



POSITION PAPER

Transportation of school children in privately owned vehicles, originally designed and constructed at the factory for nine passengers or less, that are not board-owned, leased, or contracted by a school.

Under the authority of RC 4511.76, the Ohio Department of Education has adopted rules relating to the operation of all vehicles used for pupil transportation. Those rules are in administrative code, specifically 3301-83-19 and 3301-83-06.

Section (C) of this rule sets forth the authorized uses of 9 passenger or smaller vehicles that are board-owned, leased, or contracted for the purposes of pupil transportation. Rule 3301-83-06 (F) also documents the associated personnel requirements for drivers of these vehicles.

The intent of this rule making was to provide a legal means for schools to safeguard their students while transporting them in authorized vehicles. Incidental use of a personal vehicle in the transport of school students is not regulated in this code. Regular use of a personal vehicle in the transport of students, at the direction of the school, is regulated by this code.

As a point of clarification, parents who transport their own children are not regulated by these rules.

Users are cautioned that Ohio Revised Code 4511.01 (F) and the National Traffic Motor Vehicle Safety Act prohibit the use of large passenger vans (including 12-15 passenger vehicles) for the purpose of transporting children to or from school or school related activities. These regulations apply to all vehicles, regardless of ownership.

Schools should also make certain that adequate insurance coverage is in place anytime that students are being transported. In many cases, the insurance industry will consider the private owner's coverage to be primary in the resolution of any damages.

Schools should make their own appropriate local decisions regarding the use of personal vehicles for the incidental transportation of school students.

December 12, 2001

For more information, contact
Pupil Transportation Section
Office of School Finance
Pete Japikse, Assistant Director