

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 396

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1006, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TRANSPORTATION SUPPORT PROGRAM; AMENDING SECTION 33-1501, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN TRANSPORTATION AUTHORIZED; REPEALING SECTION 33-1504, IDAHO CODE, RELATING TO SCHOOL BUSES; AMENDING CHAPTER 15, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1504, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN AUTHORIZED VEHICLES; AMENDING SECTION 33-1506, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INSPECTION OF AUTHORIZED VEHICLES; AMENDING SECTION 33-1509, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHOOL BUS DRIVERS; AMENDING CHAPTER 15, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1515, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR AUTHORIZED VEHICLES FOR THE TRANSPORTATION OF PUPILS TO AND FROM SCHOOL AND SCHOOL-RELATED EVENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1006, Idaho Code, be, and the same is hereby amended to read as follows:

33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of education shall determine what costs of transporting pupils, including maintenance, operation and depreciation of basic vehicles, insurance, payments under contract with other public transportation providers whose vehicles used to transport pupils comply with federal transit administration regulations, "bus testing," 49 CFR part 665, and any revision thereto, as provided in subsection (4) (d) of this section, or other state department of education-approved private transportation providers, salaries of drivers, and any other costs, shall be allowable in computing the transportation support program of ~~school districts~~ authorized transportation operations.

(2) Any costs associated with the addition of vehicle features that are not part of the basic vehicle shall not be allowable in computing the transportation support program of ~~school districts~~ an authorized transportation operation. A basic vehicle is hereby defined as the cost of the vehicle without optional features, plus the addition of essential safety features and features necessary for the transportation of pupils with disabilities.

(3) Each ~~school district~~ authorized transportation operation shall maintain records and make reports as are required for the purposes of this section.

(4) The transportation support program of ~~a school district~~ an authorized transportation operation shall be based upon the allowable costs of:

(a) Transporting public school pupils one and one-half (1 1/2) miles or more to school;

(b) Transporting pupils less than one and one-half (1 1/2) miles as provided in section 33-1501, Idaho Code, when approved by the state board of education;

(c) Payments when transportation is not furnished, as provided in section 33-1503, Idaho Code;

(d) The transportation program for ~~grades 6-12~~ kindergarten through grade 12, upon the costs of payments pursuant to a contract with other public or private transportation providers entered into as provided in section 33-1510, Idaho Code, if the ~~school district~~ authorized transportation operation establishes that the reimbursable costs of transportation under the contract are equal to or less than the costs for school buses;

(e) The employer's share of contributions to the public employee retirement system and to social security; and

(f) Providing transportation to and from approved school activities as may be approved by the rules of the state board of education.

(5) The state's share of the transportation support program shall be fifty percent (50%) of reimbursable transportation costs ~~of the district~~ incurred by the authorized transportation operation during the immediately preceding state fiscal year, except for the cost of state department of education training and fee assessments and bus depreciation and maintenance, for which the state's share shall be eighty-five percent (85%) of such costs. ~~For school districts that contract for pupil transportation services, the~~ The state's share for authorized transportation operations that contract for pupil transportation services shall be the average state share of costs for authorized transportation operations that are school district-run operations, based on the statewide total of such costs. Provided however, that the reimbursable costs for any ~~school district~~ authorized transportation operation shall not exceed one hundred three percent (103%) of the statewide average reimbursable cost per mile or the ~~state~~ statewide average reimbursable cost per student rider, whichever is more advantageous to the ~~school district~~ authorized transportation provider. If a ~~school district's~~ an authorized transportation operation's costs exceed the one hundred three percent (103%) limit when computed by the more advantageous of the two (2) methods, that ~~school district~~ authorized transportation operation shall be reimbursed at the appropriate percentage designated by this subsection, multiplied by the maximum limit for whichever method is more favorable to the ~~school district~~ authorized transportation operation. ~~A school district~~ An authorized transportation operation may appeal the application of the one hundred three percent (103%) limit on reimbursable costs to the state board of education, which may establish for that ~~district~~ authorized transportation operation a new percentile limit for reimbursable costs compared to the statewide average, which is higher than one hundred three percent (103%). In doing so, the state board of education may set a new limit that is greater than one hundred three percent (103%), but is less than the percentile limit requested by the ~~school district~~ authorized transportation operation. However, the percentage increase in the one hundred three percent (103%) cap shall not exceed the percentage of the ~~district's~~ authorized transportation operation's bus runs that qualify as a hardship bus run, pursuant to this subsection. Any costs above the new level established by the state board of

1 education shall not be reimbursed. Such a change shall only be granted by the
 2 state board of education for hardship bus runs. To qualify as a hardship bus
 3 run, such bus run shall meet at least two (2) of the following criteria:

4 (a) The number of student riders per mile is less than fifty percent
 5 (50%) of the statewide average number of student riders per mile;

6 (b) Less than a majority of the miles on the bus run are by paved sur-
 7 face, concrete or asphalt road;

8 (c) Over ten percent (10%) of the miles driven on the bus run are a five
 9 percent (5%) slope or greater.

10 (6) Beginning on July 1, 2005, any eligible home-based public virtual
 11 school may claim transportation reimbursement for the prior fiscal year's
 12 cost of providing educational services to students. In order to be eligible,
 13 such a school shall have at least one (1) average daily attendance divisor,
 14 pursuant to section 33-1002, Idaho Code, that is greater than the median
 15 divisor shown for any category of pupils, among the actual divisors listed.
 16 For the purposes of paragraphs (a), (b) and (c) of this subsection ~~(6)~~, "ed-
 17 ucation provider" means the home-based public virtual school or an entity
 18 that has legally contracted with the home-based public virtual school to
 19 supply education services. Reimbursable costs shall be limited to the costs
 20 of:

21 (a) Providing an internet connection service between the student and
 22 the education provider, not including the cost of telephone service;

23 (b) Providing electronic and computer equipment used by the student
 24 to transmit educational material between the student and the education
 25 provider;

26 (c) Providing a toll-free telephone service for students to communi-
 27 cate with the education provider;

28 (d) Providing education-related, face-to-face visits by representa-
 29 tives of the home-based public virtual school, with such reimbursements
 30 limited to the mileage costs set for state employee travel by the state
 31 board of examiners; and

32 (e) Any actual pupil transportation costs that would be reimbursable
 33 if claimed by an authorized transportation operation that is a school
 34 district.

35 The total reimbursement for such home-based public virtual schools shall be
 36 exempt from the statewide average cost per mile limitations of this section.
 37 The state's share of reimbursable costs shall be eighty-five percent (85%),
 38 subject to the statewide cost per student rider provisions of this section.
 39 For the purposes of such home-based public virtual school, the number of stu-
 40 dent riders shall be the same as the number of pupils in average daily atten-
 41 dance.

42 (7) The state department of education shall calculate the amount of
 43 state funds lost in fiscal year 2010 by each ~~school district~~ authorized
 44 transportation operation as a result of the decrease in the state reim-
 45 bursement from eighty-five percent (85%) to fifty percent (50%) of certain
 46 eligible costs, including the reduction calculated for ~~districts~~ authorized
 47 transportation operations that contract for pupil transportation services,
 48 and excluding any reductions made due to the limitation on reimbursable
 49 expenses, all pursuant to subsection (5) of this section. The amount so
 50 calculated shall be distributed to each ~~school district~~ authorized trans-

1 portation operation in fiscal year 2010. For each fiscal year thereafter,
 2 the amount distributed pursuant to this subsection for each ~~school district~~
 3 authorized transportation operation shall be determined as follows:

4 (a) Divide the amount distributed to the ~~district~~ authorized trans-
 5 portation operation pursuant to this subsection in fiscal year 2010 by
 6 the ~~district's~~ authorized transportation operation's support units for
 7 fiscal year 2010;

8 (b) Multiply the result of the calculation found in paragraph (a) of
 9 this subsection by the number of support units in the current fiscal
 10 year, excluding any support units attributable to students educated
 11 primarily through home-based or virtual means;

12 (c) Determine the percentage change in statewide transportation reim-
 13 bursements as provided for in subsection (5) of this section since fis-
 14 cal year 2010;

15 (d) Determine the percentage change in statewide student enrollment
 16 since fiscal year 2010;

17 (e) Subtract the result of the calculation found in paragraph (d) of
 18 this subsection from the result of the calculation found in paragraph
 19 (c) of this subsection;

20 (f) Adjust the result of the calculation found in paragraph (b) of this
 21 subsection by the percentage result from paragraph (e) of this subsec-
 22 tion.

23 For authorized transportation operations that are school districts
 24 that divided after fiscal year 2010, the calculation in paragraph (a) of
 25 this subsection shall still be based on the fiscal year 2010 figures for
 26 the formerly consolidated district. For authorized transportation oper-
 27 ations that are public charter schools beginning operations on or after
 28 July 1, 2009, all calculations in this subsection that are based on fiscal
 29 year 2010 shall instead be based on the public charter school's first fiscal
 30 year of operations. For the purposes of this subsection, the support units
 31 used shall be the number used for calculating salary-based apportionment.
 32 Funds distributed pursuant to this subsection shall be used to defray the
 33 cost of pupil transportation. If the amount distributed is in excess of a
 34 ~~school district's~~ an authorized transportation operation's actual pupil
 35 transportation costs, less any state reimbursements provided by subsection
 36 (5) of this section, the excess funds may be used at the ~~school district's~~
 37 authorized transportation operation's discretion.

38 ~~(8) The total moneys paid to school districts and public charter~~
 39 ~~schools for eligible transportation costs shall be reduced by a proportion-~~
 40 ~~ate amount to equal seven million five hundred thousand dollars (\$7,500,000)~~
 41 ~~and shall be used as discretionary spending.~~

42 ~~(9)~~ (8) Notwithstanding the provisions of subsection (5) of this sec-
 43 tion, the state's share of the transportation support program will be based
 44 on reimbursable transportation costs incurred by a ~~school district~~ an autho-
 45 ri-~~zed~~ transportation provider during the state fiscal year prior to the im-
 46 mediately preceding state fiscal year if, during the immediately preceding
 47 state fiscal year:

48 (a) An emergency occurred in the state or in the area where the ~~school~~
 49 ~~district~~ authorized transportation operation is located. For purposes
 50 of this subsection, an emergency includes but is not limited to school

1 closures caused by extreme weather conditions, a fire, an epidemic, or
 2 pollution of air or water; and

3 (b) As a direct result of such emergency, the reimbursable transporta-
 4 tion costs of ~~a school district~~ an authorized transportation operation
 5 decreased by at least ten percent (10%) from the prior fiscal year.

6 ~~(10)~~ (9) Notwithstanding any provisions of law to the contrary, for the
 7 duration of an emergency described in subsection ~~(9)~~ (8) of this section, the
 8 miles for which transportation costs may be reimbursed will be miles:

9 (a) Directly associated with transporting students for the purpose of
 10 school attendance during regular days and hours; or

11 (b) Related to the delivery of food, delivery of instructional mate-
 12 rials, or other trips supporting the continuation of educational ser-
 13 vices.

14 (10) As used in this section, "authorized transportation operation"
 15 means a school district or public charter school transportation program au-
 16 thorized by the state department of education that may include the use of any
 17 vehicles authorized pursuant to chapter 15, title 33, Idaho Code.

18 SECTION 2. That Section 33-1501, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 33-1501. TRANSPORTATION AUTHORIZED. To afford more equal opportu-
 21 nity for public school attendance, the board of trustees of each district,
 22 including specially chartered school districts, shall, where practicable,
 23 provide transportation for the public school pupils within the district,
 24 and pupils resident within adjoining districts annually agreed to in writ-
 25 ing by the districts involved, under conditions and limitations herein set
 26 forth. Nonpublic school students may be transported, where practicable,
 27 when the full costs for providing such transportation are recovered. In
 28 approving the routing of any school bus, or in the maintenance and operation
 29 of all such transportation equipment, or in the appointment or employment of
 30 chauffeurs, the primary requirements to be observed by the board of trustees
 31 are the safety and adequate protection of the health of the pupils. Nothing
 32 herein contained shall prevent any board of trustees from denying trans-
 33 portation to any pupil in any school bus operated by or under the authority
 34 of said board, upon good cause being given, in writing, to the parents or
 35 guardian, or either of them, of such pupil.

36 No board of trustees shall be required to provide transportation for any
 37 pupil living less than one and one-half (1 1/2) miles from the nearest ap-
 38 propriate school. A board of trustees may require pupils who live less than
 39 one and one-half (1 1/2) miles from the nearest established bus stop to walk
 40 or provide their own transportation to such bus stop. That distance shall
 41 be determined by the nearest and best route from the junction of the driveway
 42 of the pupil's home and the nearest public road, to the nearest door of the
 43 schoolhouse he attends, or to the bus stop, as the case may be. The board may
 44 transport any pupil a lesser distance when in its judgment the age or health
 45 or safety of the pupil warrants.

46 A day care center, family day care home, or a group day care facility,
 47 as defined in section 39-1102, Idaho Code, may substitute for the student's
 48 residence for student transportation to and from school. School districts
 49 may not transport students between child care facilities and home. Student

1 transportation between a child care facility and a school will qualify for
 2 state reimbursement providing that the child care facility is one and one-
 3 half (1 1/2) miles or more from the school to which the student is trans-
 4 ported.

5 To effectuate the public policy hereby declared, the board of trustees
 6 of any school district may purchase or lease, and maintain and operate ~~school~~
 7 ~~buses and vans, which vans shall not have a seating capacity in excess of fif-~~
 8 ~~teen (15) persons~~ authorized vehicles for the transportation of pupils to
 9 and from school and school-related events; may enter into agreements or con-
 10 tracts for the use of a charter bus or buses; may enter into contracts with
 11 individuals, firms, corporations or private carriers; or may make payments
 12 to parents or guardians, subject to the limitations herein provided, when
 13 transportation is not furnished by the district.

14 SECTION 3. That Section 33-1504, Idaho Code, be, and the same is hereby
 15 repealed.

16 SECTION 4. That Chapter 15, Title 33, Idaho Code, be, and the same is
 17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 18 ignated as Section 33-1504, Idaho Code, and to read as follows:

19 33-1504. AUTHORIZED VEHICLES. (1) The following vehicles are autho-
 20 rized for the transportation of pupils to and from school and school-related
 21 events when owned and operated by a school district or a common carrier and
 22 are used exclusively for transporting pupils, or is owned by a transporta-
 23 tion contractor and is used regularly for transporting pupils: motor coach,
 24 multifunction school activity bus (MFSAB-TYPE A), multifunction school ac-
 25 tivity bus (MFSAB-TYPE C and D), multipurpose passenger vehicle (MPV), pas-
 26 senger car, truck, and school bus.

27 (2) For the purposes of this section:

28 (a) "Motor coach" means a motor vehicle that is not yellow and is de-
 29 signed and constructed at the factory for eleven (11) or more seating
 30 positions, including the driver.

31 (b) "Multifunction school activity bus (MFSAB-TYPE A)" means a school
 32 bus that is not yellow, that is designed and constructed at the fac-
 33 tory for eleven (11) to fifteen (15) seating positions, including the
 34 driver, and whose purposes do not include transporting students to and
 35 from home or school bus stops.

36 (c) "Multifunction school activity bus (MFSAB-TYPE C and D)" means a
 37 school bus that is not yellow, that is designed and constructed at the
 38 factory for sixteen (16) seating positions, including the driver, and
 39 whose purposes do not include transporting students to and from home or
 40 school bus stops.

41 (d) "Multipurpose passenger vehicle" or "MPV" means a motor vehicle
 42 with motive power, except a low-speed vehicle or trailer, that is de-
 43 signed and constructed at the factory for ten (10) or fewer seating
 44 positions, including the driver, that is constructed either on a truck
 45 chassis or with special features for occasional off-road operation, and
 46 whose purposes do not include transporting students to and from home or
 47 school bus stops.

(e) "Passenger car" means a motor vehicle with motive power, except a low-speed vehicle or trailer, that is designed and constructed at the factory for ten (10) or fewer seating positions, including the driver, and whose purposes do not include transporting students to and from home or school bus stops.

(f) "Truck" means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment, and whose purposes do not include transporting students to and from home or school bus stops.

(g) "School bus" means a motor vehicle that has a seating capacity of more than ten (10) persons and meets the current national and state minimum standards for school bus construction.

(3) Vehicles not meeting the definitions listed in subsection (2) (a) through (g) of this section shall not be used for transportation of pupils to or from school or school-related events.

SECTION 5. That Section 33-1506, Idaho Code, be, and the same is hereby amended to read as follows:

33-1506. INSPECTION OF ~~SCHOOL-BUSES~~ AUTHORIZED VEHICLES. All ~~school buses~~ authorized vehicles for the transportation of pupils to and from school and school-related events pursuant to section 33-1504, Idaho Code, shall at all times conform to the standards of construction prescribed therefor by the state board of education.

Before any newly acquired ~~school-bus~~ authorized vehicle is used for transporting pupils it shall be inspected by a duly authorized representative of the state department of education, and if, upon inspection, it conforms to prescribed standards of construction, or such other standards prescribed by law or regulation, it may be used for transporting pupils; otherwise, no such ~~school-bus~~ authorized vehicle shall be used for that purpose.

The board of trustees of each school district shall provide for an annual inspection of all ~~school-buses~~ authorized vehicles by district personnel or upon contract at intervals of not more than twelve (12) months. The district, over the signature of the superintendent, shall file with the state department of education its report of inspection of the ~~school-buses~~ authorized vehicles operated by the authority of the school district. At intervals of not more than sixty (60) days during each school year the board of trustees shall cause inspection to be made of all ~~school-buses~~ authorized vehicles operating under the authority of the board. In accordance with section 33-1515, Idaho Code, the board of trustees of the school district shall provide for an inspection of all authorized vehicles, except school buses, operating under the authority of the state board of education. In addition, the state department of education shall conduct random, spot inspections of ~~school-buses~~ authorized vehicles throughout the school year.

Whenever any ~~school-bus~~ authorized vehicle is found, upon inspection, to be deficient in any of the prescribed standards, or is found in any way to be unsafe or unfit for the transportation of pupils, such vehicle shall be withdrawn from service and shall not be returned to service until the district certifies the necessary repairs have been made.

SECTION 6. That Section 33-1509, Idaho Code, be, and the same is hereby amended to read as follows:

33-1509. SCHOOL BUS DRIVERS -- DEFINITION -- QUALIFICATION -- DUTIES -- LIABILITY. For the purpose of this chapter, the term "school bus driver" shall mean any person who at any time is operating a school bus or authorized vehicle while transporting pupils to or from school, or to or from approved school activities.

A board of trustees shall employ school bus drivers only upon prior application in writing, and the board shall require of school bus drivers employed by others who transport pupils of their district under contract the same information required in such written application. Each application shall contain at least the minimum information specified by the state department of education.

Any person employed as a school bus driver shall be over the age of eighteen (18) years, be of good moral character and not addicted to the use of intoxicants or narcotics. School bus drivers shall meet the physical examination standards of the federal motor carrier safety regulations. Provided however, that individuals with insulin-dependent diabetes mellitus, who are otherwise medically qualified under the physical examination standards of the federal motor carrier safety regulations, may request a waiver for this condition from the state department of education. If the applicant meets the requirements as specified in subsections (1) through (7) of this section, the department shall grant a waiver. The department shall notify each applicant and each affected school district of its determination of eligibility with regard to each application for a waiver. An applicant shall:

(1) Document that he has no other disqualifying conditions including diabetes-related complications;

(2) Document that he has had no recurring, two (2) or more, hypoglycemic reactions resulting in a loss of consciousness or seizure within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(3) Document that he has had no recurrent hypoglycemic reactions requiring the assistance of another person within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(4) Document that he has had no recurrent hypoglycemic reactions resulting in impaired cognitive function that occurred without warning symptoms within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(5) Document that he has been examined by a board-certified or board-eligible endocrinologist who has conducted a complete medical examination. The complete medical examination shall consist of a comprehensive evaluation of the applicant's medical history and current status with a report including the following information:

- (a) The date insulin use began;
- (b) Diabetes diagnosis and disease history;
- (c) Hospitalization records;
- (d) Consultation notes for diagnostic examinations;
- (e) Special studies pertaining to the diabetes;

1 (f) Follow-up reports;
 2 (g) Reports of any hypoglycemic insulin reactions within the last five
 3 (5) years;
 4 (h) Two (2) measures of glycosylated hemoglobin, the first ninety (90)
 5 days before the last and current measure;
 6 (i) Insulin dosages and types, diet utilized for control and any sig-
 7 nificant factors such as smoking, alcohol use, and other medications or
 8 drugs taken; and
 9 (j) Examinations to detect any peripheral neuropathy or circulatory
 10 insufficiency of the extremities;
 11 (6) Submit a signed statement from an examining endocrinologist indi-
 12 cating the following medical determinations:
 13 (a) The endocrinologist is familiar with the applicant's medical his-
 14 tory for the past five (5) years, either through actual treatment over
 15 that time or through consultation with a physician who has treated the
 16 applicant during that time;
 17 (b) The applicant has been educated in diabetes and its management,
 18 thoroughly informed of and understands the procedures which must be
 19 followed to monitor and manage the applicant's diabetes and what proce-
 20 dures should be followed if complications arise; and
 21 (c) The applicant has the ability and has demonstrated willingness to
 22 properly monitor and manage the applicant's diabetes; and
 23 (7) Submit a separate signed statement from an ophthalmologist or
 24 optometrist that the applicant has been examined and that the applicant
 25 does not have diabetic retinopathy and meets the vision standard in 49 CFR
 26 391.41(b)(10), or has been issued a valid medical exemption. If the ap-
 27 plicant has any evidence of diabetic retinopathy, the applicant must be
 28 examined by an ophthalmologist and submit a separate signed statement from
 29 the ophthalmologist that the applicant does not have unstable advancing
 30 disease of blood vessels in the retina, known as unstable proliferative di-
 31 abetic retinopathy.
 32 Before entering upon his duties, each school bus driver shall file with the
 33 board of trustees a current health certificate. Subsequent health certifi-
 34 cates shall be filed with the frequency required by the federal motor carrier
 35 safety regulations. School bus drivers shall be physically able to perform
 36 all job-related duties.
 37 Each school bus driver shall at all times possess a valid and appropri-
 38 ate ~~commercial~~ driver's license, including endorsements as specified in
 39 section 49-105, Idaho Code, and if applicable, a waiver for insulin-depen-
 40 dent diabetes mellitus issued by the state department of education.
 41 Each school bus driver shall maintain such route books and other records
 42 as may be required by the state department of education or by the board of
 43 trustees of the school district. The school bus driver shall report any
 44 pupil whose behavior is such as may endanger the operation of the vehicle, or
 45 who damages the same or any part thereof, or whose language is obscene.
 46 It shall be the duty of each school bus driver to report any condition
 47 on, or bordering, his route which constitutes a hazard to the safety of the
 48 pupils being transported.
 49 The state department of education shall promulgate rules as necessary
 50 for the determination of eligibility and issuance of a waiver to individuals

1 with insulin-dependent diabetes mellitus in accordance with the provisions
2 of this section.

3 (8) While within the course and scope of his or her duties, a school bus
4 driver shall not be civilly or criminally liable for reasonably acting to aid
5 a rider on the bus whom the school bus driver reasonably believes to be in im-
6 minent danger of harm or injury.

7 SECTION 7. That Chapter 15, Title 33, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 33-1515, Idaho Code, and to read as follows:

10 33-1515. REQUIREMENTS FOR AUTHORIZED VEHICLES FOR THE TRANSPORTATION
11 OF PUPILS TO AND FROM SCHOOL AND SCHOOL-RELATED EVENTS. (1) For the purpose
12 of this section, the term "authorized vehicle" shall exclude any motor ve-
13 hicle deemed a school bus when it has a seating capacity of more than ten
14 (10) persons and meets the current national and state minimum standards for
15 school bus construction and shall exclude parental transportation of chil-
16 dren.

17 (2) Authorized vehicles may be used when school bus transportation can-
18 not be reasonably provided and shall not be routinely used for service for
19 home-to-school and school-to-home purposes except for preschool children,
20 special needs children, homeless children, foster children, children inac-
21 cessible to school buses, and students placed in alternative schools or for
22 work programs or vocational or trades training.

23 (3) Authorized vehicles may be used when school bus transportation can-
24 not be reasonably provided for trips that are an extension of the instruc-
25 tional program.

26 (4) The authorized vehicle shall be equipped with safety equipment, in-
27 cluding a fire extinguisher, first aid kit, body fluid cleanup kit, spare
28 fuses, and emergency reflectors.

29 (5) The name of the school district, or the name of the contractor, if
30 applicable, shall be clearly marked on the side of the vehicle.

31 (6) Authorized vehicles shall be inspected by a qualified mechanic at
32 intervals of not more than sixty (60) days during each school year. This in-
33 spection shall cover at the minimum all applicable requirements, documenta-
34 tion, and service procedures provided for by the state department of educa-
35 tion and by the board of trustees of the school district.

36 (7) It is the responsibility of each authorized vehicle driver to com-
37 plete and document a daily pre-trip inspection before transporting pupils.

38 (8) Loading of authorized vehicles shall be performed in compliance
39 with the passenger, weight, and other associated restrictions as identified
40 by the original equipment manufacturer.

41 (9) Drivers of authorized vehicles shall meet at least the minimum re-
42 quirements specified by the state department of education.

43 SECTION 8. An emergency existing therefor, which emergency is hereby
44 declared to exist, this act shall be in full force and effect on and after
45 July 1, 2025.