

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 498

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE TRANSPORTATION SUPPORT PROGRAM; AMENDING SECTION 33-1006, IDAHO CODE, TO DELETE LANGUAGE RELATING TO CERTAIN DUTIES OF THE LEGISLATIVE AUDITS SECTION OF THE LEGISLATIVE SERVICES OFFICE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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 reim-

1 bursable costs of transportation under the contract are equal to or less
2 than the costs for school buses;

3 (e) The employer's share of contributions to the public employee re-
4 tirement system and to social security.

5 (5) The state's share of the transportation support program shall be
6 fifty percent (50%) of reimbursable transportation costs of the district
7 incurred during the immediately preceding state fiscal year, except for
8 the cost of state department of education training and fee assessments
9 and bus depreciation and maintenance, for which the state's share shall be
10 eighty-five percent (85%) of such costs. For school districts that contract
11 for pupil transportation services, the state's share shall be the average
12 state share of costs for district-run operations, based on the statewide
13 total of such costs. Provided however, that the reimbursable costs for
14 any school district shall not exceed one hundred three percent (103%) of
15 the statewide average reimbursable cost per mile or the state average re-
16 imbursable cost per student rider, whichever is more advantageous to the
17 school district. If a school district's costs exceed the one hundred three
18 percent (103%) limit when computed by the more advantageous of the two (2)
19 methods, that school district shall be reimbursed at the appropriate per-
20 centage designated by this subsection, multiplied by the maximum limit for
21 whichever method is more favorable to the school district. A school district
22 may appeal the application of the one hundred three percent (103%) limit on
23 reimbursable costs to the state board of education, which may establish for
24 that district a new percentile limit for reimbursable costs compared to the
25 statewide average, which is higher than one hundred three percent (103%).
26 In doing so, the state board of education may set a new limit that is greater
27 than one hundred three percent (103%), but is less than the percentile limit
28 requested by the school district. However, the percentage increase in the
29 one hundred three percent (103%) cap shall not exceed the percentage of the
30 district's bus runs that qualify as a hardship bus run, pursuant to this
31 subsection. Any costs above the new level established by the state board of
32 education shall not be reimbursed. Such a change shall only be granted by the
33 state board of education for hardship bus runs. To qualify as a hardship bus
34 run, such bus run shall meet at least two (2) of the following criteria:

35 (a) The number of student riders per mile is less than fifty percent
36 (50%) of the statewide average number of student riders per mile;

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

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

41 ~~The legislative audits section of the legislative services office shall re-~~
42 ~~view cap increases granted by the state board of education pursuant to this~~
43 ~~section, and shall include findings in the board's regular audit report for~~
44 ~~any instances in which such increases failed to meet the standards set forth~~
45 ~~in this subsection.~~

46 (6) Beginning on July 1, 2005, any eligible home-based public virtual
47 school may claim transportation reimbursement for the prior fiscal year's
48 cost of providing educational services to students. In order to be eligible,
49 such a school shall have at least one (1) average daily attendance divisor,
50 pursuant to section 33-1002, Idaho Code, that is greater than the median

divisor shown for any category of pupils, among the actual divisors listed. For the purposes of paragraphs (a), (b) and (c) of this subsection (6), "education provider" means the home-based public virtual school or an entity that has legally contracted with the home-based public virtual school to supply education services. Reimbursable costs shall be limited to the costs of:

- (a) Providing an internet connection service between the student and the education provider, not including the cost of telephone service;
- (b) Providing electronic and computer equipment used by the student to transmit educational material between the student and the education provider;
- (c) Providing a toll-free telephone service for students to communicate with the education provider;
- (d) Providing education-related, face-to-face visits by representatives of the home-based public virtual school, with such reimbursements limited to the mileage costs set for state employee travel by the state board of examiners; and
- (e) Any actual pupil transportation costs that would be reimbursable if claimed by a school district.

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

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

- (a) Divide the amount distributed to the district pursuant to this subsection (7) in fiscal year 2010 by the district's support units for fiscal year 2010;
- (b) Multiply the result of the calculation found in subsection (7) (a) of this section by the number of support units in the current fiscal year;
- (c) Determine the percentage change in statewide transportation reimbursements as provided for in subsection (5) of this section since fiscal year 2010;
- (d) Determine the percentage change in statewide student enrollment since fiscal year 2010;
- (e) Subtract the result of the calculation found in subsection (7) (d) of this section from the result of the calculation found in subsection (7) (c) of this section;

1 (f) Adjust the result of the calculation found in subsection (7) (b) of
2 this section by the percentage result from subsection (7) (e) of this
3 section.

4 For school districts divided after fiscal year 2010, the calculation
5 in subsection (7) (a) of this section shall still be based on the fiscal year
6 2010 figures for the formerly consolidated district. For public charter
7 schools beginning operations on or after July 1, 2009, all calculations in
8 this subsection (7) that are based on fiscal year 2010 shall instead be based
9 on the public charter school's first fiscal year of operations. For the pur-
10 poses of this subsection (7), the support units used shall be the number used
11 for calculating salary-based apportionment. Funds distributed pursuant to
12 this subsection (7) shall be used to defray the cost of pupil transportation.
13 If the amount distributed is in excess of a school district's actual pupil
14 transportation costs, less any state reimbursements provided by subsection
15 (5) of this section, the excess funds may be used at the school district's
16 discretion.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after its
19 passage and approval.