

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 339

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1006, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE STATE'S SHARE OF THE TRANSPORTATION SUPPORT PROGRAM AND TO REVISE PROVISIONS RELATING TO CERTAIN REIMBURSABLE COSTS; AND REPEALING SECTION 33-1006A, IDAHO CODE, RELATING TO PUPIL TRANSPORTATION AUDITS.

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 C.F.R. 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. Provided however, that the only miles for which costs may be reimbursed, shall be those directly associated with transporting students for the purposes of regular school attendance during regular days and hours.

(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. 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 shall maintain records and make reports as are required for the purposes of this section.

(4) The transportation support program of a school district 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) The costs of payments when transportation is not furnished, as provided in section 33-1503, Idaho Code;

(d) The transportation program for grades six (6) through twelve (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 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.

(5) The state's share of the transportation support program shall be fifty percent (50%) of reimbursable transportation costs of the district incurred 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 state's share shall be the average state share of costs for district-run operations, based on the statewide total of such costs. Provided however, that the reimbursable costs for any school district shall not exceed one hundred three percent (103%) of the statewide average reimbursable cost per mile or the state average reimbursable cost per student rider, whichever is more advantageous to the school district, unless the school district has a population density of more than twenty (20) enrolled students per square mile, in which case the cost per student rider shall be used. If a school district's costs exceed the one hundred three percent (103%) limit when computed by the more advantageous of the two (2) methods, if applicable, that school district 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, if applicable. For school districts with a population density of more than twenty (20) enrolled students per square mile, and public charter schools physically located within such districts, such calculation shall be based on one hundred three percent (103%) of the statewide reimbursable cost per student rider. A school district 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 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. However, the percentage increase in the one hundred three percent (103%) cap shall not exceed the percentage of the district'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 education shall not be reimbursed. Such a change shall only be granted by the state board of education for hardship bus runs. To qualify as a hardship bus run, such bus run shall meet at least two (2) of the following criteria:

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

(b) Less than a majority of the miles on the bus run are by paved surface, concrete or asphalt, road;

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

The legislative audits section of the legislative services office shall review cap increases granted by the state board of education pursuant to this

1 section, and shall include findings in the board's regular audit report for  
 2 any instances in which such increases failed to meet the standards set forth  
 3 in this subsection.

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

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

17 (b) Providing electronic and computer equipment used by the student  
 18 to transmit educational material between the student and the education  
 19 provider;

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

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

26 (e) Any actual pupil transportation costs that would be reimbursable if  
 27 claimed by a school district.

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

35 (7) The state department of education shall calculate the amount of  
 36 state funds lost in fiscal year 2010 by each school district as a result  
 37 of the decrease in the state reimbursement from eighty-five percent (85%)  
 38 to fifty percent (50%) of certain eligible costs, including the reduction  
 39 calculated for districts that contract for pupil transportation services,  
 40 and excluding any reductions made due to the limitation on reimbursable  
 41 expenses, all pursuant to subsection (5) of this section. The amount so  
 42 calculated shall be distributed to each school district in fiscal year 2010.  
 43 For each fiscal year thereafter, the amount distributed pursuant to this  
 44 subsection (7) for each school district shall be determined as follows:

45 (a) Divide the amount distributed to the district pursuant to this sub-  
 46 section (7) in fiscal year 2010 by the district's support units for fis-  
 47 cal year 2010;

48 (b) Multiply the result of the calculation found in subsection (7) (a)  
 49 of this section by the number of support units in the current fiscal  
 50 year;

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

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

6 (e) Subtract the result of the calculation found in subsection (7) (d)  
7 of this section from the result of the calculation found in subsection  
8 (7) (c) of this section;

9 (f) Adjust the result of the calculation found in subsection (7) (b) of  
10 this section by the percentage result from subsection (7) (e) of this  
11 section.

12 For school districts divided after fiscal year 2010, the calculation  
13 in subsection (7) (a) of this section shall still be based on the fiscal year  
14 2010 figures for the formerly consolidated district. For public charter  
15 schools beginning operations on or after July 1, 2009, all calculations in  
16 this subsection (7) that are based on fiscal year 2010 shall instead be based  
17 on the public charter school's first fiscal year of operations. For the pur-  
18 poses of this subsection (7), the support units used shall be the number used  
19 for calculating salary-based apportionment. Funds distributed pursuant to  
20 this subsection (7) shall be used to defray the cost of pupil transportation.  
21 If the amount distributed is in excess of a school district's actual pupil  
22 transportation costs, less any state reimbursements provided by subsection  
23 (5) of this section, the excess funds may be used at the school district's  
24 discretion.

25 SECTION 2. That Section [33-1006A](#), Idaho Code, be, and the same is hereby  
26 repealed.