

SCHOOL DISTRICT STUDENT TRANSPORTATION AUTHORITY

As political subdivisions of the state, school districts have only those powers granted them by state statute (22-32-103, C.R.S.).

The Colorado statutes specify that student transportation services are not required by the Colorado Constitution as part of a thorough and uniform system of public school education [22-32-113 (1.5), C.R.S.].

Pursuant to 22-32-113, C.R.S., the board of education of a school district is authorized but is not required to furnish student transportation home to school, school to school, school to home, and on school sponsored activities. Public school districts may be subject to federal and state requirements relating to transportation for eligible students with disabilities and students meeting the definition of homeless.

"A board may determine the points at which pupils shall be received and delivered and the routes of transportation . . ." [22-32-113 (2), C.R.S.]. This includes the location of student stops, what parts of the district will and will not be provided student transportation.

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

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.

The district has the following specific powers, to be exercised in its judgment (22-32-110 C.R.S.) to:

- (v) To procure liability and property damage insurance on school vehicles and to procure accident insurance ...
- (w) To contract for the transportation of students ...

There appears to be no state statute granting school districts authority to lease their buses to outside organizations even if the name of the district is covered up. Statutes 22-32-110 and 22-32-112, C.R.S. only apply to real property, such as, buildings and grounds, and oil and gas leases. This does not apply when school buses are used in emergency situations such as: forest fire and emergency evacuation.

This information is presented to clarify the district's statutory authority for providing student transportation. For specific applications and for activities not listed above, please consult with your school district's legal counsel.