

TITLE 33
EDUCATION

CHAPTER 15
TRANSPORTATION OF PUPILS

33-1501. TRANSPORTATION AUTHORIZED. To afford more equal opportunity for public school attendance, the board of trustees of each district, including specially chartered school districts, shall, where practicable, provide transportation for the public school pupils within the district, and pupils resident within adjoining districts annually agreed to in writing by the districts involved, under conditions and limitations herein set forth. Nonpublic school students may be transported, where practicable, when the full costs for providing such transportation are recovered. In approving the routing of any school bus, or in the maintenance and operation of all such transportation equipment, or in the appointment or employment of chauffeurs, the primary requirements to be observed by the board of trustees are the safety and adequate protection of the health of the pupils. Nothing herein contained shall prevent any board of trustees from denying transportation to any pupil in any school bus operated by or under the authority of said board, upon good cause being given, in writing, to the parents or guardian, or either of them, of such pupil.

No board of trustees shall be required to provide transportation for any pupil living less than one and one-half (1 1/2) miles from the nearest appropriate school. A board of trustees may require pupils who live less than one and one-half (1 1/2) miles from the nearest established bus stop to walk or provide their own transportation to such bus stop. That distance shall be determined by the nearest and best route from the junction of the driveway of the pupil's home and the nearest public road, to the nearest door of the schoolhouse he attends, or to the bus stop, as the case may be. The board may transport any pupil a lesser distance when in its judgment the age or health or safety of the pupil warrants.

A day care center, family day care home, or a group day care facility, as defined in section [39-1102](#), Idaho Code, may substitute for the student's residence for student transportation to and from school. School districts may not transport students between child care facilities and home. Student transportation between a child care facility and a school will qualify for state reimbursement providing that the child care facility is one and one-half (1 1/2) miles or more from the school to which the student is transported.

To effectuate the public policy hereby declared, the board of trustees of any school district may purchase or lease, and maintain and operate school buses and vans, which vans shall not have a seating capacity in excess of fifteen (15) persons; may enter into agreements or contracts for the use of a charter bus or buses; may enter into contracts with individuals, firms, corporations or private carriers; or may make payments to parents or guardians, subject to the limitations herein provided, when transportation is not furnished by the district.

[33-1501, added 1963, ch. 13, sec. 79, p. 27; am. 1970, ch. 91, sec. 1, p. 226; am. 1982, ch. 92, sec. 1, p. 170; am. 1985, ch. 241, sec. 1, p. 570; am. 1991, ch. 177, sec. 1, p. 440; am. 1999, ch. 373, sec. 1, p. 1020.]

33-1502. BUS ROUTES -- NON-TRANSPORTATION ZONES. The board of trustees of each school district may establish, and alter, bus routes and establish, and alter, non-transportation zones. Such routes and zones shall be determined for each year not later than the regular August meeting of the board; but nothing herein shall be construed as limiting the board in altering such routes or zones when change in the condition of the roads, or in the number of pupils being transported would justify such alteration.

A non-transportation zone shall comprise an area of a school district designated by the board of trustees which is impracticable, by reason of sparsity of pupils, remoteness, or condition of roads, to serve by established bus routes.

Whenever practicable, routes shall be so established that no bus stop shall be more than one and one-half (1 1/2) miles from the intersection of the driveway of the home of any pupil otherwise eligible for transportation and the nearest public road; except that no board of trustees shall be required to route school buses or other passenger equipment over any road not maintained as a part of a highway district, county, state or federal highway system, or by the state or national forest service; except, that the primary requirements to be observed by the board of trustees are the safety and adequate protection of the health of the pupils.

[33-1502, added 1963, ch. 13, sec. 80, p. 27.]

33-1503. PAYMENTS WHEN TRANSPORTATION NOT FURNISHED. a. Whenever any pupil lives more than one and one-half (1 1/2) miles from any established bus stop or from the school of attendance, as designated by the board of trustees, and such pupil is regularly transported by private vehicle not under contract with the school district, the board may pay to the parent or guardian an amount per month up to ten dollars (\$10.00) per vehicle plus mileage at the current rate established by the state board of examiners for each round trip approved.

b. Whenever in the judgment of the board of trustees any pupil residing within the area of a nontransportation zone, and otherwise eligible to transportation, cannot be transported in any manner herein authorized, the said board may pay to the parent or guardian thereof such amount of the cost incurred by the parent or guardian for the board and lodging of the pupil as may be authorized by the board of trustees.

[33-1503, added 1963, ch. 13, sec. 81, p. 27; am. 1977, ch. 236, sec. 1, p. 710; am. 1982, ch. 92, sec. 2, p. 171; am. 1986, ch. 48, sec. 1, p. 140; am. 1997, ch. 115, sec. 1, p. 289.]

33-1504. SCHOOL BUSES. A motor vehicle shall be deemed a "school bus" when it has a seating capacity of more than ten (10) persons and meets the current national and state minimum standards for school bus construction, and is owned and operated by a school district or a common carrier and is used exclusively for transporting pupils, or is owned by a transportation contractor and is used regularly for transporting pupils.

[33-1504, added 1963, ch. 13, sec. 82, p. 27; am. 1982, ch. 92, sec. 3, p. 171.]

33-1505. SELLER'S WARRANTY. All school buses shall at all times conform to standards of construction therefor specified by the state board of educa-

tion. No contract shall be negotiated or executed for the purchase or sale of any school bus, body, or chassis, where the same is to be used as, or as a part of, a school bus, which said contract would provide for construction standards not in conformity with those specified by the said state board.

Any person selling or offering for sale any school bus, or any body or chassis thereof, shall warrant that such school bus, body or chassis sold or offered for sale is in no respect below the standards of construction prescribed therefor by the state board of education. If, after the sale of any school bus, or any body or chassis, and before the same is placed into operation, an inspection as hereinafter required shall disclose that such equipment is below the said minimum standards, the seller shall, immediately after notification thereof and at his own expense, make such additions or changes as will meet the said minimum standards or, in lieu thereof, the said seller shall refund the full purchase price paid for such equipment by the buyer, and repossess the said equipment.

[33-1505, added 1963, ch. 13, sec. 83, p. 27.]

33-1506. INSPECTION OF SCHOOL BUSES. All school buses shall at all times conform to the standards of construction prescribed therefor by the state board of education.

Before any newly acquired school bus is used for transporting pupils it shall be inspected by a duly authorized representative of the state department of education, and if, upon inspection, it conforms to prescribed standards of construction, or such other standards prescribed by law or regulation, it may be used for transporting pupils; otherwise, no such school bus shall be used for that purpose.

The board of trustees of each school district shall provide for an annual inspection of all school buses by district personnel or upon contract at intervals of not more than twelve (12) months. The district, over the signature of the superintendent, shall file with the state department of education its report of inspection of the school buses operated by the authority of the school district. At intervals of not more than sixty (60) days during each school year the board of trustees shall cause inspection to be made of all school buses operating under the authority of the board. In addition, the state department of education shall conduct random, spot inspections of school buses throughout the school year.

Whenever any school bus is found, upon inspection, to be deficient in any of the prescribed standards, or is found in any way to be unsafe or unfit for the transportation of pupils, such vehicle shall be withdrawn from service and shall not be returned to service until the district certifies the necessary repairs have been made.

[33-1506, added 1963, ch. 13, sec. 84, p. 27; am. 1980, ch. 330, sec. 1, p. 852; am. 1982, ch. 92, sec. 4, p. 172; am. 1997, ch. 29, sec. 1, p. 54.]

33-1507. LIABILITY INSURANCE RELATED TO TRANSPORTATION. The board of trustees of each school district owning and operating vehicles for the transportation of pupils, and any transportation contractor, shall have in effect at all times for each vehicle so used, insurance purchased from a company or companies licensed to operate in this state, in amounts not lower than the minimums set by the state board of education, indemnifying the

insured against claims for any injury to or death of a person(s) arising out of the operation of the school transportation system.

Each school district may purchase and keep in force, insurance in excess of such required minimum amounts; and insurance indemnifying the district, its officers and employees against any tort claims arising out of the operation of its school transportation system.

[33-1507, added 1963, ch. 13, sec. 85, p. 27; am. 1982, ch. 92, sec. 5, p. 172.]

33-1508. OPERATION OF SCHOOL BUSES. (1) All school buses shall at all times be operated in conformity with law and with rules of the Idaho state police and the state board of education.

(2) No school bus shall:

(a) Cross any railroad track, or enter or cross any arterial highway without first coming to a full stop. If any such crossing, intersection or access be obscured by trees, buildings or other objects, or because of wind, storm or fog, the school bus driver shall open such windows and doors as will permit him to determine when it is safe to proceed;

(b) Be operated at any time for the transportation of pupils by any person who does not have a current commercial driver's license (CDL) as specified in section [49-105](#), Idaho Code, and the minimum training for bus drivers as prescribed by the state board of education;

(c) Be operated at any time in excess of its maximum occupancy as determined by the manufacturer. Occupancy at no time shall exceed three (3) persons in a seat.

[33-1508, added 1963, ch. 13, sec. 86, p. 27; am. 1982, ch. 92, sec. 6, p. 173; am. 1989, ch. 88, sec. 68, p. 209; am. 2000, ch. 426, sec. 1, p. 1379; am. 2000, ch. 469, sec. 81, p. 1526; am. 2005, ch. 88, sec. 1, p. 305.]

33-1509. SCHOOL BUS DRIVERS -- DEFINITION -- QUALIFICATION -- DUTIES -- LIABILITY. For the purpose of this chapter, the term "school bus driver" shall mean any person who at any time is operating a school bus while transporting pupils to or from school, or to or from approved school activities.

A board of trustees shall employ school bus drivers only upon prior application in writing, and the board shall require of school bus drivers employed by others who transport pupils of their district under contract the same information required in such written application. Each application shall contain at least the minimum information specified by the state department of education.

Any person employed as a school bus driver shall be over the age of eighteen (18) years, be of good moral character and not addicted to the use of intoxicants or narcotics. School bus drivers shall meet the physical examination standards of the federal motor carrier safety regulations. Provided however, that individuals with insulin-dependent diabetes mellitus, who are otherwise medically qualified under the physical examination standards of the federal motor carrier safety regulations, may request a waiver for this condition from the state department of education. If the applicant meets the requirements as specified in subsections (1) through (7) of this section, the department shall grant a waiver. The department shall notify each applicant and each affected school district of its determination of eligibility with regard to each application for a waiver. An applicant shall:

(1) Document that he has no other disqualifying conditions including diabetes-related complications;

(2) Document that he has had no recurring, two (2) or more, hypoglycemic reactions resulting in a loss of consciousness or seizure within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(3) Document that he has had no recurrent hypoglycemic reactions requiring the assistance of another person within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(4) Document that he has had no recurrent hypoglycemic reactions resulting in impaired cognitive function that occurred without warning symptoms within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(5) Document that he has been examined by a board-certified or board-eligible endocrinologist who has conducted a complete medical examination. The complete medical examination shall consist of a comprehensive evaluation of the applicant's medical history and current status with a report including the following information:

(a) The date insulin use began;

(b) Diabetes diagnosis and disease history;

(c) Hospitalization records;

(d) Consultation notes for diagnostic examinations;

(e) Special studies pertaining to the diabetes;

(f) Follow-up reports;

(g) Reports of any hypoglycemic insulin reactions within the last five (5) years;

(h) Two (2) measures of glycosylated hemoglobin, the first ninety (90) days before the last and current measure;

(i) Insulin dosages and types, diet utilized for control and any significant factors such as smoking, alcohol use, and other medications or drugs taken; and

(j) Examinations to detect any peripheral neuropathy or circulatory insufficiency of the extremities;

(6) Submit a signed statement from an examining endocrinologist indicating the following medical determinations:

(a) The endocrinologist is familiar with the applicant's medical history for the past five (5) years, either through actual treatment over that time or through consultation with a physician who has treated the applicant during that time;

(b) The applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures which must be followed to monitor and manage the applicant's diabetes and what procedures should be followed if complications arise; and

(c) The applicant has the ability and has demonstrated willingness to properly monitor and manage the applicant's diabetes; and

(7) Submit a separate signed statement from an ophthalmologist or optometrist that the applicant has been examined and that the applicant does not have diabetic retinopathy and meets the vision standard in 49 CFR 391.41(b)(10), or has been issued a valid medical exemption. If the applicant has any evidence of diabetic retinopathy, the applicant must be examined by an ophthalmologist and submit a separate signed statement from the ophthalmologist that the applicant does not have unstable advancing

disease of blood vessels in the retina, known as unstable proliferative diabetic retinopathy.

Before entering upon his duties, each school bus driver shall file with the board of trustees a current health certificate. Subsequent health certificates shall be filed with the frequency required by the federal motor carrier safety regulations. School bus drivers shall be physically able to perform all job-related duties.

Each school bus driver shall at all times possess a valid and appropriate commercial driver's license, including endorsements as specified in section [49-105](#), Idaho Code, and if applicable, a waiver for insulin-dependent diabetes mellitus issued by the state department of education.

Each school bus driver shall maintain such route books and other records as may be required by the state department of education or by the board of trustees of the school district. The school bus driver shall report any pupil whose behavior is such as may endanger the operation of the vehicle, or who damages the same or any part thereof, or whose language is obscene.

It shall be the duty of each school bus driver to report any condition on, or bordering, his route which constitutes a hazard to the safety of the pupils being transported.

The state department of education shall promulgate rules as necessary for the determination of eligibility and issuance of a waiver to individuals with insulin-dependent diabetes mellitus in accordance with the provisions of this section.

(8) While within the course and scope of his or her duties, a school bus driver shall not be civilly or criminally liable for reasonably acting to aid a rider on the bus whom the school bus driver reasonably believes to be in imminent danger of harm or injury.

[33-1509, added 1963, ch. 13, sec. 87, p. 27; am. 1982, ch. 92, sec. 7, p. 173; am. 1985, ch. 107, sec. 15, p. 208; am. 1989, ch. 88, sec. 69, p. 209; am. 1993, ch. 56, sec. 1, p. 153; am. 2000, ch. 426, sec. 2, p. 1379; am. 2004, ch. 218, sec. 1, p. 653; am. 2014, ch. 286, sec. 1, p. 725.]

33-1510. CONTRACTS FOR TRANSPORTATION SERVICE. (1) All contracts entered into by boards of trustees for the transportation of pupils shall be in writing using the current pupil transportation model contract developed by the state department of education. School districts may attach to the model contract addenda to meet local requirements. School districts shall submit to the state superintendent of public instruction a copy of the pupil transportation contract prior to both parties signing it, for a review of legal requirements and appropriate costs and for final approval. The state superintendent of public instruction shall respond to the school district within twenty-one (21) calendar days of the postmarked receipt of the contract by notifying the school district of contract approval or of recommended or required changes. A school district may appeal to the state board of education any changes the state superintendent requires, in which case the state board may, upon review, approve the contract without such changes.

(2) No contract shall be executed covering a period of time exceeding five (5) years. School districts shall advertise, bid and contract for all bus transportation service routes at a single time, and contract with the lowest responsible bidder or bidders meeting the specifications; provided that, one (1) time only, a school district may renew a contract with the current contractor if the board of trustees, after renegotiation with the con-

tractor, determines that the terms are satisfactory to the district. The board of trustees may renew the contract for a term not to exceed five (5) years. Renewal of any contract pursuant to this section shall not be granted unless the provisions of this section were included, in a substantially conforming summary, within the bidding notice, published pursuant to section [33-601](#), Idaho Code, of the contract.

(3) Before entering into such contracts, the board of trustees shall invite bids by twice giving notice as provided in section [33-402](#)(2), Idaho Code, and shall award the contract to the lowest responsible bidder.

[33-1510, added 1963, ch. 13, sec. 88, p. 27; am. 1987, ch. 9, sec. 1, p. 14; am. 1989, ch. 3, sec. 1, p. 4; am. 1997, ch. 40, sec. 2, p. 76; am. 1997, ch. 176, sec. 1, p. 495; am. 2004, ch. 136, sec. 1, p. 462; am. 2004, ch. 254, sec. 1, p. 725; am. 2009, ch. 171, sec. 6, p. 549; am. 2009, ch. 341, sec. 49, p. 1025; am. 2011, ch. 151, sec. 18, p. 428.]

33-1511. STATE BOARD OF EDUCATION -- POWERS AND DUTIES RELATED TO TRANSPORTATION. In addition to powers and duties of the state board of education hereinbefore prescribed, the said state board shall:

(1) Designate a member of its staff as supervisor of school transportation responsible for a school bus driver training program and such program shall provide for a qualified driver trainer for each school district and with such duties as the board may prescribe;

(2) Adopt, publish and distribute, and from time to time as need therefor arises amend, minimum standards for the construction of school buses, the basis of which standards shall be those incorporated in the latest report of the National Conference on School Transportation, which report shall be filed with the Idaho state police;

(3) Approve the form(s) to be used for the inspection of school buses;

(4) Authorize the supervisor of school transportation to conduct any combination of in-depth program reviews, fiscal audits, and reviews of annual reimbursement claims supporting documentation of each school district pupil transportation program at a frequency adequate to ensure compliance with state law, accuracy of data and reimbursement claims, and safety of school buses. Priority for selecting districts for review and audit shall be given to those districts that exceed both the most recent annual state average reimbursable cost per mile and the state average reimbursable cost per rider as calculated by the state department of education, unless the supervisor of school transportation determines otherwise;

(5) Authorize the supervisor of school transportation, based upon results of program reviews, fiscal audits, and spot inspections as set forth in section [33-1506](#), Idaho Code, to provide to school districts a list of required corrective actions, when necessary;

(6) Require school districts to submit progress reports on those corrective actions developed by the supervisor of school transportation to the state department of education at prescribed intervals until deficiencies are corrected or the corrective actions no longer apply;

(7) Withhold all or a portion of a district's pupil transportation reimbursement funding in instances of noncompliance with the requirements of subsection (6) of this section or section [33-1506](#), Idaho Code, provided that a district may appeal to the state board of education for reconsideration, in which case the state board of education may reinstate or adjust the withheld funds.

[33-1511, added 1963, ch. 13, sec. 89, p. 27; am. 1980, ch. 330, sec. 2, p. 853; am. 1982, ch. 92, sec. 8, p. 174; am. 1991, ch. 30, sec. 4, p. 61; am. 1995, ch. 259, sec. 1, p. 843; am. 2000, ch. 469, sec. 82, p. 1527; am. 2004, ch. 135, sec. 1, p. 461.]

33-1512. LEASING OF SCHOOL BUSES. The board of trustees of a school district is hereby authorized to lease school buses. Such leasing agreements may be entered into only when commercial bus transportation is not reasonably available. For any school bus leased, the school district shall charge an amount not less than the school district's current total cost per mile. All revenue in excess of operating costs incurred under the lease received from leasing school buses shall be placed in a fund designated for replacement of school buses.

Whenever any school bus is leased, the lettering designating the vehicle as a school bus shall be covered and concealed and the admonitions to stop while loading and unloading pupils shall not be used in the operation of the vehicle.

[I.C., sec. 33-1512, as added by 1974, ch. 230, sec. 1, p. 1587; am. 1976, ch. 167, sec. 1, p. 617; am. 1982, ch. 92, sec. 9, p. 174.]

33-1513. PUPIL TRANSPORTATION SUPPORT PROGRAM FUND. (1) In order to promote school transportation safety and awareness in Idaho and to help defray costs associated with Idaho's oversight of the statewide pupil transportation support program, there is hereby created in the state treasury the pupil transportation support program fund to which shall be credited:

(a) Moneys as may be provided by law; and

(b) Interest earned on the investment of idle moneys in the fund, which shall be paid to the pupil transportation support program fund.

(2) Moneys in the fund shall be continuously appropriated to the department of education, and any moneys remaining in the fund at the end of each fiscal year shall not be appropriated to any other fund.

(3) Moneys in the fund shall be used only for educational programs promoting school transportation safety and awareness; provided however, the department of education is authorized to retain a portion of the moneys, not to exceed ten percent (10%) of annual revenues, to help defray costs associated with the implementation, administration and oversight of the statewide pupil transportation support program.

[33-1513, added 2004, ch. 301, sec. 1, p. 841; am. 2018, ch. 169, sec. 6, p. 355.]

33-1514. FEE -- REIMBURSEMENT FOR PUPIL TRANSPORTATION COSTS. The state department of education shall assess an annual fee based on past reimbursement to school districts, to be paid by all school districts claiming reimbursement for pupil transportation costs, to defray the department's actual cost of providing financial reviews of school district pupil transportation records. Such fees shall be treated, and may be claimed as reimbursable pupil transportation costs, pursuant to the provisions of section [33-1006](#), Idaho Code.

[(33-1514) 33-1513, added 2004, ch. 388, sec. 3, p. 1166; am. and redesign. 2005, ch. 25, sec. 49, p. 101.]