

MICHIGAN DEPARTMENT OF EDUCATION

School Transportation, Charging Fees, and MDOT Certification

May 1, 2014

Introduction

The purpose of the below listed Questions and Answers (Q and A's) is to clarify under what circumstances fees may be charged when school buses are used for varying types of transportation services that fall outside of the traditional "to and from school" area. The Q and A's describe when school bus usage is within the context of school operation and no Michigan Department of Transportation (MDOT) certification is necessary. It also describes when school bus use is appropriate, but falls outside of the context of school operations, and MDOT certification is required.

Local school district fleet administrators submitted questions; MDOT and Michigan Department of Education (MDE) staff developed the answers. The below two items provide a framework to further expand upon the general introduction.

If the transportation is within the context of public school operations, the School Code, Department of Education Rules, and Pupil Transportation Act (PA-187 of 1990) apply exclusively. Transportation within the context of school operations includes transporting children, schoolchildren, and persons other than schoolchildren to and from home and school or school-related activities and events.¹

If the transportation is outside the context of school operations and a fee is charged, the School Code, Department of Education Rules, Pupil Transportation Act (PA-187 of 1990), and Motor Bus Transportation Act (PA-432 of 1982), or the Limousine Transportation Act (PA-271 of 1990) apply continuously and simultaneously. Transportation outside the context of school operations include: transporting authorized government subcontractors, disabled persons, federal state or local units of government, members of non-profit organizations, retired persons, and senior citizens to and from an activity, event, function, or outing.²

¹ Legal transportation activities within the context of public school operation are described and supported by MCL 380.1321, MCL 380.1324, MCL 380.1325, MCL 380.1332, MCL 257.1865 (2), R 340.241-243, and Attorney General Opinion #5827

² Legal transportation activities not within the context of public school operation are described and supported by MCL 380.1333, MCL 257.1865, MCL 257.1867, R 340.231-238

Questions and Answers related to schools charging fees for transportation.

1. Our district provides field trips for summer school aged child care programs. We are reimbursed from an internal account in the program to cover transportation costs. Do we need MDOT certification?

Answer: If this is a public school sponsored childcare program, then you do not need MDOT certification. If the trips are for privately owned child care centers, then you would need MDOT certification.

2. Our district provides field trips for the local parks and recreation authority that reimburses the school district for its costs. Do we need MDOT certification?

Answer: If the field trips are for a classroom (i.e., school sponsored activity) then you do not need MDOT certification even if parks and recreation authority is paying for the transportation. If this is not a school sponsored event then you do need MDOT certification.

3. Our school receives a grant to pay for bussing to the Detroit Institute for Arts. Reimbursement for bus costs is transferred from the internal account where the grant funds are kept to the transportation account. Do we need MDOT certification?

Answer: If this is a school sponsored field trip, regardless of who pays the transportation costs, you do not need MDOT certification.

4. We are a private school and do not receive state aid. We charge neighboring private schools for field trips. Do we need MDOT certification?

Answer: If all schools involved are regulated by the Pupil Transportation Act, then you do not need MDOT certification for this type of service.

5. Our school's Lacrosse team boosters pay for one way transportation which is transferred from the athletic account to the transportation department. Do we need MDOT certification?

Answer: If this is a school sponsored team (and support staff) you do not need MDOT certification. If carrying spectators or if the team is not school sponsored and you are receiving any type of remuneration, then you do need MDOT certification.

6. We are a nonpublic school that provides field trip bussing for our feeder nonpublic schools. A minimum fee which does not cover our actual costs is charged. Do we need MDOT certification?

Answer: If all schools involved are regulated by the Pupil Transportation Act, then you do not need MDOT certification for this type of service.

7. Our school's ski club charges a yearly fee for student membership that covers the cost of ski rental, lift tickets, and bus transportation costs. Funds are transferred to the transportation department for each trip. Do we need MDOT certification?

Answer: If the club members are all students and coaches from your school and no one else is allowed to ride the bus, you do not need MDOT certification.

8. If a public school provides mandated transportation services to a local nonpublic school, would providing them field trip and athletic transportation, the same as our other district schools, require MDOT certification?

Answer: If the service is regulated by the Pupil Transportation Act, then you do not need MDOT certification.

9. Our district provides school buses to a festival in our local community for general public usage. Our community has supported bond issues that paid for the buses. Can we use our school buses to do this? Do we need MDOT certification to do this?

Answer: If this organization is recognized as a senior citizen group or disabled persons or a nonprofit organization and your district has determined that suitable or economically feasible public or private transportation is not available in your community you can provide transportation services. If you are receiving payment of any kind, from any source, you will need MDOT certification.

10. Our district has determined that suitable or economically feasible public or private transportation is not available in our community. We want to transport a group of senior citizens on our school buses to a down state theater event and charge a fee to cover the costs. Do we need MDOT certification?

Answer: If you are charging a fee (receiving remuneration) you are required to have MDOT certification.

11. A local community flower club has requested transportation to a state conference for its membership. Can we use our school buses to provide this transportation? Do we need MDOT certification?

Answer: If this club is not recognized as a senior citizen group or disabled persons or a nonprofit organization, it is not legal to provide this group transportation on school buses.

12. A group of disabled persons is planning an outing which is 50 miles from our school district and has requested the school to provide transportation. Our school has determined that suitable or economically feasible public or private transportation is not available. We want to provide transportation as a community service at no cost. Do we need MDOT certification?

Answer: If you are not receiving any payment/remuneration for this trip, you do not need MDOT certification.