

Date of Hearing: April 19, 2017

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 1453 (Eduardo Garcia) – As Amended March 28, 2017

**SUBJECT:** Schoolbuses: volunteer transportation

**SUMMARY:** Permits schoolbuses to be used to transport adult volunteers to and from a school to participate in volunteer activities at the school. Specifically, **this bill:**

- 1) Authorizes the governing board of a school district to use and operate any bus owned or under lease to the school district for the transportation of adult volunteers to and from a school within the school district for the purpose of participating in volunteer activities with pupils at the school.
- 2) Requires the governing board of a school district, in accordance with Education Code §35208, to adequately insure against the liability of the school district, members of the governing board of the school district, and officers and employees of the school district in connection with furnishing the transportation.

**EXISTING LAW:**

- 1) Authorizes school districts to use schoolbuses for community recreation (Education Code §39835).
- 2) Authorizes school districts to charge a fee to persons or organizations for the use of schoolbuses belonging to the district (Education Code §10913).
- 3) Authorizes school districts to provide for the transportation of district employees and the parents of district pupils to and from educational activities authorized by the district (Education Code §39837.5).
- 4) Authorizes the governing board of any school district to initiate and carry on any program, activity, or otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established (Education Code §35160).

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**Reason for the bill.** The purpose of this bill is to resolve a problem faced by the Coachella Valley Unified School District. Specifically, since 2004 the district has partnered with the Read with Me Volunteers Program to connect volunteer tutors (typically retirees) with English learners. The program engages more than 600 volunteers to provide tutoring to nearly 10,000 English learners in 13 elementary schools. The volunteers reside on the west side of the district and the students are enrolled in schools on the east side of the district, so private and district buses are used to transport the volunteers to the schools. The cost is split between the volunteer program and the district.

Although the program has operated this way since 2004, in November 2014 the district was cited by the California Highway Patrol (CHP) for the misuse of schoolbuses. An effort to replace the district buses with a carpool resulted in more than half of the volunteers dropping out. When the program contracted with a charter bus company to replace the district buses, the cost went from \$35,000 for five months to \$75,000 for three months. **This bill** seeks to statutorily authorize the use of schoolbuses for this and other school-related volunteer purposes.

**Vehicle Code vs. Education Code.** The citation by the CHP seems to be based on the Vehicle Code definition of "schoolbus," while not taking into account the permissible use of schoolbuses authorized in the Education Code. Vehicle Code §545 defines "schoolbus" as "a motor vehicle designed, used, or maintained for the transportation of any school pupil at or below the 12<sup>th</sup> grade level to or from a public or private school or to or from public or private school activities..." The Vehicle Code excludes from this definition "a schoolbus with the flashing red light signal system, the amber warning system, and the schoolbus signs covered, while being used for transportation of persons other than pupils, to or from school or school related activities." Based only on the Vehicle Code definition, a schoolbus can be used only to transport pupils, and if it is to be used to transport anyone other than pupils, all of the markings and signals that identify it as a schoolbus must be covered (which would remove it from the definition of schoolbus). This conflicts with the Education Code provisions that permit the use of schoolbuses to transport persons other than pupils. Accordingly, **staff recommends** that the bill be amended to make clarifying Education Code changes and add a provision to the Vehicle Code that would permit the use of schoolbuses for purposes allowed by the Education Code. Specifically, **staff recommends** the following amendments:

- Strike the existing provision of the bill that adds a new section to the Education Code.
- Amend the existing Education Code provision that permits the use of schoolbuses to transport district employees and parents to include adult volunteers.
- Add a new section to the Vehicle Code that specifically permits the use of schoolbuses for purposes permitted by the Education Code.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Riverside County Superintendent of Schools

##### **Opposition**

None received

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