

Policy 5142.04^: Bicycles and E-Bikes

Status:

Use of Bicycles and E-bikes

NMUSD is committed to maintaining a safe and secure environment for all students, staff and visitors. In alignment with the District's efforts to promote Safe Routes to School and support healthy, sustainable modes of transportation, NMUSD encourages students and families to utilize bicycles whenever possible. All students may ride non-electric bicycles to school in all grades, and are required to wear helmets, and to park their bicycle in the designated parking area on school property. A bicycle is defined as a human-powered, pedal-driven, single-track vehicle with two wheels.

E-bikes and E-motos present unique safety risks when operated by minors. These risks impact both the rider, surrounding students, and community. This is due to speed, the type of E-bike or E-moto and the limited operating experience among younger users.

E-bikes and E-motos are strictly prohibited in grades TK-8.

Definitions

Electric Bicycle (E-bike): For the purpose of this policy, an E-bike is defined as a two- or three wheeled device with an electric motor that meets the requirements for Class 1, Class 2 or Class 3 E-bikes as set forth in the California Vehicle Code. It excludes E-motorcycles and other vehicles that do not meet the E-bike requirements.

Electric Moto (E-moto): For the purpose of this policy, an E-moto is defined as an electric moped, electric motorcycle, or electric dirt bike, all of which use throttles to activate the motor without any pedaling required. These vehicles are significantly more powerful and faster than a legally defined electric bicycle (E-bike). While both are two-wheeled electric vehicles, they differ fundamentally in their power, design, legal classification, and where they can be ridden.

Electric Scooter (E-scooter): For the purpose of this policy, an E-scooter is defined as an electric scooter.

Electric Motorized Board (E-board): For the purpose of this policy, an E-board is defined as an electric motorized board.

School Campus/Property: Any property owned, leased, or operated by the NMUSD, including but not limited to, school buildings, parking lots, athletic fields, playgrounds, bike racks, and any location where a school-sponsored event is taking place.

Elementary Students

Students in elementary school are strictly prohibited from operating E-bikes and E-motos and other devices as listed in the definitions, to/on school property, including the periphery of campus at all times. Students in elementary school are encouraged to ride their bicycles to school.

In addition:

- Parent/guardian are required to sign a Registration, Safety Acknowledgement, and Assumption of Risk Agreement in Exhibit 5142.2
- Bicycles are required to be parked in designated areas on campus

- Helmets are required to be worn at all times while riding
- Student will participate in a bicycle training program

Middle/Intermediate Students

Students in middle/intermediate school are strictly prohibited from operating an E-bike, E-moto and other devices as listed in the definitions, on school property, including the periphery of campus and cannot be parked on school property. Students in middle/intermediate school are encouraged to ride their bicycles to school.

In addition:

- Parent/guardian are required to sign a Registration, Safety Acknowledgement, and Assumption of Risk Agreement in Exhibit 5142.2
- Bicycles are required to be parked in designated areas on campus
- Helmets are required to be worn at all times while riding
- Student will participate in a bicycle training program

High School Students

Students in grades 9-12 may ride a class 1 E-bike to/from campus. Class 2 and 3 E-bikes, E-motos and other devices as listed in the definitions are strictly prohibited on any district property.

In addition:

- Students are required to participate in a E-bike/bicycle safety training program provided by the school district (to receive a sticker)
- Parent/guardian are required to sign a Registration, Safety Acknowledgement, and Assumption of Risk Agreement in Exhibit 5142.2
- E-bikes and bicycles are required to be parked in designated areas on campus
- Helmets are required to be worn at all times while riding
- Students cannot ride on the campus

The Superintendent or designee shall implement procedures to this policy. The District shall establish regulations for safe E-bike operation which shall address storage, security, permits, education, stickers, safety, and enforcement. The District shall also work with local law enforcement and the City of Costa Mesa and Newport Beach to identify appropriate safe routes to school and shall share recommended route information with NMUSD students. District has the right to suspend or revoke these E-bike privileges if student violates policy. Rules and procedures will be outlined in AR TBD and the student handbook.

NOTICE: Please be advised Education Code section 44808 provides school districts, their officers and employees, are not liable for the conduct or safety of any student at any time when the student is not on school property, unless there is a specific undertaking by the school district or its employees to supervise students in off-site activities. Furthermore, nothing in this policy, administrative regulation, or guidance is intended to provide supervision or responsibility for students when they are no longer on the school site.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 32282

Description

[Comprehensive safety plan](#)

Ed. Code 44808	<u>Liability when students are not on school property</u>
Ed. Code 51860	<u>Time and facilities for bicycle and scooter safety instruction</u>
Gov. Code 65352.2	<u>General planning; communication between cities, counties and school districts</u>
Streets and Highways Code 894	<u>Statewide safety and training programs; electric bicycles</u>
Veh. Code 21200-21213	<u>Operation of bicycles</u>
Veh. Code 21212	<u>Helmet required for bicycle, nonmotorized scooter, skateboard, skates</u>
Veh. Code 21949-21971	<u>Pedestrian rights and duties</u>
Veh. Code 312.5	<u>Electric bicycle</u>
Management Resources	Description
Court Decision	<u>Cerna v. City of Oakland (2008) 161 Cal.App.4th 1340</u>
Natl Center for Safe Routes to School Publication	Safe Routes to School Guide
Natl Highway Traffic Safety Admin Publication	<u>Advancing Pedestrian and Bicyclist Safety: A Primer for Highway Safety Professionals, April 2016</u>
Safe Routes to School Natl Partnership Publication	<u>Safe Routes to School by the Numbers: Using Data to Foster Walking and Biking to School, June 2016</u>
Website	<u>National Center for Safe Routes to School</u>
Website	<u>Safe Routes Partnership</u>
Website	<u>U.S. Department of Transportation, Federal Highway Administration, Safe Routes to School</u>
Website	<u>California Department of Transportation, Safe Routes to School</u>
Website	<u>CSBA, Safe Routes to School</u>

Cross References

Code	Description
0415	<u>Equity</u>
0450	<u>Comprehensive Safety Plan</u>
0450	<u>Comprehensive Safety Plan</u>
0500	<u>Accountability</u>
1112	<u>Media Relations</u>
1114	<u>District-Sponsored Social Media</u>
1114	<u>District-Sponsored Social Media</u>
1220	<u>Citizen Advisory Committees</u>
1220	<u>Citizen Advisory Committees</u>
1230	<u>School-Connected Organizations</u>
1230	<u>School-Connected Organizations</u>
1260	<u>Educational Foundation</u>
1400	<u>Relations Between Other Governmental Agencies And The Schools</u>
1700	<u>Relations Between Private Industry And The Schools</u>
3100	<u>Budget</u>
3100	<u>Budget</u>
3290	<u>Gifts, Grants And Bequests</u>
3470	<u>Debt Issuance And Management</u>
3471	<u>Parcel Taxes</u>
3510	<u>Green School Operations</u>
3514	<u>Environmental Safety</u>
3514	<u>Environmental Safety</u>
3540	<u>Transportation</u>
3541	<u>Transportation Routes And Services</u>
5030	<u>Student Wellness</u>
5142	<u>Safety</u>
5142	<u>Safety</u>

6020	<u>Parent Involvement</u>
6020	<u>Parent Involvement</u>
6142.7	<u>Physical Education And Activity</u>
6142.7	<u>Physical Education And Activity</u>
6142.8	<u>Comprehensive Health Education</u>
6142.8	<u>Comprehensive Health Education</u>
7110	<u>Facilities Master Plan</u>
7111	<u>Evaluating Existing Buildings</u>
7150	<u>Site Selection And Development</u>
7150	<u>Site Selection And Development</u>