



# MEMORANDUM

COLORADO DEPARTMENT OF EDUCATION  
STATE OFFICE BUILDING  
DENVER, COLORADO 80203

TR94-F-002

TO: Superintendents, Transportation Directors

FROM: Bruce D. Little, <sup>BJL</sup> School Transportation Unit, 866-6661  
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DATE: November 19, 1993

SUBJECT: School District Transportation Authority

Since there has been confusion concerning the specific authority of the school district to provide transportation, we obtained legal clarification.

The legislature has declared that pupil transportation services are not required by the constitution as part of a thorough and uniform system of public school education {22-32-113 (1.5), C.R.S.}.

As political subdivisions of the state, school districts have only those powers granted by state statute.

Section 22-32-113, C.R.S. grants school districts the authority to transport. This authority includes;

1. transporting resident pupils to and from school (1a), school-sponsored events, or for emergency (1d);
2. transporting pupils to and from school who are residents of adjacent school districts with the consent of the adjacent district (1c);
3. transporting pupils to and from school who are residents of an adjacent state if the adjacent state district is authorized to pay tuition for the attendance (1b).

Additional transportation authority is granted the school district by statute for the following (22-32-128, C.R.S.):

1. transporting groups of five or more residents, age 65 or older, in accordance with district policy;
2. transporting groups of residents in accordance with district policy;

In addition, there appears to be no statute permitting school districts to lease their buses to outside organizations even if the name of the district is covered up. Section 22-32-112, C.R.S. only pertains to real property, such as; buildings and grounds, and oil and gas leases.

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**TR94-F-002  
Page 2**

**School district transportation of pupils to and from school and school sanctioned activities is exempt from the Motor Vehicle Carrier Law, Article 40, Section 10, C.R.S. and the Contract Motor Carrier Law, Article 40, Section 11, C.R.S. (Public Utilities Commission).**

**This information is presented to clarify the district's statutory authority for providing pupil transportation. You may wish to consult your district's legal counsel for specific application of these statutes and for activities not listed in this letter.**

**This document should be placed in Section F of the Administrator's Reference Manual. Please mark off TR-F-002 on the Check List page at the front of the manual.**

**Also, put the enclosed Table of Contents at the beginning of Section F. This table will help you find the more common statutes dealing with school bus transportation.**