

USE OF SCHOOL EQUIPMENT & TRANSPORTATION

School transportation may be leased or rented from the school for use in non-school competition involving junior high or high school students as per the guidelines listed below:

Iowa Code 285.10 (9) and (10) permits a school to lease busses for the purpose of transporting students in such situations. When school transportation is used for camps, clinics or non-school games, The local board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver. In addition, if a school district leases a bus for this purpose, section 43.10(10)5 of the School Rules of Iowa must be complied with. This reads as follows:

43.10(5) School buses may be used by an organization of, or sponsoring activities for, senior citizens, children, handicapped, and other persons and groups, and for transportation of persons other than pupils to activities in which the pupils from the school are participants of or are attending the activity for which the school is a sponsor under the follow conditions:

- a. The "school bus" signs shall be covered and the flashing warning lamps and stop arm are made inoperable when the bus is being used in a non-school sponsored activity.
- b. Transportation outside the state of Iowa shall not be provided without approval of the Interstate Commerce Commission.
- c. For adult groups, no more than two persons shall occupy a thirty-nine inch seat. Standees shall not be permitted.
- d. A chaperone shall accompany each bus to assist the passengers in the boarding and disembarking from the bus and to aid them in case of injury or illness.
- e. The driver of the bus shall be approved by the local board of education and must possess a chauffeur's license and a school bus driver's permit.
- f. The driver of the bus shall observe the maximum speed limits for school buses at all times.

The Department of Education states, "Certainly we would agree that a district increases its liability exposure when it leases its buses for the purpose of transporting students to summer camps or for nonschool competition, but the law quite clearly gives them the authority to do so. We would certainly agree that the district should contact their insurance company before entering into any type of agreement to lease a bus."

Excerpt from October 2008 School Leader Update

Tips About Use of District Property for Non-District Activities

1. Transportation *(Information in parentheses in this section was added for clarification)*

In accordance with Iowa Code section 285.10(9, 10), vehicles owned by a school district may only be used for non-school activities under the following circumstances:

a. The vehicle is not needed for transportation of pupils.

b. The district charges and collects “an amount sufficient to reimburse all costs of furnishing the bus and driver.” Example: 10-12 students all sign up for the same baseball camp. Their parents ask the district to provide transportation for convenience of the parents. The school board makes a finding that the vehicle is not needed at the time in question for transportation of pupils. The board and the district’s transportation director figure out the actual costs involved. The board enters into a written agreement with all affected families. Note that following all of these steps has the additional advantage of protecting the district from any allegation of a violation of the Camp and Clinic* rule — assuming a baseball coach from the school does not accompany the students and assuming further that attendance at the camp is totally voluntary! And, of course, the students are paying any and all fees related to the camp. *(Volunteer or compensated coaching personnel shall not require students to participate in any activities outside the season of that coach’s sport as a condition of participation in the coach’s sport during its season. Coaches are allowed to have summer camps and clinics, but a summer team or individual camp or clinic held at a member or associate member school facility shall not conflict with sports in season. Summertime coaching activities shall not conflict with sports in season.)*

2. Athletic Equipment (e.g., catcher’s mask, football pads)

When a student voluntarily chooses to attend a specialized camp and the host of the camp does not provide safety equipment, the student often asks to use equipment owned by the district. The district must charge a fair rental to the student. This avoids any appearance that the camp is school-related and also emphasizes to the student, the student’s family, and the community at large that the district is aware that district property is not property of students; it belongs to the taxpayers, and the district is being a good steward of the property by charging a fair rental value.

3. Insurance Carrier

This is just a reminder to the district to alert the district’s insurance carrier whenever district property is being rented for non-school purposes.

*And remember that the Camp and Clinic rule only applies to interscholastic sports, not music or speech. That rule [36.15(6)] prohibits school personnel, whether employed or volunteers, from coaching the school’s students out of season and from requiring students to participate in any activities outside the season of that coach’s sport as a condition of participation in the coach’s sport during its season.