

2012 -- H 7567

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Representatives Tanzi, Walsh, Blazejewski, O'Neill, and E Coderre

Date Introduced: February 15, 2012

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-21-1 of the General Laws in Chapter 16-21 entitled "Health and
2 Safety of Pupils" is hereby amended to read as follows:

3 **16-21-1. Transportation of public and private school pupils.** -- (a) The school
4 committee of any town or city shall provide suitable transportation to and from school for pupils
5 attending public and private schools of elementary and high school grades, except private schools
6 that are operated for profit, who reside so far from the public or private school which the pupil
7 attends as to make the pupil's regular attendance at school impractical and for any pupil whose
8 regular attendance would otherwise be impracticable on account of physical disability or
9 infirmity. Provided, that effective August 31, 2012, school committees may assess and collect a
10 charge for transportation services from pupils and/or the parent and/or guardian of such pupils,
11 who attend and seek transportation to private schools, unless the transportation is required under
12 other state and/or federal law. The charges assessed shall be reasonably apportioned to reflect the
13 actual additional costs incurred by the school committee and/or the municipality in providing the
14 transportation of the pupil to the private schools. In the event such charges are lawfully assessed
15 but are not paid, and the pupil involved is not otherwise entitled to free transportation under other
16 state and/or federal law, the school committee and/or the municipality shall not be obligated to
17 provide transportation and, if applicable, may discontinue providing such transportation to any
18 said pupil(s).

19 (b) For transportation provided to children enrolled in grades kindergarten through five

1 (5), school bus monitors, other than the school bus driver, shall be required on all school bound
2 and home bound routes. Variances to the requirement for a school bus monitor may be granted by
3 the commissioner of elementary and secondary education if he or she finds that an alternative
4 plan provides substantially equivalent safety for children. For the purposes of this section a
5 "school bus monitor" means any person sixteen (16) years of age or older.

6 (c) No school committee shall negotiate, extend, or renew any transportation contract
7 unless such contract enables the district to participate in the statewide transportation system,
8 without penalty to the district, upon implementation of the statewide transportation system
9 described in RIGL sections 16-21.1-7 and 16-21.1-8. Notice of the implementation of the
10 statewide transportation system for in-district transportation shall be provided in writing by the
11 department of elementary and secondary education to the superintendent of each district upon
12 implementation. Upon implementation of the statewide system of transportation for all students,
13 each school committee shall purchase transportation services for their own resident students by
14 accessing the statewide system on a fee-for-service basis for each student; provided, however,
15 that any school committee that fulfills its transportation obligations primarily through the use of
16 district-owned buses or district employees may continue to do so. Variances to the requirement
17 for the purchase of transportation services through the statewide transportation system for non-
18 public and non-shared routes may be granted by the commissioner of elementary and secondary
19 education if the commissioner finds that an alternative system is more cost effective. All fees paid
20 for transportation services provided to students under the statewide system shall be paid into a
21 statewide student transportation services restricted receipt account within the department of
22 elementary and secondary education. Payments from the account shall be limited to payments to
23 the transportation service provider and transportation system consultants. This restricted receipt
24 account shall not be subject to the indirect cost recoveries provisions set forth in section 35-4-27.

25 SECTION 2. Section 16-21.1-8 of the General Laws in Chapter 16-21.1 entitled
26 "Transportation of School Pupils Beyond City and Town Limits" is hereby amended to read as
27 follows:

28 **16-21.1-8. Statewide transportation system for all students.** -- (a) Notwithstanding the
29 regional structure created in this chapter, and upon implementation of a statewide school
30 transportation system for all students, each school committee shall purchase the transportation
31 services for their own resident students by accessing this integrated statewide system of
32 transportation on a fee-for-service basis for each child; provided, however, that any school
33 committee that fulfills its transportation obligations predominantly through the use of district-
34 owned buses or district employees may apply for a variance from the commissioner of education,

1 or the commissioner's designee, thereby requesting that its transportation obligations continue to
2 be achieved through the use of the buses owned by the district and staffed by district employees.
3 All fees paid for transportation services provided to students under the statewide system shall be
4 paid into a statewide student transportation services restricted receipt account within the
5 department of elementary and secondary education. Payments from the account shall be limited to
6 payments to the transportation service provider and transportation system consultants. This
7 restricted receipt account shall not be subject to the indirect cost recoveries provisions set forth in
8 section 35-4-27. The goals of the statewide system of transportation for all students shall be the
9 reduction of duplication of cost and routes in transporting children from the various cities and
10 towns using different buses within and between each city and town, the improvement of services
11 to children through the development of shorter ride times and more efficient routes of travel, and
12 the reduction of cost to local school committees through achieving efficiency in eliminating the
13 need for each school district to contract for and provide these transportation services separately.

14 Provided, that effective August 31, 2012, unless otherwise required under state or federal
15 law, the statewide school transportation system shall provide that school committees and/or
16 municipalities shall be able to charge an assessment for transportation costs to students who
17 attend and seek transportation to private schools. The system shall also provide that the charges
18 assessed shall be reasonably apportioned to reflect the actual additional costs incurred by the
19 school committee and/or the municipality in providing the transportation of the pupil to the
20 private schools. In the event such charges are lawfully assessed but are not paid, and the pupil
21 involved is not otherwise entitled to free transportation under other state and/or federal law, the
22 school committee and/or the municipality shall not be obligated to provide transportation and, if
23 applicable, may discontinue providing such transportation to any said pupil(s).

24 (b) There shall be deducted from the final aid payment to each school district any
25 amounts owed to the state at the end of the fiscal year for transportation of the district's students
26 under the statewide transportation system established pursuant to this section. Districts shall
27 receive monthly invoices summarizing the basis of the transportation fees charged. Any such
28 deductions in aid shall be transferred to the statewide student transportation services restricted
29 receipt account, as set forth in R.I.G.L. section 35-4-27.

30 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would enable school committees and/or municipalities to charge a student and/or
- 2 the student's parent or guardian for providing transportation services to private schools.
- 3 This act would take effect upon passage.

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