

1 A bill to be entitled
2 An act relating to public school transportation;
3 amending s. 1006.21, F.S.; requiring district school
4 boards to provide transportation to certain students;
5 amending s. 1006.23, F.S.; revising the definition of
6 the term "student"; revising the speed and road
7 conditions that meet the requirements for a hazardous
8 walking condition; requiring a district school
9 superintendent to request a review of a hazardous
10 walking condition upon receipt of a written request
11 from a parent of a student; requiring rather than
12 authorizing a school district to initiate specified
13 proceedings under certain circumstances; amending ss.
14 1002.20 and 1011.68, F.S.; conforming provisions to
15 changes made by the act; providing an effective date.

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

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19 Section 1. Paragraphs (a) and (b) of subsection (3) of
20 section 1006.21, Florida Statutes, are amended to read:

21 1006.21 Duties of district school superintendent and
22 district school board regarding transportation.—

23 (3) District school boards, after considering
24 recommendations of the district school superintendent:

25 (a) Shall provide transportation for each student in

26 | prekindergarten disability programs and in kindergarten through
27 | grade 12 membership in a public school when, and only when,
28 | transportation is necessary to provide adequate educational
29 | facilities and opportunities that ~~which~~ otherwise would not be
30 | available and to transport students whose homes are more than
31 | 1.5 miles ~~a reasonable walking distance, as defined by rules of~~
32 | ~~the State Board of Education,~~ from the nearest appropriate
33 | school.

34 | (b) Shall provide transportation for public elementary
35 | school students ~~in membership whose grade level does not exceed~~
36 | ~~grade 6,~~ and may provide transportation for public school
37 | students ~~in membership in grades 7 through 12,~~ if they such
38 | ~~students~~ are subjected to hazardous walking conditions as
39 | provided in s. 1006.23 while en route to or from school.

40 | Section 2. Subsection (1), paragraphs (a) and (c) of
41 | subsection (2), and paragraphs (a) and (b) of subsection (3) of
42 | section 1006.23, Florida Statutes, are amended to read:

43 | 1006.23 Hazardous walking conditions.—

44 | (1) DEFINITION.—As used in this section, the term
45 | "student" means any public elementary school student in
46 | kindergarten through grade 12 ~~whose grade level does not exceed~~
47 | ~~grade 6.~~

48 | (2) HAZARDOUS WALKING CONDITIONS.—

49 | (a) *Walkways parallel to the road.*—

50 | 1. It shall be considered a hazardous walking condition

51 with respect to any road along which students must walk in order
52 to walk to and from school if there is not an area at least 4
53 feet wide adjacent to the road, not including drainage ditches,
54 sluiceways, swales, or channels, having a surface upon which
55 students may walk without being required to walk on the road
56 surface. In addition, whenever the road along which students
57 must walk is uncurbed and has a posted speed limit of 45 ~~50~~
58 miles per hour or greater, the area as described above for
59 students to walk upon shall be set off the road by no less than
60 3 feet from the edge of the road.

61 2. Subparagraph 1. does not apply when the road along
62 which students must walk:

63 a. Is a road on which the volume of traffic is less than
64 180 vehicles per hour, per direction, during the time students
65 walk to and from school; or

66 b. Is located in a residential area and has a posted speed
67 limit of 30 miles per hour or less.

68 (c) *Crossings over the road.*—It shall be considered a
69 hazardous walking condition with respect to any road at any
70 uncontrolled crossing site which students must walk in order to
71 walk to and from school if:

72 1. The road has a posted speed limit of 45 ~~50~~ miles per
73 hour or greater; or

74 2. The road has four ~~six~~ lanes or more, not including turn
75 lanes, regardless of the speed limit.

(3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

(a) When a district school superintendent requests a
~~request for review of is made by the district school~~
~~superintendent with respect to~~ a road over which a state or
 local governmental entity has jurisdiction concerning a
 condition perceived to be hazardous to students in that district
 who live within the 1.5-mile ~~2-mile~~ limit and who walk to
 school, such condition must ~~shall~~ be inspected jointly by a
 representative of the school district, a representative of the
 state or local governmental entity with jurisdiction over the
 perceived hazardous location, and a representative of the
 municipal police department for a municipal road, a
 representative of the sheriff's office for a county road, or a
 representative of the Department of Transportation for a state
 road. The district school superintendent must request the review
if he or she receives a written request from a parent of a
student in the school district. If the jurisdiction is within an
 area for which there is a metropolitan planning organization, a
 representative of that organization must ~~shall~~ also be included.
 The governmental representatives shall determine whether the
 condition constitutes a hazardous walking condition as provided
 in subsection (2). If the governmental representatives concur
 that a condition constitutes a hazardous walking condition as
 provided in subsection (2), the governmental entity with
 jurisdiction must ~~shall~~ report that determination in writing to

101 the district school superintendent, who shall initiate a formal
102 request for correction as provided in subsection (4).

103 (b) If the governmental representatives are unable to
104 reach a consensus, the reasons for lack of consensus shall be
105 reported to the district school superintendent, who shall
106 provide a report and recommendation to the district school
107 board. The district school board shall ~~may~~ initiate a proceeding
108 under chapter 86 seeking a determination as to whether the
109 condition constitutes a hazardous walking condition as provided
110 in subsection (2) after providing at least 30 days' notice in
111 writing to the state or local governmental entity having
112 jurisdiction over the road of its intent to do so unless, within
113 30 days after such notice is provided, the state or local
114 governmental entity concurs in writing that the condition is a
115 hazardous walking condition as provided in subsection (2) and
116 provides the position statement pursuant to subsection (4). If a
117 proceeding is initiated under this paragraph, the district
118 school board has the burden of proving such condition by the
119 greater weight of evidence. If the district school board
120 prevails, the district school superintendent shall report the
121 outcome to the Department of Education and initiate a formal
122 request for correction of the hazardous walking condition as
123 provided in subsection (4).

124 Section 3. Paragraph (b) of subsection (22) of section
125 1002.20, Florida Statutes, is amended to read:

126 1002.20 K-12 student and parent rights.—Parents of public
 127 school students must receive accurate and timely information
 128 regarding their child's academic progress and must be informed
 129 of ways they can help their child to succeed in school. K-12
 130 students and their parents are afforded numerous statutory
 131 rights including, but not limited to, the following:

132 (22) TRANSPORTATION.—

133 (b) *Hazardous walking conditions.*—~~K-6~~ Public school
 134 students shall be provided transportation if they are subjected
 135 to hazardous walking conditions, in accordance with the
 136 provisions of ss. 1006.21(3)(b) and 1006.23.

137 Section 4. Paragraphs (a) and (e) of subsection (1) of
 138 section 1011.68, Florida Statutes, are amended to read:

139 1011.68 Funds for student transportation.—The annual
 140 allocation to each district for transportation to public school
 141 programs, including charter schools as provided in s.
 142 1002.33(17)(b), of students in membership in kindergarten
 143 through grade 12 and in migrant and exceptional student programs
 144 below kindergarten shall be determined as follows:

145 (1) Subject to the rules of the State Board of Education,
 146 each district shall determine the membership of students who are
 147 transported:

148 (a) By reason of living 1.5 ~~2~~ miles or more from school.

149 (e) With respect to public ~~elementary~~ school students
 150 ~~whose grade level does not exceed grade 6, by reason of being~~

151 | subjected to hazardous walking conditions en route to or from
152 | school as provided in s. 1006.23. Such rules shall, when
153 | appropriate, provide for the determination of membership under
154 | this paragraph for less than 1 year to accommodate the needs of
155 | students who require transportation only until such hazardous
156 | conditions are corrected.

157 | Section 5. This act shall take effect July 1, 2018.