

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 265

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1006, IDAHO CODE, TO PROVIDE
2 FOR THE STATE SHARE OF THE TRANSPORTATION SUPPORT PROGRAM FOLLOWING AN
3 EMERGENCY, TO PROVIDE FOR REIMBURSABLE COSTS DURING AN EMERGENCY, AND
4 TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING
5 RETROACTIVE APPLICATION.
6

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

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

10 33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of ed-
11 ucation shall determine what costs of transporting pupils, including main-
12 tenance, operation and depreciation of basic vehicles, insurance, payments
13 under contract with other public transportation providers whose vehicles
14 used to transport pupils comply with federal transit administration regula-
15 tions, "bus testing," 49 CFR part 665, and any revision thereto, as provided
16 in subsection (4) (d) of this section, or other state department of educa-
17 tion-approved private transportation providers, salaries of drivers, and
18 any other costs, shall be allowable in computing the transportation support
19 program of school districts.

20 (2) Any costs associated with the addition of vehicle features that are
21 not part of the basic vehicle shall not be allowable in computing the trans-
22 portation support program of school districts. A basic vehicle is hereby de-
23 fined as the cost of the vehicle without optional features, plus the addition
24 of essential safety features and features necessary for the transportation
25 of pupils with disabilities.

26 (3) Each school district shall maintain records and make reports as are
27 required for the purposes of this section.

28 (4) The transportation support program of a school district shall be
29 based upon the allowable costs of:

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

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

35 (c) Payments when transportation is not furnished, as provided in sec-
36 tion 33-1503, Idaho Code;

37 (d) The transportation program for grades 6-12, upon the costs of
38 payments pursuant to a contract with other public or private trans-
39 portation providers entered into as provided in section 33-1510, Idaho
40 Code, if the school district establishes that the reimbursable costs of
41 transportation under the contract are equal to or less than the costs
42 for school buses;

1 (e) The employer's share of contributions to the public employee re-
2 tirement system and to social security; and

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

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 imburseable 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 (6) Beginning on July 1, 2005, any eligible home-based public virtual
42 school may claim transportation reimbursement for the prior fiscal year's
43 cost of providing educational services to students. In order to be eligible,
44 such a school shall have at least one (1) average daily attendance divisor,
45 pursuant to section 33-1002, Idaho Code, that is greater than the median
46 divisor shown for any category of pupils, among the actual divisors listed.
47 For the purposes of paragraphs (a), (b) and (c) of this subsection (6), "ed-
48 ucation provider" means the home-based public virtual school or an entity
49 that has legally contracted with the home-based public virtual school to

1 supply education services. Reimbursable costs shall be limited to the costs
2 of:

- 3 (a) Providing an internet connection service between the student and
4 the education provider, not including the cost of telephone service;
- 5 (b) Providing electronic and computer equipment used by the student
6 to transmit educational material between the student and the education
7 provider;
- 8 (c) Providing a toll-free telephone service for students to communi-
9 cate with the education provider;
- 10 (d) Providing education-related, face-to-face visits by representa-
11 tives of the home-based public virtual school, with such reimbursements
12 limited to the mileage costs set for state employee travel by the state
13 board of examiners; and
- 14 (e) Any actual pupil transportation costs that would be reimbursable if
15 claimed by a school district.

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

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

- 33 (a) Divide the amount distributed to the district pursuant to this sub-
34 section ~~(7)~~ in fiscal year 2010 by the district's support units for fis-
35 cal year 2010;
- 36 (b) Multiply the result of the calculation found in ~~subsection (7)~~
37 paragraph (a) of this subsection by the number of support units in the
38 current fiscal year;
- 39 (c) Determine the percentage change in statewide transportation reim-
40 bursements as provided for in subsection (5) of this section since fis-
41 cal year 2010;
- 42 (d) Determine the percentage change in statewide student enrollment
43 since fiscal year 2010;
- 44 (e) Subtract the result of the calculation found in ~~subsection (7)~~
45 paragraph (d) of this subsection from the result of the calculation
46 found in ~~subsection (7) paragraph (c)~~ of this subsection;
- 47 (f) Adjust the result of the calculation found in ~~subsection (7)~~
48 paragraph (b) of this subsection by the percentage result from
49 ~~subsection (7) paragraph (e)~~ of this subsection.

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

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

18 (9) Notwithstanding the provisions of subsection (5) of this section,
19 the state's share of the transportation support program will be based on
20 reimbursable transportation costs incurred by a school district during the
21 state fiscal year prior to the immediately preceding state fiscal year if,
22 during the immediately preceding state fiscal year:

23 (a) An emergency occurred in the state or in the area where the school
24 district is located. For purposes of this subsection, an emergency in-
25 cludes but is not limited to school closures caused by extreme weather
26 conditions, a fire, an epidemic, or pollution of air or water; and

27 (b) As a direct result of such emergency, the reimbursable transporta-
28 tion costs of a school district decreased by at least ten percent (10%)
29 from the prior fiscal year.

30 (10) Notwithstanding any provisions of law to the contrary, for the du-
31 ration of an emergency described in subsection (9) of this section, the miles
32 for which transportation costs may be reimbursed will be miles:

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

35 (b) Related to the delivery of food, delivery of instructional mate-
36 rials, or other trips supporting the continuation of educational ser-
37 vices.

38 SECTION 2. An emergency existing therefor, which emergency is hereby
39 declared to exist, this act shall be in full force and effect on and after its
40 passage and approval, and retroactively to July 1, 2020.