Parent Contracts

Information on submitting an eligible Parent Contract
Questions & Answers

Q: Must a school district sign a formal pupil transportation contract in order to reimburse a parent for transporting their own child?

A: Yes, you must enter into a formal transportation contract. The parent's vehicle must be inspected under DOT law, like any privately owned vehicle. You must send a letter to DMV Driver Certification Unit letting them know that you have entered into a contract with the parent and are requesting his/her exemption from Article 19-A of Vehicle and Traffic Law. (An exemption from Article 19-A may be granted for a person operating his or her own vehicle with a seating capacity of 10 or fewer adults.)

Q: Does a Parent Contract have to be competitively bid?

A: Yes, you must advertise and bid the contract if the total of all your new pupil transportation contracts for the school year exceeds $20,000. If the contract is for the current year, begins part-way into the year, and is valued under $20,000 by itself (and the total aggregate for partials is also under 20k), then you may do a partial year contract and bid it for the next school year (if required for following school year).

Note: The total aggregate of partial contracts must also be under $20k for the year.

Note: You may not extend a partial year contract or a contract that has not been competitively bid.
Q: What are the restrictions on cost for a Parent Contract?

A: You may only reimburse the parent based upon your school district approved mileage rate for staff or the IRS mileage rate, plus tolls for up to two round trips. Anything above that is NOT aidable and should NOT be included in the contract submitted to SED. The parent is not in the business of a contractor and may not unfairly compete with private business. Otherwise they would be required to meet DMV and DOT requirements that contractors are held to. They may only transport their own child; no one else's child.

Q: Who can transport the child under a Parent Contract?

A: ONLY PARENTS; not grandparents, aunts/uncles or siblings.
Legal Basis for Parent Contracts

8 NYCRR 156 – State Education Department

§ 156.3 Safety regulations for school bus drivers, monitors, attendants and pupils.

a) Definitions. For purposes of this section:
(1) A school bus driver shall mean any person who drives a school bus which is owned, leased or contracted for by a public school district, board of cooperative educational services or nonpublic school for the purpose of transporting pupils. However, for the purposes of this section, the following shall not be considered to be school bus drivers:
(i) a driver of a passenger or suburban type vehicle if such driver is a school district employee who is not ordinarily required to transport pupils and is operating such vehicle for the purpose of transporting one or more pupils to a hospital or other medical facility, a physician's office, or home for medical treatment or because of illness;
(ii) a driver of a suburban intercity coach or transit type bus, transporting pupils on trips other than between home and school, such as field trips, athletic trips, and other special transportation services;
(iii) a parent who transports exclusively his or her own children; and
(iv) a volunteer driver for a nonpublic school who transports pupils on other than a regularly established route on an occasional basis.

Education Law section
§ 1709. Powers and duties of boards of education

27. To contract with any person, corporation or other school district for the conveyance of pupils residing within the district, when authorized to do so under subdivision nineteen of section two thousand twenty-one of this chapter, by vote of the inhabitants of the district entitled to vote, or to contract for the operation, maintenance and garaging of motor vehicles owned by the district, in accordance with such rules and regulations as such board of education may establish, consistent with the regulations of the commissioner. Upon authorization by a school district meeting, every such contract of transportation may be made for a period not exceeding five years, notwithstanding any provision of any other law inconsistent herewith.
15 NYCRR – Department of Motor Vehicles

§ 6.2 Definitions.

(p) Transportation for hire. Transportation for hire shall mean transportation of passengers for which monies are paid to the motor carrier for the transportation service provided. It shall not include transportation of passengers by a person operating his or her own vehicle with a seating capacity of 10 or less adults where the only payment made to such person is a mileage fee intended to cover the actual cost of such operation, nor shall it include a parent transporting only his or her child.

17 NYCRR 720.0 - Department of Transportation

(b) School transportation. All motor vehicles transporting passengers under the age of 21 years, to and from schools, for hire, or owned and/or operated by school districts or any public or private school. School transportation will also include the transportation of passengers under the age of 21 years between school programs and community residences (as such terms are defined in section 1.03 of the Mental Hygiene Law) and where such school programs are approved by the New York State Education Department.

Note: For hire school transportation does not include parents who enter into a contract with a school to provide transportation exclusively for their own children in their own vehicle(s).
Things to Consider/Remember

• May be most cost effective mode of transportation
• SED, DMV, DOT jurisdiction limited (no CDL, DOT Inspections, exemption to 19-A can be requested)
• Parent may only transport own child
• Only parents; not grandparents, aunts/uncles; siblings
• May be appropriate if child is difficult to transport
• Parent already has specialized vehicle, equipment
• Follow all competitive bid rules if exceeds the $20,000 – bid, advertise, voter approval to extend
• Contract form must be submitted to SED
• Restrictions on cost – IRS/district mileage rate, tolls for up to two round trips. Not lost time, wages, inconvenience, or insurance
Completing Contract Forms

TC, TCS, CE & CES Forms for Parent Contracts require same information as corresponding contracts with private contractors. The following focuses on specific sections of a TC form for a new school year, Parent Contract:

1. Please also write in space below SED Code that this is a PARENT CONTRACT & the route/destination. Note: Destination (school, program, residential setting, or rehabilitation setting) must be found in SEDREF to be eligible.

2. If filing as a partial contract, please check applicable box.
Contract Agreement

3. Fill in Contractor line with Parent Name.

Unit Cost & ANTICIPATED Total Cost

4. Please fill in the unit cost for the contract. **Note:** ONLY IRS/District mileage plus tolls for up to two round trips per day are aidable*.  
   *Please provide evidence of route and mileage (Ex: Copy of Google Maps Directions)

5. Enter Total Anticipated Cost.
6. If contract was awarded using the RFP process, fill in the date of opening bids.

7. Obtain BOE signature and Contractor (PARENT) signature.

**NOTE:** Please only send ORIGINAL inked/signed contract to SED.
8. Fill in bid opening date that was advertised in your Ad.

9. List Parent and all other Contractors that submitted bids and the amount bid.

10. Indicate if award was made to lowest bidder (Parent is generally lowest bidder). Please read all directions carefully. Note: Does not apply to RFP process.
Contract Submission to SED

• When submitting contracts to SED, please include a **cover sheet** listing each contract being submitted. This helps us verify that we have received the full contract submission.

• The cover sheet can also include any **explanations** that may be required for submission (missed deadlines, linked to prior emergency contract, etc.)

• Please also verify that all **dates are completed** and are in logical & necessary sequence.

• Verify that all **3** required **signatures are in original ink**.

• Send only **one original** to SED (keep other 2 original documents in district files). We do not need multiples of contracts or copies. This helps us all cut down on paper waste. Please also include **map data to verify milage**.

• Have someone **review** contract submission prior to sending to SED.

• Mail **within 120 days** of 1st day of service & mail with return receipt for proof.

• **Thank you** for your attention to detail in submitting your district’s contracts. Your time and efforts are much appreciated.
Parent Contract Form TC Key
Office of Pupil Transportation

Please feel free to contact our office for further information:

Educational Management (518) 474-6541

Transportation@nysed.gov