

SCHOOL TRANSPORTATION GUIDELINES FOR STUDENTS OF DIVORCED/SEPARATED PARENTS

In *Watts v. Manheim Township School District*, the Pennsylvania Supreme Court recently addressed whether the Public School Code mandates that a school district provide school transportation services to a student at two different residences when the student's parents share physical custody of the student and both parents reside within the school district. The School District's Transportation Office has received questions from divorced/separated parents on how the *Watts* decision may impact their own children's current school transportation arrangements. These guidelines are intended to answer common questions about *Watts* and to explain how the School District is interpreting this court decision.

Q: What school transportation services does Watts require a school district to offer a student whose parents are divorced or separated?

A: The *Watts* decision ruled that a school district must offer a student school transportation services from both parents' homes if, and only if, the student's parents evenly share physical custody pursuant to a court-approved custody agreement and both parents reside within the school district.

Q: What type of physical custody agreements qualify under Watts for school transportation services to and from both parents' homes?

A: The *Watts* decision addressed a situation where the student's parents had a court-approved custody agreement in which they had an exact 50/50 split of physical custody. The Supreme Court noted that it would "leave for another day" the determination whether other custody arrangements would qualify for the same school transportation accommodations. Accordingly, the school district requires a valid court-approved custody agreement showing that the parents equally share physical custody of the student on a 50/50 basis before providing any school transportation services to both parents' homes.

Q: Will the School District consider offering school transportation services to both parents' homes without a court-approved custody agreement and/or a physical custody arrangement that does not provide for an equal division of the student's time between both parents?

A: No. *Watts* addressed a very specific factual scenario in reaching its legal conclusion, and "left for another day" how other custody arrangements should be treated. The School District is committed to complying with the requirements of the *Watts* decision. Therefore, non-court approved custody agreement and/or court-approved physical custody arrangements that do not provide for an exact 50/50 split of physical custody will **not** support school transportation services to both parents' homes within the School District.

Q: If a student's parents reside in two different school districts are they entitled to receive school transportation accommodations at both of their homes under Watts?

A: No. The school district is only obligated to offer school transportation services to residences located within its boundaries. Therefore, *Watts* does not address school transportation arrangements when a student's parents live in different school districts.

Q: Does Watts require the School District to provide school transportation services to different child care providers or babysitters that divorced/separated parents may separately arrange to watch the student when they have physical custody?

A: No. *Watts* only addressed school transportation services to or from divorced/separated parents' residences. The School District may allow students to be picked up or dropped off at a child care location or babysitter's home consistent with School District's current policies. Multiple pick-up or drop-off locations for child care providers and/or babysitters are not permitted under the District's current policies. Accordingly, divorced/separated parents should work cooperatively to make their respective child care arrangements if they wish to have a student picked up or dropped off at a location other than a parent's home.

Q: If parents satisfy all of the Watts requirements to receive school transportation services at both of their homes, how will those transportation services be provided?

A: The School District's transportation services are designed to serve thousands of public and non-public school students each and every school day in a safe and cost-effective manner. The particular accommodations that will need to be made to serve a student residing at two different residences will depend upon multiple factors, including: (i) the location of parents' residences; (ii) the court-mandated physical custody schedule; (iii) where the student attends school; (iv) the configuration of existing bus routes and school attendance zones; (v) the location of bus stops; (vi) the seating capacity of school buses that the student would use; and (vii) the timing of the parents' request. All of these factors, and potentially others, would be considered in developing school transportation arrangements for a student residing at two different residences.

If you have other questions regarding your child's transportation arrangements in light of the *Watts* decision, please contact the Transportation Department at transportation@raiderweb.org.