

IN THE SENATE

SENATE BILL NO. 1093

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION AND THE TRANSPORTATION SUPPORT PROGRAM; AMENDING  
2 SECTION 33-1006, IDAHO CODE, TO PROVIDE THAT THE TOTAL MONEYS PAID TO  
3 SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS FOR CERTAIN TRANSPORTATION  
4 COSTS SHALL BE REDUCED BY A CERTAIN AMOUNT AND SHALL BE USED AS DISCRE-  
5 TIONARY SPENDING.  
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. Provided however, that the only miles for which  
20 costs may be reimbursed shall be those directly associated with transporting  
21 students for the purposes of regular school attendance during regular days  
22 and hours.

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

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

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

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

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

38 (c) The costs of payments when transportation is not furnished, as pro-  
39 vided in section 33-1503, Idaho Code;

40 (d) The transportation program for grades six (6) through twelve (12),  
41 upon the costs of payments pursuant to a contract with other public or  
42 private transportation providers entered into as provided in section

1 33-1510, Idaho Code, if the school district establishes that the reim-  
2 bursable costs of transportation under the contract are equal to or less  
3 than the costs for school buses;

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

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

36 (a) The number of student riders per mile is less than fifty percent  
37 (50%) of the statewide average number of student riders per mile;

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

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

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

47 (f) Adjust the result of the calculation found in subsection (7) (b) of  
48 this section by the percentage result from subsection (7) (e) of this  
49 section.

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