

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 293

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1006, IDAHO CODE, TO REVISE  
2 PROVISIONS REGARDING THE TRANSPORTATION SUPPORT PROGRAM; AMENDING  
3 SECTION 33-1501, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN  
4 TRANSPORTATION AUTHORIZED; REPEALING SECTION 33-1504, IDAHO CODE, RE-  
5 LATING TO SCHOOL BUSES; AMENDING CHAPTER 15, TITLE 33, IDAHO CODE, BY  
6 THE ADDITION OF A NEW SECTION 33-1504, IDAHO CODE, TO ESTABLISH PROVI-  
7 SIONS REGARDING CERTAIN AUTHORIZED VEHICLES; AMENDING SECTION 33-1506,  
8 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INSPECTION OF AUTHORIZED  
9 VEHICLES; AMENDING SECTION 33-1509, IDAHO CODE, TO REVISE A PROVISION  
10 REGARDING SCHOOL BUS DRIVERS; AMENDING CHAPTER 15, TITLE 33, IDAHO  
11 CODE, BY THE ADDITION OF A NEW SECTION 33-1515, IDAHO CODE, TO PROVIDE  
12 REQUIREMENTS FOR AUTHORIZED VEHICLES FOR THE TRANSPORTATION OF PUPILS  
13 TO AND FROM SCHOOL AND SCHOOL-RELATED EVENTS; AND DECLARING AN EMER-  
14 GENCY AND PROVIDING AN EFFECTIVE DATE.  
15

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

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

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

29 (2) Any costs associated with the addition of vehicle features that are  
30 not part of the basic vehicle shall not be allowable in computing the trans-  
31 portation support program of ~~school districts~~ an authorized transportation  
32 operation. A basic vehicle is hereby defined as the cost of the vehicle with-  
33 out optional features, plus the addition of essential safety features and  
34 features necessary for the transportation of pupils with disabilities.

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

38 (4) The transportation support program of ~~a school district~~ an autho-  
39 riized transportation operation shall be based upon the allowable costs of:

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

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

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

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

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

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

17 (5) The state's share of the transportation support program shall  
18 be ~~fifty percent (50%)~~ eighty-five percent (85%) of reimbursable trans-  
19 portation costs ~~of the district~~ incurred by the authorized transportation  
20 operation during the immediately preceding state fiscal year, except ~~for~~  
21 ~~the cost of state department of education training and fee assessments~~  
22 ~~and bus depreciation and maintenance, for which the state's share shall be~~  
23 ~~eighty-five percent (85%) of such costs~~ that the cost of any item identified  
24 as ineligible by the state department of education shall not be reimbursed.  
25 ~~For school districts that contract for pupil transportation services, the~~  
26 The state's share for authorized transportation operations that contract  
27 for pupil transportation services shall be the average state share of costs  
28 for district-run operations, based on the statewide total of such costs.  
29 Provided however, that the reimbursable costs for any school district shall  
30 not exceed one hundred three percent (103%) of the statewide average reim-  
31 bursable cost per mile or the state statewide average reimbursable cost per  
32 student rider, whichever is more advantageous to the school district. ~~If a~~  
33 ~~school district's costs exceed the one hundred three percent (103%) limit~~  
34 ~~when computed by the more advantageous of the two (2) methods, that school~~  
35 ~~district shall be reimbursed at the appropriate percentage designated by~~  
36 ~~this subsection, multiplied by the maximum limit for whichever method is~~  
37 ~~more favorable to the school district. A school district~~ An authorized  
38 transportation operation may appeal the application of the one hundred three  
39 percent (103%) limit on reimbursable costs to the state board of education,  
40 which may establish for that ~~district~~ authorized transportation operation a  
41 new percentile limit for reimbursable costs compared to the statewide aver-  
42 age, which is higher than one hundred three percent (103%). In doing so, the  
43 state board of education may set a new limit that is greater than one hundred  
44 three percent (103%), but is less than the percentile limit requested by the  
45 ~~school district~~ authorized transportation operation. However, the percent-  
46 age increase in the one hundred three percent (103%) cap shall not exceed the  
47 percentage of the district's bus runs that qualify as a hardship bus run,  
48 pursuant to this subsection. Any costs above the new level established by  
49 the state board of education shall not be reimbursed. Such a change shall  
50 only be granted by the state board of education for hardship bus runs. To

1 qualify as a hardship bus run, such bus run shall meet at least two (2) of the  
2 following criteria:

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

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

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

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

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

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

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

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

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

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

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

1 ~~(a) Divide the amount distributed to the district pursuant to this sub-~~  
 2 ~~section in fiscal year 2010 by the district's support units for fiscal~~  
 3 ~~year 2010;~~

4 ~~(b) Multiply the result of the calculation found in paragraph (a) of~~  
 5 ~~this subsection by the number of support units in the current fiscal~~  
 6 ~~year;~~

7 ~~(c) Determine the percentage change in statewide transportation reim-~~  
 8 ~~bursements as provided for in subsection (5) of this section since fis-~~  
 9 ~~cal year 2010;~~

10 ~~(d) Determine the percentage change in statewide student enrollment~~  
 11 ~~since fiscal year 2010;~~

12 ~~(e) Subtract the result of the calculation found in paragraph (d) of~~  
 13 ~~this subsection from the result of the calculation found in paragraph~~  
 14 ~~(c) of this subsection;~~

15 ~~(f) Adjust the result of the calculation found in paragraph (b) of this~~  
 16 ~~subsection by the percentage result from paragraph (e) of this subsec-~~  
 17 ~~tion.~~

18 For school districts divided after fiscal year 2010, the calculation in  
 19 paragraph (a) of this subsection shall still be based on the fiscal year 2010  
 20 figures for the formerly consolidated district. For public charter schools  
 21 beginning operations on or after July 1, 2009, all calculations in this sub-  
 22 section that are based on fiscal year 2010 shall instead be based on the pub-  
 23 lic charter school's first fiscal year of operations. For the purposes of  
 24 this subsection, the support units used shall be the number used for calcu-  
 25 lating salary-based apportionment. Funds distributed pursuant to this sub-  
 26 section shall be used to defray the cost of pupil transportation. If the  
 27 amount distributed is in excess of a school district's actual pupil trans-  
 28 portation costs, less any state reimbursements provided by subsection (5) of  
 29 this section, the excess funds may be used at the school district's discre-  
 30 tion.

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

35 ~~(9) (7) Notwithstanding the provisions of subsection (5) of this sec-~~  
 36 ~~tion, the state's share of the transportation support program will be based~~  
 37 ~~on reimbursable transportation costs incurred by a school district during~~  
 38 ~~the state fiscal year prior to the immediately preceding state fiscal year~~  
 39 ~~if, during the immediately preceding state fiscal year:~~

40 (a) An emergency occurred in the state or in the area where the ~~school~~  
 41 ~~district~~ authorized transportation operation is located. For purposes  
 42 of this subsection, an emergency includes but is not limited to school  
 43 closures caused by extreme weather conditions, a fire, an epidemic, or  
 44 pollution of air or water; and

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

48 ~~(10) (8) Notwithstanding any provisions of law to the contrary, for the~~  
 49 ~~duration of an emergency described in subsection (9) (7) of this section, the~~  
 50 ~~miles for which transportation costs may be reimbursed will be miles:~~

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

3 (b) Related to the delivery of food, delivery of instructional mate-  
4 rials, or other trips supporting the continuation of educational ser-  
5 vices.

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

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

12 33-1501. TRANSPORTATION AUTHORIZED. To afford more equal opportu-  
13 nity for public school attendance, the board of trustees of each district,  
14 including specially chartered school districts, shall, where practicable,  
15 provide transportation for the public school pupils within the district,  
16 and pupils resident within adjoining districts annually agreed to in writ-  
17 ing by the districts involved, under conditions and limitations herein set  
18 forth. Nonpublic school students may be transported, where practicable,  
19 when the full costs for providing such transportation are recovered. In  
20 approving the routing of any school bus, or in the maintenance and operation  
21 of all such transportation equipment, or in the appointment or employment of  
22 chauffeurs, the primary requirements to be observed by the board of trustees  
23 are the safety and adequate protection of the health of the pupils. Nothing  
24 herein contained shall prevent any board of trustees from denying trans-  
25 portation to any pupil in any school bus operated by or under the authority  
26 of said board, upon good cause being given, in writing, to the parents or  
27 guardian, or either of them, of such pupil.

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

38 A day care center, family day care home, or a group day care facility,  
39 as defined in section 39-1102, Idaho Code, may substitute for the student's  
40 residence for student transportation to and from school. School districts  
41 may not transport students between child care facilities and home. Student  
42 transportation between a child care facility and a school will qualify for  
43 state reimbursement providing that the child care facility is one and one-  
44 half (1 1/2) miles or more from the school to which the student is trans-  
45 ported.

46 To effectuate the public policy hereby declared, the board of trustees  
47 of any school district may purchase or lease, and maintain and operate ~~school~~  
48 ~~buses and vans, which vans shall not have a seating capacity in excess of fif-~~  
49 ~~teen (15) persons~~ authorized vehicles for the transportation of pupils to

1 and from school and school-related events; may enter into agreements or con-  
2 tracts for the use of a charter bus or buses; may enter into contracts with  
3 individuals, firms, corporations or private carriers; or may make payments  
4 to parents or guardians, subject to the limitations herein provided, when  
5 transportation is not furnished by the district.

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

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

11 33-1504. AUTHORIZED VEHICLES. (1) The following vehicles are autho-  
12 rized for the transportation of pupils to and from school and school-related  
13 events when owned and operated by a school district or a common carrier and  
14 are used exclusively for transporting pupils, or is owned by a transporta-  
15 tion contractor and is used regularly for transporting pupils: motor coach,  
16 multifunction school activity bus (MFSAB-TYPE A), multifunction school ac-  
17 tivity bus (MFSAB-TYPE C and D), multipurpose passenger vehicle (MPV), pas-  
18 senger car, truck, and school bus.

19 (2) For the purposes of this section:

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

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

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

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

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

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

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

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

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

9 33-1506. INSPECTION OF ~~SCHOOL BUSES~~ AUTHORIZED VEHICLES. All ~~school~~  
 10 ~~buses~~ authorized vehicles for the transportation of pupils to and from  
 11 school and school-related events pursuant to section 33-1504, Idaho Code,  
 12 shall at all times conform to the standards of construction prescribed  
 13 therefor by the state board of education.

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

20 The board of trustees of each school district shall provide for an  
 21 annual inspection of all ~~school buses~~ authorized vehicles by district per-  
 22 sonnel or upon contract at intervals of not more than twelve (12) months.  
 23 The district, over the signature of the superintendent, shall file with the  
 24 state department of education its report of inspection of the ~~school buses~~  
 25 authorized vehicles operated by the authority of the school district. At  
 26 intervals of not more than sixty (60) days during each school year the board  
 27 of trustees shall cause inspection to be made of all ~~school buses~~ authorized  
 28 vehicles operating under the authority of the board. In accordance with sec-  
 29 tion 33-1515, Idaho Code, the board of trustees of the school district shall  
 30 provide for an inspection of all authorized vehicles, except school buses,  
 31 operating under the authority of the state board of education. In addition,  
 32 the state department of education shall conduct random, spot inspections of  
 33 ~~school buses~~ authorized vehicles throughout the school year.

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

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

41 33-1509. SCHOOL BUS DRIVERS -- DEFINITION -- QUALIFICATION -- DUTIES  
 42 -- LIABILITY. For the purpose of this chapter, the term "school bus driver"  
 43 shall mean any person who at any time is operating a school bus or authorized  
 44 vehicle while transporting pupils to or from school, or to or from approved  
 45 school activities.

46 A board of trustees shall employ school bus drivers only upon prior  
 47 application in writing, and the board shall require of school bus drivers

1 employed by others who transport pupils of their district under contract  
2 the same information required in such written application. Each applica-  
3 tion shall contain at least the minimum information specified by the state  
4 department of education.

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

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

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

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

27 (4) Document that he has had no recurrent hypoglycemic reactions re-  
28 sulting in impaired cognitive function that occurred without warning symp-  
29 toms within the past five (5) years. A period of one (1) year of demonstrated  
30 stability is required following the first episode of hypoglycemia;

31 (5) Document that he has been examined by a board-certified or board-  
32 eligible endocrinologist who has conducted a complete medical examination.  
33 The complete medical examination shall consist of a comprehensive evalua-  
34 tion of the applicant's medical history and current status with a report in-  
35 cluding the following information:

36 (a) The date insulin use began;

37 (b) Diabetes diagnosis and disease history;

38 (c) Hospitalization records;

39 (d) Consultation notes for diagnostic examinations;

40 (e) Special studies pertaining to the diabetes;

41 (f) Follow-up reports;

42 (g) Reports of any hypoglycemic insulin reactions within the last five  
43 (5) years;

44 (h) Two (2) measures of glycosylated hemoglobin, the first ninety (90)  
45 days before the last and current measure;

46 (i) Insulin dosages and types, diet utilized for control and any sig-  
47 nificant factors such as smoking, alcohol use, and other medications or  
48 drugs taken; and

49 (j) Examinations to detect any peripheral neuropathy or circulatory  
50 insufficiency of the extremities;



1 (6) Submit a signed statement from an examining endocrinologist indi-  
2 cating the following medical determinations:

3 (a) The endocrinologist is familiar with the applicant's medical his-  
4 tory for the past five (5) years, either through actual treatment over  
5 that time or through consultation with a physician who has treated the  
6 applicant during that time;

7 (b) The applicant has been educated in diabetes and its management,  
8 thoroughly informed of and understands the procedures which must be  
9 followed to monitor and manage the applicant's diabetes and what proce-  
10 dures should be followed if complications arise; and

11 (c) The applicant has the ability and has demonstrated willingness to  
12 properly monitor and manage the applicant's diabetes; and

13 (7) Submit a separate signed statement from an ophthalmologist or  
14 optometrist that the applicant has been examined and that the applicant  
15 does not have diabetic retinopathy and meets the vision standard in 49 CFR  
16 391.41(b)(10), or has been issued a valid medical exemption. If the ap-  
17 plicant has any evidence of diabetic retinopathy, the applicant must be  
18 examined by an ophthalmologist and submit a separate signed statement from  
19 the ophthalmologist that the applicant does not have unstable advancing  
20 disease of blood vessels in the retina, known as unstable proliferative di-  
21 abetic retinopathy.

22 Before entering upon his duties, each school bus driver shall file with the  
23 board of trustees a current health certificate. Subsequent health certifi-  
24 cates shall be filed with the frequency required by the federal motor carrier  
25 safety regulations. School bus drivers shall be physically able to perform  
26 all job-related duties.

27 Each school bus driver shall at all times possess a valid and appropri-  
28 ate commercial driver's license, including endorsements as specified in  
29 section 49-105, Idaho Code, and if applicable, a waiver for insulin-depend-  
30 ent diabetes mellitus issued by the state department of education.

31 Each school bus driver shall maintain such route books and other records  
32 as may be required by the state department of education or by the board of  
33 trustees of the school district. The school bus driver shall report any  
34 pupil whose behavior is such as may endanger the operation of the vehicle, or  
35 who damages the same or any part thereof, or whose language is obscene.

36 It shall be the duty of each school bus driver to report any condition  
37 on, or bordering, his route which constitutes a hazard to the safety of the  
38 pupils being transported.

39 The state department of education shall promulgate rules as necessary  
40 for the determination of eligibility and issuance of a waiver to individuals  
41 with insulin-dependent diabetes mellitus in accordance with the provisions  
42 of this section.

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

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

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

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

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

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

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

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

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

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

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

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