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LEGISLATURE OF THE STATE OF IDAHO
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1 AN ACT
2 RELATING TO EDUCATION; AMENDING SECTION 33-1006, IDAHO CODE, TO REVISE PRO-
3 VISIONS REGARDING THE TRANSPORTATION SUPPORT PROGRAM.

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

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

7 33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of ed-
8 ucation shall determine what costs of transporting pupils, including main-
9 tenance, operation and depreciation of basic vehicles, insurance, payments
10 under contract with other public transportation providers whose vehicles
11 used to transport pupils comply with federal transit administration regula-
12 tions, "bus testing," 49 CFR part 665, and any revision thereto, as provided
13 in subsection (4) (d) of this section, or other state department of educa-
14 tion-approved private transportation providers, salaries of drivers, and
15 any other costs, shall be allowable in computing the transportation support
16 program of school districts.

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

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

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

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

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

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

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

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

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

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

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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.