to assist the child from the bus to the front door of the school.
- D. If the child is not met by the parent or otherwise authorized person on the return trip from school, the driver will notify the garage dispatcher and take the child to the police station. If a parent has signed a waiver so stating, the driver or escort may wait until the child has entered his or her home.



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SECTION 3. BEHAVIOR OF STUDENTS ON SCHOOL BUSES

I. INTRODUCTION

Good behavior is essential to the safety of all who ride the school bus. Sitting quietly and obeying the rules helps prevent injuries and enables the driver to function effectively without distractions.

II. RULES FOR GOOD BEHAVIOR

Rules for good behavior on the school bus are detailed in Section 3 of this Regulation. It is the duty of the bus driver and/or escort to establish discipline and caution students when misbehavior occurs. If the misbehavior is repeated, the procedure outlined in Part III below is to be followed.

III. THE PROCEDURE REGARDING MISBEHAVIOR OF CHILDREN ON SCHOOL BUSES IS AS FOLLOWS:

- A. The driver and/or escort shall first speak with the teacher about the child's misbehavior. The teacher shall discuss the problem with the child and with the parent.
- B. If the driver and/or escort is unable to speak to the teacher or if the child's behavior does not improve after intervention by the teacher, the driver or the bus company shall notify the principal of the school and/or the special education supervisor by letter, with a copy to the Office of Pupil Transportation (OPT) and, where appropriate, the District Administrator of Special Education (DASE).
- C. The Office of Pupil Transportation shall determine the precipitating causes for the misbehavior and whether the driver or escort contributed to the difficulty. If the driver or escort is at fault, the Office of Pupil Transportation shall contact the bus company to take appropriate actions; i.e., warning, transfer, suspension.
- D. If the causes are other than the above and the child's behavior threatens the physical safety of self or others, the principal or special education supervisor shall arrange for a conference with the parent and discuss methods for resolution, such as the parent independently taking the child to school.
- E. If an emergency threatens the safety of the child or others on the ride home in the afternoon and the principal or special education supervisor cannot be reached, the Director of the Office of Pupil Transportation can decide that the bus company is not to pick up the child the following day and shall so notify the parent. The principal or supervisor will then be contacted the next day to make a final decision on excluding the child from bus service for a longer period of time and shall so advise the parent.



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- F. Only the principal or special education supervisor may temporarily bar a child from transportation if all else fails. The bus driver and/or escort have no authority to take disciplinary action. Drivers and/or escorts may caution pupils, and if this is not effective, they are instructed to report the matter to the school principal or special education supervisor.
- G. The principal or special education supervisor shall arrange a conference with the parent, teacher, and other appropriate personnel to help resolve the problem and to arrange other means, if necessary, of getting the child to school. Exclusion from bus service does not mean suspension from school.
- H. A principal or special education supervisor should not exclude a pupil from bus service for any more than five consecutive days.

SECTION 4. SCHOOL BUS SAFETY DRILLS

Section 3623 of the State Education Law and Revised Section 156.3(h) of the Regulations of the Commissioner of Education require that school districts conduct at least three school bus drills per school year; the first during the first week of the fall term, the second between November 1 and December 31, and the third between March 1 and April 30.

1. Drills on School Bus

1.1 Section 3623 of the State Education Department and Revised Section 156.3(h) of the Regulations of the Commissioner of Education require drills on school buses including practice and instruction in the location, use and operation of the emergency door, fire extinguishers, first-aid equipment and windows as a means of escape in case of fire or accident.

1.1.1 Drills shall also include instruction in safe entering and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking.

1.1.2 Each drill shall include specific instructions for pupils to advance at least ten (10) feet in front of the bus before crossing the highway after disembarking. Most importantly, after disembarking on New York City streets, pupils are to advance to the corner and a sufficient distance to make eye contact with the driver, before attempting to cautiously cross the street at the intersection.

1.1.3 Each drill shall emphasize specific hazards encountered by children during snow, ice, rain and other inclement weather including, but not necessarily limited to conditions where the driver has poor visibility, reduced vehicular control, and/or reduced hearing.



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1.1.4 All such drills shall include instruction in the importance of orderly conduct by all school bus passengers with specific emphasis given to student discipline, rules and regulations promulgated by the Board of Education.

1.2 School bus drill instruction and the conduct of such drills shall be given by teachers.

1.3 While all pupils are required to participate in these drills, whether or not they are transported to school by bus, classroom instruction covering the content of drills may be provided as an option for those pupils who use buses only for field trips.

1.4 No drills shall be conducted when buses are on routes.

2. Date of Drills

School bus drills must be conducted at least three times during the school year; the first during the first week of the fall term, the second between November 1 and December 31, and the third between March 1 and April 30.

3. Certificates of Compliance

On completion of the drills, certifications of compliance must be kept on file at the school.

SECTION 5, WAIVER

This Regulation or any portion thereof may be waived by the Chancellor or his/her designee if extraordinary circumstances make application of the Regulation or portion thereof contrary to the best interests of the school system.

SECTION 6. INQUIRIES

Inquiries pertaining to this Regulation should be addressed to:

Telephone:
(718) 784-3313

Office of Pupil Transportation
44-36 Vernon Boulevard
Long Island City, New York 11101

Fax:
(718) 392-8403