

By Senator Jones

40-221-01

1 A bill to be entitled
2 An act relating to school transportation;
3 amending s. 234.01, F.S.; requiring that
4 district school boards rather than the
5 Commissioner of Education determine what
6 constitutes more than a reasonable walking
7 distance from home to school for the purpose of
8 determining whether to provide transportation
9 for certain students; amending ss. 234.021,
10 236.083, F.S., relating to hazardous walking
11 conditions and funds for student
12 transportation; conforming provisions to
13 changes made by the act; providing an effective
14 date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (a) of subsection (1) of section
19 234.01, Florida Statutes, is amended to read:

20 234.01 Transportation; when provided.--

21 (1) School boards, after considering recommendations
22 of the superintendent:

23 (a) Shall provide transportation for each student in
24 prekindergarten handicapped and in kindergarten through grade
25 12 membership in a public school when, and only when,
26 transportation is necessary to provide adequate educational
27 facilities and opportunities which otherwise would not be
28 available and to transport students whose homes are more than
29 a reasonable walking distance, as determined ~~defined~~ by the
30 district school board ~~rules of the commissioner~~, from the
31 nearest appropriate school.

1 Section 2. Paragraph (a) of subsection (2) of section
2 234.021, Florida Statutes, is amended to read:

3 234.021 Hazardous walking conditions.--

4 (2) IDENTIFICATION.--

5 (a) When a request for review is made to the district
6 superintendent of schools or the district superintendent's
7 designee concerning a condition perceived to be hazardous to
8 students in that district who live within a reasonable walking
9 distance from school, as defined by the district school board,
10 ~~the 2-mile limit~~ and who walk to school, such condition shall
11 be inspected by a representative of the school district, a
12 representative of the county sheriff, a representative of the
13 local safety council, if a safety council exists in the
14 county, and a representative of the local governmental entity
15 where the perceived hazardous condition exists. If any of such
16 representatives determines that a condition is hazardous to
17 such students according to the guidelines established by
18 subsection (3) or based upon his or her findings upon
19 inspection, he or she shall report to the Department of
20 Education with respect thereto. Upon a determination that a
21 condition is hazardous to such students, the district school
22 board shall request a determination from the state or local
23 governmental entity having jurisdiction regarding whether the
24 hazard will be corrected and, if so, regarding a projected
25 completion date. State funds shall be allocated for the
26 transportation of students subjected to such hazards, provided
27 that such funding shall cease upon correction of the hazard or
28 upon the projected completion date, whichever occurs first.

29 Section 3. Subsection (1) of section 236.083, Florida
30 Statutes, is amended to read:

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1 236.083 Funds for student transportation.--The annual
2 allocation to each district for transportation to public
3 school programs of students in membership in kindergarten
4 through grade 12, in migrant and exceptional student programs
5 below kindergarten, and in any other state-funded
6 prekindergarten program shall be determined as follows:

7 (1) Subject to the rules of the commissioner, each
8 district shall determine the membership of students who are
9 transported:

10 (a) By reason of living ~~2 miles or~~ more than a
11 reasonable walking distance from school, as defined by the
12 district school board;

13 (b) By reason of being students with disabilities or
14 enrolled in a teenage parent program, regardless of distance
15 to school;

16 (c) By reason of being in a state prekindergarten
17 program, regardless of distance from school;

18 (d) By reason of being vocational, dual enrollment, or
19 students with disabilities transported from one school center
20 to another to participate in an instructional program or
21 service; or students with disabilities, transported from one
22 designation to another in the state, provided one designation
23 is a school center and provided the student's individual
24 educational plan (IEP) identifies the need for the
25 instructional program or service and transportation to be
26 provided by the school district. A "school center" is defined
27 as a public school center, public community college, public
28 university, or other facility rented, leased, or owned and
29 operated by the school district or another public agency. A
30 "dual enrollment student" is defined as a public school
31 student in membership in both a public secondary school

1 program and a public community college or a public university
2 program under a written agreement to partially fulfill ss.
3 229.814 and 240.115 and earning full-time equivalent
4 membership under s. 236.081(1)(g);

5 (e) With respect to elementary school students whose
6 grade level does not exceed grade 6, by reason of being
7 subjected to hazardous walking conditions en route to or from
8 school as provided in s. 234.021. Such rules shall, when
9 appropriate, provide for the determination of membership under
10 this paragraph for less than 1 year to accommodate the needs
11 of students who require transportation only until such
12 hazardous conditions are corrected. Any funds appropriated in
13 the 2001-2002 General Appropriations Act for student
14 transportation that are in addition to the funds provided in
15 the 2000-2001 General Appropriations Act for student
16 transportation and that are not designated in the 2001-2002
17 budget workpapers as funds provided for student enrollment
18 growth shall be used to fund students transported according to
19 s. 234.01(1)(b), including those transported by school
20 district option; and

21 (f) By reason of being a pregnant student or student
22 parent, and the child of a student parent as provided in s.
23 230.23166, regardless of distance from school.

24 Section 4. This act shall take effect July 1, 2001.

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27 SENATE SUMMARY

28 Requires that district school boards establish the
29 distance that constitutes more than a reasonable walking
30 transportation for students in prekindergarten
31 handicapped and in kindergarten through grade 12.