

Why should a school district adopt policies on walking and bicycling?

Safe Routes to School (SRTS) programs help students walk and bike to school more frequently, safely, and easily by examining the conditions around schools and conducting projects and activities that work to improve safety and accessibility, and reduce traffic and air pollution in the vicinity of schools. The Centers for Disease Control and Prevention (CDC), National School Board Association (NSBA) and Federal Highway Administration (FHWA) are a few of the many national organizations that support and encourage walking and bicycling to school as an opportunity for children to get physical activity as part of their daily routine. However, many schools and school districts have policies that prohibit or discourage bicycling and walking or have no policy on the topic at all.

The NJ SRTS Resource Center at the Alan M. Voorhees Transportation Center (VTC) at Rutgers University, working with NJ Department of Transportation (NJDOT) and the National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN), has created model policies to address walking and bicycling to school. The [model policies](#) are available at the [VTC web site](#) and can be modified by schools and school districts.

This fact sheet is a companion document to the [school walking and bicycling policies](#) and explains the importance of adopting and implementing walking and bicycling policies.

The information provided in this document does not constitute legal guidance and cannot substitute for advice from a lawyer about your particular situation.



Why Should a School District Adopt Policies on Walking and Bicycling?

Adopting policy is a mandated function of the school board. Policies establish direction for the district and its schools, set the goals, assign authority, and are the means by which educators are accountable to the public.¹

The most important reason to have a policy is to make expectations consistent district-wide. Adopting a school bicycling or walking policy standardizes the transportation safety rules for the district. Students and guardians may not be aware of safe pedestrian or cycling behavior. A policy like these can help lay the groundwork for better and safer behaviors.

A second reason to have a supportive policy is to keep negative policies or bans from creeping in. In a 2004 U.S. Centers for Disease Control and Prevention survey, policies against walking or bicycling to school were among the top five barriers to walking to or from school.² By proactively adopting policies that encourage bicycling and walking in safe ways, districts can support healthy physical activity for children and the benefits for learning that children get from exercise.

Are schools or school districts allowed to ban bicycling and walking to school?

It is not clear that schools or boards of education have the legal ability to ban bicycling or walking to and from school, although schools have the power to ban bicycles from their property unless the district has restricted that power. A common perception exists in New Jersey that schools have authority over students from door to door. The statutory basis for this claim appears to come from New Jersey law (N.J.S.A. 18A:25-2), which states:

“A teacher or other person in authority over such pupil shall hold every pupil accountable for disorderly conduct in school and during recess and on the playgrounds of the school and on the way to and from school.”

However, the statute limits school authority to “disorderly conduct.” According to Sara Zimmerman, a lawyer at NPLAN, “schools do not appear to have any authority to ban legal, socially beneficial behavior away from school.”³

Furthermore, the NJ Department of Education maintains that “the responsibilities of a board of education are limited to educational functions. They are not required by law to provide busing for students who live closer than the mandated distances, even for safety reasons. Case law has long held that safety along public roadways and walkways is a municipal responsibility. As an example of this, pursuant to section 40A:9-154.1 of state statutes, school crossing guards are appointed by the municipality and are under the supervision of the chief of police or other chief law enforcement officer.”⁴



Can individual schools have different policies?

There are some district bicycle policies that delegate the decision to allow or prohibit the use of bicycles to the principal or building administrator. In this situation, individual school rules become policy. However, this can create confusion when some principals within the district grant students permission to ride at the same time others prohibit it. In addition, individual school policy can change when school personnel changes – and without public notification. School boards, on the other hand, must follow mandated guidelines, which include public input, in order to adopt or change policy.

It is always better for school districts to have a unified policy. Policies can be tailored to include information on schools with special circumstances, such as schools located near major highways or that have only pre-K and kindergarten grades.

Most schools have their own student handbooks and/or parent information guides that describe individual school procedures and rules. These can include information about student code of conduct, important dates, and procedures regarding school travel. Such information generally provides guidance but is not official board policy.



Benefits to Students Walking and/or Bicycling to School

Walking and/or bicycling to and from school are among the best ways to promote student well being. As physical inactivity and childhood obesity rates in the United States continue to rise, it is more important than ever to increase opportunities for students to get daily exercise. The 150 minutes of health, safety, and physical education in each school week required for all student in grades 1 through 12 by New Jersey law (N.J.S.A.18A:35) is not enough to meet the recommendations of the Surgeon General and the American Heart Association that children and adolescents participate in at least 60 minutes of moderate to vigorous physical activity every day.

There are many benefits to students walking or cycling to and from school. Some of the benefits include:

- Improving health and fitness through physical activity including:⁵
 - Weight and blood pressure control
 - Bone, muscle, and joint health and maintenance
 - Reduction in the risk of diabetes
- Establishing positive active travel behaviors and improving safety awareness.⁶
- Reducing the environmental impact of the journey to school.⁷
 - Leaving the car at home just two days a week will reduce greenhouse gas emissions by an average of 1,600 pounds per year per family.⁸
- Improving academic performance and mental development in children and adolescents.^{9, 10, 11, 12}
- Promoting a sense of independence that is important for development.

My school provides busing for 100% of the students, so why do we need a policy?

School districts that provide 100% busing need a policy because not all students use available busing. Courtesy busing is not mandatory busing, and schools cannot force guardians to put their children on the bus or prohibit someone from walking. Students may be able to get to school more quickly and with more flexibility by walking or bicycling, and guardians may want students to get the exercise of walking or bicycling. If a school strongly believes that it is unsafe to walk or bicycle, it can recommend that students do not walk or ride a bike, but in all likelihood schools cannot prohibit students from walking.

How does walking and bicycling compare to other means of school travel?

Understanding injury risk is critical to efforts to encourage walking and bicycling. In general, traveling to and from school presents little injury risk to students. However, walking and bicycling, like all modes of travel, have their own risks determined by a combination of human, vehicular, operational, environmental, and societal factors.

According to a 2002 Transportation Research Board Special Report on school travel, about 800 school-aged children are killed per year in motor vehicle crashes in the United States during normal school travel hours.¹³ A disproportionate share of these passenger vehicle-related deaths (450 of the 800 deaths, or 55 percent) occurs when a teenager is driving.

Approximately 152,000 school-age children are non-fatally injured during normal school travel hours each year.

- More than 80% (about 130,000) of these nonfatal injuries occur in passenger vehicles;
- 11% (about 16,500) occur to pedestrians and bicyclists; and
- 4% (about 6,000) are school bus-related (about 5,500 school bus passengers and 500 school bus pedestrians).



While child injury and fatality rates to and from school include some contribution from walking and bicycling, motor vehicle crashes are the leading cause of death for children ages three to fourteen.¹⁴ Not only do motor vehicle crashes cause the great majority of fatalities during school travel hours, but in fact those deaths represent only 14 percent of the 5,600 child deaths that occur annually on U.S. roadways.

The best thing to do to reduce risk is create a safe environment and teach safety skills to walkers, bicyclists and drivers. Safe walking and bicycling environments include:¹⁵

- Neighborhood schools that are within walking and bicycling distance from homes, with fewer cars on the road near schools,
- Sidewalks or bicycle-paths that connect homes with schools,
- Child-friendly opportunities to cross streets (such as the presence of adult crossing guards, raised medians or traffic/pedestrian signals), and
- Slow vehicle speeds accomplished through roadway safety measures (traffic calming) and/or law enforcement where needed.



What is a school's duty of care?

In tort law, a duty of care is a legal obligation imposed on individuals requiring that they adhere to a given standard of care in their interactions with others and their property. Schools have a legal obligation to adhere to a standard of reasonable care. Guardians relinquish their supervisory role over their children to teachers and administrators during school hours, and thus transfer to school officials the power to protect and care for their children.

The precise measures a school must take to act with reasonable care with respect to students is unique to each community and depends on many variables including the age of the students, the school's policy and legal precedents. A school's duty of care to students and resulting legal liability when students are injured is very situational. Relevant factors are likely to include:¹⁶

- The degree to which the school controls or directs the activity that results in injury,
- The extent to which the school's actions conformed to applicable rules, regulations, policies, or procedures,
- The extent to which the school knew or should have known of a particular hazard and failed to correct or warn against it.

What is a school's duty of care at dismissal in New Jersey?

In 2007, the New Jersey Supreme Court ruled that schools have a duty to "exercise reasonable care" when supervising students at the time of a school's dismissal.¹⁷ There are three elements to the school's duty of care at dismissal:

1. The school must adopt a reasonable policy concerning dismissal and the manner in which students of different ages will be dismissed;
2. The school must provide adequate notice of that policy to all parents and guardians; and
3. The school must effectively implement that policy and adhere to parents' reasonable requests regarding dismissal.



What should good walking and bicycling policies cover?

Policies should be adapted to suit the needs of individual school districts. All policies should include:

- A description of the benefits of walking and bicycling to school,
- A list of conditions explaining the rules and expectations of the student, guardian and school, and
- A disclaimer that states that walking or bicycling is an “assumption of responsibility by guardians and students.”

The rules and expectations of the student, guardian and school should be described in detail, usually in a list of conditions. For example, a bicycling policy can include information about helmet use, rules of the road, bicycle maintenance, and bicycle parking and storage. It is always a good idea to include a disclaimer in the policy that states that walking or bicycling is an “assumption of responsibility by students and their parents – a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration towards others.” This will not completely absolve the school district from all liability, but it can offer some legal protection.

In the model walking and bicycling policies, we included the language “Bicycles may not be ridden on school grounds during arrival and dismissal.” We specified “arrival and dismissal” so bicycles could be ridden on school grounds at other times of day and other days of the week. Many school districts are signing joint use agreements to allow community members to use school property outside school hours.¹⁸

How are policies adopted?

Anyone can suggest the need for a policy to their school board. Prior to presenting your case for the adoption of a walking or bicycling policy to school administrators, it is a good idea to develop a strategy. The National Center for Safe Routes to School recommends building awareness and allies among others in your school’s community and identifying the pertinent administrators, both at the school and district levels, before presenting the need for a new policy or an amendment to an existing one.¹⁹

The school board will then discuss the need for the policy and if they decide that such a need exists, the Superintendent will be directed to draft a policy statement for presentation to the board. Frequently the Superintendent delegates the writing to a staff member or even a private company. In any case, providing administrators with a sample policy they can modify for their district is a good idea. A sample will increase the likelihood of a good policy, while saving the district time and money.

Adoption of any policy or amendment to a policy requires readings at the board meeting and an opportunity for public comment. Before a policy can be adopted in New Jersey, it has to be read three times at board meetings. Once adopted, policies should be made available on the school district’s web site and distributed every year to staff, students and guardians in a Student Handbook and/or Parent Information Guide.



How do schools educate students about walking or bicycling safety?

In New Jersey, teaching pedestrian, bicycle, and traffic safety is part of the statewide core curriculum standards for Comprehensive Health and Physical Education.²⁰ The table to the right shows the indicators related to pedestrian and bicycle safety and the grade students are taught them. Ideally, schools or communities can provide additional bicycle safety education for children, both on and off-bike, along with classroom instruction. Holding bicycle rodeos with the local police department is one way to educate students on bicycle safety.

Content Area: Comprehensive Health and Physical Education		
Standard	2.1 Wellness	All students will acquire health promotion concepts and skills to support a healthy, active lifestyle
By the end of grade:	Cumulative Progress Indicator (CPI)	
2	Identify procedures associated with pedestrian, bicycle, and traffic safety.	
4	Examine the impact of unsafe behaviors when traveling in vehicles, as a pedestrian, and when using other modes of transportation.	
6	Summarize the components of the traffic safety system and explain how people contribute to making the system effective. Traffic safety system refers to the concept of traffic (moving people safely and efficiently), the specific components of the traffic safety system (e.g., laws, safety, signs, travel modes, routes, and responsibilities), and the people who are part of the traffic safety system (e.g., walkers, bicyclists, police, and automobile, bus, and train operators).	

Resources:

- League of American Bicyclists Certified Bicycle Education Instructors (LCI)
- New Jersey Coalition of SafeKids USA
- “Who’s Who in SRTS in NJ” from the Alan M.Voorhees Transportation Center at Rutgers University

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16 National Center for SRTS (n.d.) 10 Tips for Safe Routes to School Programs and Liability. Retrieved September 2009 from National Center for Safe Routes to School Web Site: <http://www.saferoutesinfo.org/resources/collateral/liabilitytipsheet.pdf>

17 Joseph Jerkins v. Board of Education of Pleasantville Public Schools. 191 N.J. 285, 922 2d 1279. (N.J. 2007)

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