SPONSOR: Sen. Sturgeon & Rep. Bolden
Sens. Brown, Lockman, Lopez, Sokola, Townsend, Wilson

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 166
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FREE PUBLIC SCHOOLS AND TRANSPORTATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 409, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 409. Transportation.

(a) The parent of any child enrolled in a district other than the district of residence, or enrolled in a school within the district of residence other than the school in which the child would normally be enrolled based upon the residence of the child's parent or parents, shall be responsible for transporting the child without reimbursement to and from a point on a regular bus route of the receiving district.

(b) A child in grades 6 through 12 may use an annual student bus pass under § 2901(c) of this title.

Section 2. Amend § 508, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 508. Responsibility for student transportation.

(a) The charter school may request to have the school district where the charter school is located transport students residing in that ~~district~~ district, at fair cost, to and from the charter school on the same basis offered to other students attending schools operated by the district, or to receive from the State a payment equal to 70% of the average cost per student of transportation within the vocational district in which the charter school is located and become responsible for the transportation of those students to and from the charter school. ~~In the case of students not residing in the district where the charter school is located, the parents of such students shall be responsible for transporting the child without reimbursement to and from a point on a regular bus route of the charter school. In lieu of the payment from the State specified above, if~~

(b) If a charter school utilizes a contractor for student ~~transportation~~ transportation, the charter school ~~shall publically~~ may do any of the following:

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(1) Publically bid the transportation routes, ~~and the State shall reimburse the charter school for the actual bid costs only if lower than the payment specified above.~~ either alone or with other local education agencies.

(2) Negotiate a contract for 1 or more years for contractor payment for school transportation up to the maximum rate under subsection (a) of this section.

a. If a transportation contract includes a fuel adjustment provision, the charter school is responsible for increased payments to the contractor.

b. If a transportation contract is for multiple years, all of the following apply:

1. Funding for the contract is guaranteed by State funds for the first year of the contract.

2. Funding for each year after the first year of the contract is a local commitment until the allocation under subsection (a) of this section is determined for that year.

(c) A charter school may choose to offer annual student bus passes under § 2901(c) of this title.

(d) Notwithstanding ~~the foregoing,~~ any provisions under this section, a student at a charter school shall receive such transportation assistance as is made available to students pursuant to a public school choice program established by this Code provided that such student otherwise meets the eligibility requirements for such assistance.

(e) ~~In the event~~ If a charter school chooses to transport students itself, ~~it~~ the charter school shall do so in accordance with all public school transportation safety regulations.

(f) Local school districts and charter schools shall cooperate to ensure that the implementation of this chapter does not result in inefficient use of ~~state~~ State appropriations for public school transportation and the State Board shall exercise its authority to approve bus routes so as to avoid such waste.

Section 3. Amend § 2901, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2901. Regulations governing design and operation of school ~~bus.~~ buses; annual student bus passes.

(c) School districts and charter schools may purchase annual student bus passes from the Delaware Transit Corporation for use on fixed route public transit by students in grades 6 through 12.

(1) A school district or charter school must negotiate an agreement with the Delaware Transit Corporation regarding the method of purchasing and tracking bus passes under this subsection.

(2) Students may not be directly reimbursed for the cost of public transportation under this subsection.

(3) A school district or charter school may not require a student to use public transportation.

(4) This subsection does not limit the manner in which schools provide transportation for students under the McKinney-Vento Homeless Education Assistance Improvement Act, 42 U.S.C. §§ 11431 through 11435.

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Section 4. Amend § 2910, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2910. School bus drivers; drug and alcohol testing.

(e) This section does not impose any additional obligations on a school district, charter school, or the Delaware Transit Corporation with a contract under § 2901(c) of this title beyond those obligations otherwise imposed upon the Delaware Transit Corporations under federal and State law.

Section 5. Amend § 2911, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2911. Safety standards for other vehicles.

(a) After July 1, 1998, newly purchased and newly leased vehicles with a rated capacity, as defined by the manufacturer, to carry more than 10 passengers in addition to the driver that are used to transport preprimary, ~~primary~~ primary, and secondary pupils between home and school or to school-related events shall meet state and federal specifications and safety standards applicable to school buses. Contract charter buses meeting federal DOT standards may be used for field trips.

(b) This section does not impose any additional obligations on a school district, charter school, or the Delaware Transit Corporation with a contract under § 2901(c) of this title beyond those obligations otherwise imposed upon the Delaware Transit Corporations under federal and State law.

Section 6. Each District and Charter School shall provide an annual Report on the 30th day after school opens to the Public School Transportation Committee providing the number of students utilizing DART annual student bus passes.