

Overview Of Regulations And Options For Local Self-Government With Regard To School Transport

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General provisions

Today, while the educational reform, establishment of the New Ukrainian School and decentralization of education are in process, there is a task to provide the high-quality school education. Educational services must be both qualitative and accessible to everyone.

In context of establishing educational districts, networks of hub schools and their satellites (now full-time educational institutions that combine elementary schools and kindergartens can be affiliated¹), the transportation of school students and rural teachers living beyond walking accessibility to schools and back home should be properly organized and is a very important component of providing educational services.

The Law of Ukraine "On Education"², adopted in September 2017 (hereinafter – the Law) regulates many aspects of the provision of educational services, including transportation.

Part 4, Article 13 of the Law states that the seekers of general secondary education who live in rural areas and need to be brought to the educational institution and back home, must be provided with such traffic at the expense of local budgets, including accessibility of appropriate transport for people with visual impairment, hearing impairment, musculoskeletal system issues and other low mobility groups.

Part 5, Article 13 of the Law establishes that local self-governments have the right to take a joint decision on the basis needs and proposals of the hromadas on the organization of education provision (primary, basic and profile secondary) and ensure the transportation of the students to schools and back home.

Part I, Article 56 of the Law states, that persons, gaining a comprehensive secondary education outside of the locality of residence, should be provided with accommodation or transportation service.

¹ Положення про освітній округ, затверджене Постановою КМУ від 27 серпня 2010 року № 777 (зі змінами) <http://zakon3.rada.gov.ua/laws/show/777-2010-n>

² Закон України «Про освіту» від 05 вересня 2017 року <http://zakon2.rada.gov.ua/laws/show/2145-19>

According to Part 2 of Article 56 of the Law, local self-governments ensure transportation benefits for pupils, boarders, students and teachers to the education site and home in the order and amount they identify, at the cost of local budgets.

Part 2, Article 66 of the Law states, that regional and town councils, as well as the councils of the amalgamated hromadas, provide availability of the pre-school, primary school, basic secondary and extracurricular education, and take care of and finance transportation of the students and teachers to the institutions of the primary and basic secondary education and back (by vehicles, equipped for wheel-chairs, if needed).

The solution for school transportation issue and the way of transportation should be identified by the appropriate local government body. Depending on the existing infrastructural conditions, material and technical support and financial capacity to ensure the transportation of pupils and teachers, hromada can use

- own school buses (own purchase or sponsored),
- vehicles rented from businesses,
- vehicles rented from the councils of corresponding administrative units,
- transportation of pupils by public transport of local traffic (which is practically impossible due to lack of good local transport links, roads and appropriate routes).

A school bus is a special vehicle used for regular transportation performed in line with the established route and schedule, with special stops where children and teachers can get on and off the bus on their commuting to the study site and back home, as well as for the organization of excursions, occasional transportation of students and teachers to the sites of extracurricular activities, cultural events and sports competitions, transportation to the points of testing for external independent assessment, transportation to ensure the participation of members of the educational process events (meetings, seminars and conferences) at rayon or oblast levels or regional levels (such functions of occasional transportation are described in the Provision in the procedure of using school buses and approved by local self-government).

Commercial use of school buses is prohibited.

The organization of transportation of children by school buses is carried out in accordance with the current normative and legal acts of Ukraine regulating road safety and passenger bus transportation, including the Laws of Ukraine “On road traffic”¹, “On road transport”², and the Rules of providing passenger road transport services³.

The school bus balance sheet holder (school director or founder) is responsible for organizing the transportation of pupils and teachers and carries additional responsibilities related to transportation, including:

- Determines the proper location of the bus, ensures its maintenance and creates the necessary conditions for the pre-tour technical inspection.
- Ensures pre- and post-tour medical examination of the bus driver.
- Ensures annual training of the bus driver on traffic safety within the technical minimum
- Ensures availability of documentation, including:
 - School bus route passport;
 - Bus schedule;
 - Orders on appointing the person responsible for organization of transportation, the child minder and the accompanying persons;
 - Orders approving the lists of students and teachers to be transported;
 - Order approving safety instructions related to transportation of students and teachers;
 - Instructions for the driver regarding the specifics of working in spring-summer and autumn-winter seasons; on safety of student and teacher transportation; on first aid in traffic accident;
 - Instruction for driver, child-minder and accompanying persons in case of a traffic accident or any other possible hazards;
 - Driver, child minder, accompanying persons instruction log;
 - Student instruction log;
 - Driver pre- and post-tour medical examination log;
 - Traffic rules violation and traffic accidents log;
 - School bus technical examinations log at departure and upon return;
 - Agreement for technical maintenance of the bus, etc.

¹ Закон України «Про дорожній рух» від 30 червня 1993 року <http://zakon.rada.gov.ua/laws/show/3353-12>

² Закон України «Про автомобільний транспорт» від 05 квітня 2001 року <http://zakon5.rada.gov.ua/laws/show/2344-14>

³ Правила надання послуг пасажирського автомобільного транспорту, затверджені Постановою КМУ від 18 лютого 1997 року № 176 <http://zakon.rada.gov.ua/laws/show/176-97-п>

Discussion of transport options

a) Owning a bus

The most common option of transportation is using own school bus, which belongs to the educational institution or its founder. Owning a school bus has a number of advantages. A school bus is designed especially for students, regularly rides along a set route for the needs to transport children and teachers, is always available and, besides regular daily transportation to school and back, can be used to transport children to extracurricular activities, events, sport competitions, participation in student contests, taking external independent tests, etc.

However, owning the school bus also means that a number of costs have to be borne by the owner, including running costs, e.g., maintenance, insurance payments (for the vehicle and the driver), fuel cost (which can vary seasonally), planned technical examination, the cost of oil, driver's salary (including the vacation time or on the days when there are fewer rides), and unplanned costs (in case of malfunctions or a traffic accident). It is also necessary to ensure proper space for bus parking, its technical maintenance and the pre-conditions to prepare the vehicle for the ride and daily medical examinations of the driver. All these lie within the responsibilities of the bus balance sheet holder, which can be the school principal or local education department.

Another aspect to be considered is the parking of the bus. If the bus parking lot is located at the site of medical examination (e.g., the medical check-up is performed by the school nurse or at the local hospital, and the bus is kept in another place), each day the bus will have to cover an additional that adds to fuel consumption. It is therefore preferred that a gas station and a technical maintenance station are located within reasonable distance of the school or parking spot (some hromadas mention cases of 30+ km distance to the gas station, sometimes it takes even a trip to another oblast).

In addition to school buses, the school shall have a driver (drivers) on staff and pay for their work. The work time of school bus driver includes the period of vehicle driving and the preparatory-final period, that is, the time for medical examinations before departure and upon return and eliminate possible technical malfunctions on the route during travel and idle time, in places where students get on / off the bus.

The driver's work is invoiced on the basis of the timesheet, with planned and actual route information, the time of beginning and end of shift are indicated. Besides, the driver on staff must receive salary during school vacation as well. During vacation when no regular transportation is performed, the driver can receive $\frac{3}{4}$ of his / her average salary (but it also can be 100%, depends on school).

The head of education department and the head of the school ensure targeted use of school buses, compliance with the legal requirements of transportation of students and teachers in school buses.

Limited lifetime of vehicles requires their periodic replacement, as often students have to ride technically obsolete buses, 14-15 years old, which is sometimes unsafe. In planning procurement of buses and in competitive selection of bids preference shall be given to domestic manufacturers. The buses must be new, in good technical order, comply with the environmental regulations of Level Euro 5.

School busses must meet the requirements of the National Standard of Ukraine DSTU 7013: 2009 "Buses specialized for the transportation of schoolchildren. Technical requirements"¹, including special school buses for transportation of children with disabilities, moving in wheelchairs.

The National standard requirements include, but are not limited to:

- The bus has only seating spaces, all seats facing the direction of travel and equipped two-point seat belts; the bus should have no less than two seats for adult passengers accompanying the children;
- Buses with capacity over 22 passengers must have no less than two passenger doors, the first step being no higher than 25 cm from the pavement;
- The bus shall be equipped with additional handrails both at the entrance and in the passenger compartment; higher requirements to the alarm system between the passengers and the driver;
- In the rare part of the passenger compartment, a section for carrying luggage and folded wheelchair (no less than 1) is equipped; if regular transportation of children with musculoskeletal system dysfunctions is required, wheel-chair access must be ensured;
- The bus body shall be painted yellow or orange, with signs "School bus" and traffic signs "Transportation of children";
- The bus shall be equipped with speed limiting device (60 km/h);
- Engine life – no less than 500 000 km;
- Diesel fuel;
- The bus shall be equipped with ABS system and traction control;
- The guarantee term for each bus is no less than 24 months or no less than 100000 km travelled from the moment of delivery and acceptance of such a bus in the place of its end use.

¹ ДСТУ 7013:2009 «Автобуси спеціалізовані для перевезення школярів. Технічні вимоги»
http://ksv.do.am/publ/dstu/dstu_7013_2009/3-1-0-494

b) Outsourcing

Alternatively, **rented buses** for student transportation to school and back can be used. Many oblasts, e.g., Zaporizhzhia, already have such a successful practice in place (see Annex 1).

The head of the school (director), as the Client for transportation services, and the transportation company (the owner of the vehicle) will identify the route, elaborate the route plan and the schedule, then conclude a written agreement on transportation service.

To perform passenger transportation, the transportation company must have a license for providing passenger and cargo transportation services, according to the types of services identified in the Law of Ukraine “On automobile transport”¹, have licenses for each bus, other documents envisaged in the Ukrainian legislature. Groups of children are to be transported by experienced drivers of the vehicles who have minimum 5 years’ experience in bus driving.

Maximum number of children and accompanying persons during bus transportation should not exceed the number of seating places provided by technical characteristics of the vehicle and determined in registration documents for this vehicle.²

In organizing regular bus transportation of children in the rural areas, the owners of the bus are obliged to inspect the conditions of the roads, the points of getting on and off the bus, involving State automobile inspection units and organizations responsible for roads; install special signs marking bus stops with school bus schedule, conduct planned technical maintenance and repair, insure the vehicle and the driver.

As the carrier provides the bus driver, he ensures medical examination of the drivers which transport the children before departure, as well as pre-driving technical and sanitary check of the vehicle right before departure, driving safety briefing of the driver, provides all the necessary documents for the driver, etc.

So, the advantage of outsourcing transportation is that responsibility of all the above-mentioned services lies with the contractor. Practice shows that the use of *rented vehicles* can yield significant savings in both general and operating expenses, as the cost is usually fixed for a specific period of time.

Attention needs to be paid however, to the contracting. As a rule, the cost is calculated on a daily basis and the contract is concluded for half a year or calendar year. The cost of renting a vehicle will also depend on the distance covered by the vehicle from its usual base (car pool) to the start of the working route.

Depending on these conditions the cost of using rented buses can vary substantially. The closer the vehicle is located from the daily route to the school the better.

¹ Закон України «Про автомобільний транспорт» від 05 квітня 2001 року <http://zakon5.rada.gov.ua/laws/show/2344-14>

² Правила надання послуг пасажирського автомобільного транспорту, затверджені Постановою КМУ від 18 лютого 1997 року № 176 <https://www.kmu.gov.ua/ua/npas/93701422>

Conclusion

If schools don't have their own buses and there is no money to purchase them, waiting in line for bus procurement even on co-financing terms might not always be successful: the School Bus Programme has failed for the second year in a row and subvention funds for vehicle procurement are very limited even in the mechanism of co-financing; not more than 70 percent – at the expense of the educational subvention, not less than 30 percent at the expense of local budgets¹. (Overview of additional subsidies for school busses in 2018 can be found in Annex 2).

Depending on the existing infrastructural and economic conditions (community location and available carriers' services), rented transport can be a very effective and beneficial alternative to purchasing school buses. Hence, newly established amalgamated communities, which face the issue of transportation of pupils and teachers, especially when forming the school network and creating hub schools and their satellites, are advised to consider the option of renting vehicles for transportation services, if there are proper conditions (comparative cost calculations for rented and owned bus can be found in Annex 1).

¹ Розпорядження Кабінету Міністрів України від 18 грудня 2017 р. N 929-р «Про розподіл нерозподілених видатків освітньої субвенції для територій Донецької та Луганської областей, на яких органи державної влади тимчасово не здійснюють або здійснюють не в повному обсязі свої повноваження, у 2017 році» <http://document.ua/pro-rozpodil-nerozpodilених-vidatkiv-osvitnoyi-sbvenciyi-dl-doc330119.html>

Annex 1

Review of the cost of using school buses, either owned or rented by school, based on the cases of Shyroke AH Zaporizhzhia oblast in 2017/2018 school year.

	School 1 (uses its own school bus*)	School 2 (rents a bus)	School 3 (rents a bus)**	School 4 (rents a bus)***	School 5 (rents a bus)***	School 6 (rents a bus)***
Number of transported children	125	12	17	30	17	25 students + 5 teachers
Number of seats	25	18	18	18	18	30
Number of trips to school and back per day	5	1	1	2	1	2
Route distance to school and back, km	26	48	54	12	12	36
Daily distance, km	130	48	68**	34***	50***	112***
Cost of fuel, UAH	18 000 (monthly) ~818 per day					
Maintenance, UAH	873 (per day)					
Driver, UAH						
Cost of service per day, UAH	~1691*	424	477	615	530	982
<i>Relative price per km, UAH</i>	<i>13*</i>	<i>8.83</i>	<i>7,01</i>	<i>13,98</i>	<i>10,6</i>	<i>8,77</i>
<i>Relative cost of transportation per person (seat), UAH</i>	<i>13,52*</i>	<i>23,55</i>	<i>26,5</i>	<i>17,08</i>	<i>29,44</i>	<i>16,36</i>

* For **School 1**, approximate daily cost is indicated based on the planned budget for 2017/2018 school year. These planned annual costs do not include unplanned maintenance or repair costs. to the amount of 20000 UAH which was done in 2018. Therefore, the average cost per day will be **1792 UAH**, if the 20000 UAH for unplanned repair is added. The price to purchase a new school bus for 25 seats is 1,700,000 UAH.

School 2 rents a bus based in the same community;

** **School 3** rents a bus based in the neighboring community (extra 7+7 km to route starting point and back);

*** **School 4** rents a bus based in Zaporizhzhia (extra 10+10 km to route starting point and back);

School 5 rents a bus based in Zaporizhzhia (extra 19+19 km to route starting point and back), while the bus performs only one ride to school and back;

School 6 rents a bus based in Zaporizhzhia (extra 20+20 km to route starting point and back).

Thus, the buses based in Zaporizhzhia, cover significant distance before the start of the route, and the costs related to this distance, are included in the price, increasing the total cost.

Annex 2

Distribution of unallocated expenditures of education subvention for Donetsk and Luhansk regions, in which the state authorities temporarily do not exercise their powers fully, in 2017

Name of the local budget of the administrative-territorial unit	The volume of subvention for purchase of school buses (not more than 70 percent - at the expense of education subvention, not less than 30 percent - at the expense of local budgets) (development expenditures), UAH
Regional budget of Vinnytsia oblast	10 455 700
Regional budget of Volyn oblast	9 886 200
Regional budget of Dnipropetrovsk oblast	8 557 800
Regional budget of Donetsk oblast	4 480 300
Regional budget of Zhytomyr oblast	8 131 100
Regional budget of Zakarpattia oblast	14 130 900
Regional budget of Zaporizhzhia oblast	5 923 200
Regional budget of Ivano-Frankivsk oblast	11 736 900
Regional budget of Kyiv oblast	11 834 300
Regional budget of Kirovohrad oblast	5 315 700
Regional budget of Luhansk oblast	2 707 800
Regional budget of Lviv oblast	13 521 300
Regional budget of Mykolaiv oblast	5 739 800
Regional budget of Odesa oblast	12 741 100
Regional budget of Poltava oblast	9 822 100
Regional budget of Rivne oblast	12 235 400
Regional budget of Sumy oblast	3 738 600
Regional budget of Ternopil oblast	7 320 600
Regional budget of Kharkiv oblast	9 011 300
Regional budget of Kherson oblast	6 978 700
Regional budget of Khmelnytskyi oblast	7 021 500
Regional budget of Cherkasy oblast	6 029 100
Regional budget of Chernivtsi oblast	8 001 900
Regional budget of Chernihiv oblast	4 678 700
Total	200 000 000

According to the Order of the Cabinet of Ministers of Ukraine, December 18 2017 N 929-p “On Distribution of unallocated expenditures of education subvention for Donetsk and Luhansk regions, in which the state authorities temporarily do not exercise or exercise their powers not in full” / <http://document.ua/pro-rozpodil-nerozpodilениh-vidatkiv-osvitnoyi-sbvenciyi-dl-doc330119.html>