

Public Transit Passes Satisfy the Transportation Requirements of the Charter School Law

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Hoffman v. Steel Valley School District, 1002 C.D. 2014 (Pa.Cmwlt. 2015). The provision of public transit passes to charter school students fulfills the requirements of the Charter School Law for the provision of transportation by the school district of residence.

Summary Background

Laura Hoffman and her two children reside in the Steel Valley School District. In the spring of the 2012-13 school year, Hoffman enrolled her seven-year old child in the Young Scholars Charter School of Western Pennsylvania (Young Scholars), a charter school located within 10 miles of the boundary of the School District. Initially, Hoffman transported her child to Young Scholars; for the last 20 days of the school year the School District provided van transport to the Charter School under a contract with A-1 Transit, at a cost of \$130 per day, for a total of \$2,600.00.

Hoffman enrolled both children in Young Scholars for the 2013-14 school year, with the belief that the School District would continue providing the same method of transportation. However, faced with budget constraints, the School District informed Hoffman that it would no longer pay for the private van and offered instead to reimburse Hoffman the cost of public transportation for the children or to purchase public bus passes for them. Hoffman rejected the School District's proposal, believing that it was unsafe and inappropriate for young children to take public transportation. Hoffman testified that in order to get to Young Scholars, her children would have to take a Port Authority bus to Steel Plaza (in downtown Pittsburgh), from there take a trolley, and then walk a mile uphill. Estimating that the one-mile walk to the school would take 42 minutes, Hoffman asserted that the trip would take an hour and a half.

Hoffman resumed driving her children to and from Young Scholars. Subsequently, the School District offered to reimburse Hoffman for her mileage at the standard IRS rate and Hoffman accepted the School District's reimbursement for several months. After obtaining employment, Hoffman no longer was able to drive her children to and from the charter school. The School District offered either to pay the cost of public transportation for the children or to continue to reimburse Hoffman for the mileage she incurred in transporting them. Hoffman demanded that the School District provide transportation for her children via a van or bus. The School District did not provide busing or van service for any of its regular students attending schools within the district, but it provided a shuttle service for kindergarten students back and forth between its primary center and its elementary schools.

Hoffman filed a suit against the School District requesting an injunction to require the School District to provide bus or van transportation for her children's attendance at the charter school. The trial court denied the parent's request. On appeal, the Commonwealth Court affirmed the lower court's decision and concluded that the provision of public bus passes to charter school students fulfills the requirements of the Charter School Law for the provision of transportation by the school district of residence.

Discussion

Section 1726-A of the Charter School Law states that students who attend a charter school located within their school district of residence or a charter school located outside district boundaries at a distance not exceeding ten miles by the nearest public highway be provided free transportation to and from the charter school by their school district of residence.

Meanwhile, Section 1362 of the School Code, provides that “[t]he free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using either school conveyances, private conveyances, or electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school, in addition to such transportation, does not exceed one and one-half (1 1/2) miles, and when stations or other proper shelters are provided for the use of such pupils where needed, and when the highway, road, or traffic conditions are not such that walking constitutes a hazard to the safety of the child, as so certified by the Department of Transportation.”

Both the trial court and the Commonwealth Court noted that sections 1362 and 1726-A both relate to free transportation of pupils residing within a school district and should be construed together. Citing the language in section 1362 of the School Code, “free transportation, as required or authorized by this act or any other act ...,” the courts concluded that Section 1362 of the School Code is applicable to Section 1726-A of the Charter School Law. The courts then reasoned that, because Section 1362 is applicable to charter school transportation, a school district has the discretion to provide free transportation to charter school students by utilizing any of the four methods listed in that statute, as long as the total distance which any pupil must travel by public highway to or from school, in addition to such transportation method, does not exceed one and one half (1 ½) miles and there is not a safety hazard to the pupil, as so certified by the Department of Transportation. Because Hoffman’s children were not required to traverse a route that was hazardous or necessitated walking more than 1 and ½ miles, the court concluded that the School District’s offer of a transit pass fulfilled the statutory mandate.

Practical Advice

Pursuant to Section 1362 of the Public School Code, school districts have the discretion to transport its students via school busses or vans, by private carrier (such as reimbursement of mileage to a parent), electric railways or common carriers (such as Port Authority busses). The Hoffman decision recognizes that a school district has the same options when determining the manner of transportation of its resident children enrolled in charter schools. Accordingly, the offer to reimburse parents for the private transportation of their children to charter schools based upon the IRS rate or for the cost of a public bus pass satisfies the requirements of the Charter School Law for the provision of transportation by the school district of residence.

For more information, contact Matt Hoffman or any other member of the Municipal & School Group.