

By Senator Cruz

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

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

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

20 1006.21 Duties of district school superintendent and
21 district school board regarding transportation.-

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

24 (a) Shall provide transportation for each student in
25 prekindergarten disability programs and in kindergarten through
26 grade 12 membership in a public school when, and only when,
27 transportation is necessary to provide adequate educational
28 facilities and opportunities that ~~which~~ otherwise would not be
29 available and to transport students whose homes are more than 2

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30 ~~miles a reasonable walking distance, as defined by rules of the~~
31 ~~State Board of Education,~~ from the nearest appropriate school.

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

38 Section 2. Subsections (1) and (3) of section 1006.23,
39 Florida Statutes, are amended to read:

40 1006.23 Hazardous walking conditions.-

41 (1) DEFINITION.-As used in this section, the term "student"
42 means any public ~~elementary~~ school student in kindergarten
43 through whose grade 12 level does not exceed grade 6.

44 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.-

45 (a) When a district school superintendent requests a
46 ~~request for review of is made by the district school~~
47 ~~superintendent with respect to~~ a road over which a state or
48 local governmental entity has jurisdiction concerning a
49 condition perceived to be hazardous to students in that district
50 who live within the 2-mile limit and who walk to school, such
51 condition must ~~shall~~ be inspected jointly by a representative of
52 the school district, a representative of the state or local
53 governmental entity with jurisdiction over the perceived
54 hazardous location, and a representative of the municipal police
55 department for a municipal road, a representative of the
56 sheriff's office for a county road, or a representative of the
57 Department of Transportation for a state road. The district
58 school superintendent must request the review if he or she

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59 receives a written request from a parent of a student in the
60 school district. If the jurisdiction is within an area for which
61 there is a metropolitan planning organization, a representative
62 of that organization must ~~shall~~ also be included. The
63 governmental representatives shall determine whether the
64 condition constitutes a hazardous walking condition as provided
65 in subsection (2). If the governmental representatives concur
66 that a condition constitutes a hazardous walking condition as
67 provided in subsection (2), the governmental entity with
68 jurisdiction must ~~shall~~ report that determination in writing to
69 the district school superintendent, who shall initiate a formal
70 request for correction as provided in subsection (4).

71 (b) If the governmental representatives are unable to reach
72 a consensus, the reasons for lack of consensus shall be reported
73 to the district school superintendent, who shall provide a
74 report and recommendation to the district school board. The
75 district school board shall ~~may~~ initiate a proceeding under
76 chapter 86 seeking a determination as to whether the condition
77 constitutes a hazardous walking condition as provided in
78 subsection (2) after providing at least 30 days' notice in
79 writing to the state or local governmental entity having
80 jurisdiction over the road of its intent to do so unless, within
81 30 days after such notice is provided, the state or local
82 governmental entity concurs in writing that the condition is a
83 hazardous walking condition as provided in subsection (2) and
84 provides the position statement pursuant to subsection (4). If a
85 proceeding is initiated under this paragraph, the district
86 school board has the burden of proving such condition by the
87 greater weight of evidence. If the district school board

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88 prevails, the district school superintendent shall report the
89 outcome to the Department of Education and initiate a formal
90 request for correction of the hazardous walking condition as
91 provided in subsection (4).

92 Section 3. Paragraph (b) of subsection (22) of section
93 1002.20, Florida Statutes, is amended to read:

94 1002.20 K-12 student and parent rights.—Parents of public
95 school students must receive accurate and timely information
96 regarding their child's academic progress and must be informed
97 of ways they can help their child to succeed in school. K-12
98 students and their parents are afforded numerous statutory
99 rights including, but not limited to, the following:

100 (22) TRANSPORTATION.—

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

105 Section 4. Paragraph (e) of subsection (1) of section
106 1011.68, Florida Statutes, is amended to read:

107 1011.68 Funds for student transportation.—The annual
108 allocation to each district for transportation to public school
109 programs, including charter schools as provided in s.
110 1002.33(17)(b), of students in membership in kindergarten
111 through grade 12 and in migrant and exceptional student programs
112 below kindergarten shall be determined as follows:

113 (1) Subject to the rules of the State Board of Education,
114 each district shall determine the membership of students who are
115 transported:

116 (e) With respect to public elementary school students whose

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117 ~~grade level does not exceed grade 6, by reason of being~~
118 subjected to hazardous walking conditions en route to or from
119 school as provided in s. 1006.23. Such rules shall, when
120 appropriate, provide for the determination of membership under
121 this paragraph for less than 1 year to accommodate the needs of
122 students who require transportation only until such hazardous
123 conditions are corrected.

124 Section 5. This act shall take effect July 1, 2020.