- 1 R277. Education, Administration.
- 2 R277-600. Student Transportation Standards and Procedures.
- 3 **R277-600-1**. **Definitions**.

- A. "ADA" means average daily attendance.
- 5 B. "ADM" means average daily membership.
- 6 C. "AFR" means a school district's annual financial 7 report, one component of which is the AFR for all pupil 8 transportation costs.
- 9 D. "Approved costs" means the Board approved costs of transporting eligible students from home to school to home 10 11 once each day, after-school routes, approved routes for 12 students with disabilities and vocational students attending 13 school outside their regularly assigned attendance boundary, 14 and a portion of the bus purchase prices. All approved costs 15 are adjusted by the USOE consistent with a Board-approved 16 formula per the annual legislative transportation 17 appropriation.
- 18 [E. "APR" means the school district's annual program
 19 report, one component of which is for approved to and from
 20 school pupil transportation costs.]
- 21 [F]E. "Board" means the Utah State Board of Education.
- [Θ] E. "Bus route miles" means operating a bus with passengers.
- [H] \underline{G} . "Deadhead" means operating a bus when no passengers are on board.
- 26 H. "Extended school year (ESY)" means an extension of 27 the school district or charter school traditional school year to provide special education and related services to a student 28 29 with a disability, in accordance with the student's IEP, and at no cost to the student's parents. ESY services shall meet 30 31 the standards of Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401(3) and the State Board of 32 Education Special Education Rules. 33
- 34 I. "Hazardous" means danger or potential danger which may 35 result in injury or death.
- 36 J. "IDEA" means the Individuals with Disabilities

- 37 Education Act, Title 1, Part A, Section 602.
- 38 K. "IEP" (individualized education program) means a
- 39 written statement for a student with a disability that is
- 40 developed and implemented under CFR Sections 300.340 through
- 41 300.347.[The IEP serves as a communication vehicle between
- 42 parents and school personnel and enables them as equal
- 43 participants to decide jointly what the student's needs are,
- 44 what services shall be provided to meet those needs, what the
- 45 anticipated outcomes may be, and how the student's progress
- 46 toward meeting the projected outcomes shall be evaluated.
- 47 L. "Local board" means the local school board of 48 education.
- M. "M.P.V." means multipurpose passenger vehicle: any
- 50 motor vehicle with less than 10 passenger positions, including
- 51 the driver, which cannot be certified as a bus.
- N. "Out-of-pocket expense" means gasoline, oil, and tire
- 53 expenses.

O. "USOE" means the Utah State Office of Education.

R277-600-2. Authority and Purpose.

- 56 A. This rule is authorized under Utah Constitution
- 57 Article X, Section 3 which vests general control and
- 58 supervision over public schools in the Board, by Section 53A-
- 59 1-402(1)(d) which directs the Board to establish rules for bus
- 60 routes, bus safety and other transportation needs and by
- 61 Section 53A-17a-126 and 127 which provides for distribution of
- 62 funds for transportation of public school students and
- 63 disability standards for [eligibility] student bus riders.
- B. The purpose of this rule is to specify the standards
- 65 under which school districts may qualify for and receive state
- 66 transportation funds.

67 R277-600-3. General Provisions.

- A. State transportation funds are used to reimburse
- 69 school districts for the costs reasonably related to
- 70 transporting students to and from school. The Board defines

- 71 the limits of school district transportation costs 72 reimbursable by state funds in a manner that encourages 73 safety, economy, and efficiency.
- 74 B. Allowable transportation costs are divided into two 75 categories. Expenditures for regular bus routes established 76 by the school district, and approved by the state, are A 77 category costs. Other methods of transporting students to and 78 from school are B category costs. The Board devises a formula 79 to determine the reimbursement rate for A category costs 80 consistent with Section 53A-17a-127(3). B category costs are 81 approved on a line-by-line basis by the USOE after comparing 82 the costs submitted by a school district with the costs of alternative methods of performing the designated function(s) 83 84 and subject to adjustment per legislative appropriation.
- 85 C. The USOE shall develop a uniform accounting procedure 86 for the financial reporting of transportation costs. The 87 procedure shall specify the methods used to calculate 88 allowable transportation costs. The USOE shall also develop 89 uniform forms for the administration of the program.
- D. All student transportation costs [are]shall be recorded. Accurate mileage, minute, and trip records [are kept by program]shall be maintained. Records and financial worksheets shall be maintained during the fiscal year for audit purposes.

95 **R277-600-4**. Eligibility.

- 96 A. State transportation funds shall be used only for 97 transporting eligible students.
- B. Transportation eligibility for elementary students (K-99 6) and secondary students (7-12) is determined in accordance 100 with the mileage from home specified in Section 53A-17a-127(1) 101 and (2) to the school attended by assignment of the local 102 board.
- 103 C. A student whose IEP identifies transportation as a 104 necessary related service is eligible for transportation 105 regardless of distance from the school attended by assignment

106 of the local board.

- D. Students who attend school for at least one-half day at a[n alternate]location other than the local board designated school are expected to walk distances up to 1 and one half miles.
 - E. A school district that implements double sessions as an alternative to new building construction may transport, one-way to or from school, with Board approval, affected elementary students residing less than one and one-half miles from school, if the local board determines the transportation would improve safety affected by darkness or other hazardous conditions.
- F. The distance from home to school is determined as follows: From the center of the public route (road, thoroughfare, walkway, or highway) open to public use, opposite the regular entrance of the one where the pupil is living, over the nearest public route (thoroughfare, road, walkway, or highway) open regularly for use by the public, to the center of the public route (thoroughfare, road, walkway, or highway) open to public use, opposite the nearest public entrance to the school grounds which the student is attending.

R277-600-5. Student with Disabilities Transportation.

- A. Students with disabilities are transported on regular buses and regular routes whenever possible, unless the IEP team determines otherwise. School districts may request approval, prior to providing transportation, for reimbursement for transporting students with disabilities who cannot be safely transported on regular school bus runs.
- B. School districts may be reimbursed for the costs of transporting or for alternative transportation for students with disabilities whose severity of disability, or combination of disabilities, necessitates special transportation.
- C. During the regular school year, an eligible special transportation route from the assigned school site to an alternative program location shall be for a minimum of fifteen

- 141 days with primarily the same group of students
- D. During the extended school year (ESY), an eligible
- 143 special transportation route from the assigned school site to
- 144 <u>an alternative program location shall be for a minimum of ten</u>
- 145 days with primarily the same group of students.
- 146 [e]E. Transportation is provided by the Utah Schools for
- 147 the Deaf and the Blind for students who are transported to its
- 148 self-contained classes. Exceptions may be approved by the
- 149 USOE.

R277-600-6. Bus Route Approval.

- 151 A. Transportation is over routes proposed by local boards
- 152 and approved by the USOE. Information requested by the USOE
- 153 shall be provided prior to approval of a route. <u>During the</u>
- 154 <u>regular school year, an eligible route from the assigned</u>
- 155 <u>school site to an alternative program location shall be for a</u>
- 156 <u>minimum of fifteen days with primarily the same group of</u>
- 157 <u>students.</u> [A route usually is not approved for
- 158 reimbursement] The USOE shall not approve a route for
- 159 reimbursement if an equitable student transportation allowance
- 160 or a subsistence allowance [accomplishes the needed
- 161 transportation at less cost of the necessary transportation
- 162 <u>is more cost-effective</u>. The USOE may approve exceptions. A
- 163 route shall:
- 164 (1) traverse the most direct public route;
- 165 (2) be reasonably cost-effective related to other
- 166 feasible alternatives;
- 167 (3) provide adequate safety for students;
- 168 (4) traverse roads that are constructed and maintained in
- 169 a manner that does not cause property damage; and
- 170 (5) include an economically [adequate] appropriate number
- 171 of students.
- B. The minimum number of general education students
- 173 required to establish a route is ten; the minimum number of
- 174 students with disabilities is five. A route may be
- 175 established for fewer students upon special permission of the

176 State Superintendent.

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- 177 C. The school district designates safe areas for bus 178 stops.
- (1) To promote efficiency, the USOE approved minimum distance between bus stops is 3/10 of a mile. The USOE may [approve] make exceptions for shorter distances between bus stops for student safety.
- 183 (2) Bus routes shall avoid, whenever possible, bus stops on dead-end roads.
 - (3) Students are responsible for their own transportation to bus stops up to one and one-half miles from home.
 - (4) [Special education s] Students with disabilities are responsible for their own transportation to bus stops [consistent with their IEPs] unless the IEP team determines otherwise.
- D. Changes made by school districts in existing routes or the addition of new routes shall be reported to the USOE as they occur. The USOE shall review and may refuse to fund route changes[as applicable].
- E. The USOE may reimburse a school district for transporting another district's students across school district boundaries so long as:
 - (1) the route promotes efficient transportation for both districts;
 - (2) the route serves a group or community of students and families rather than a single student or a single family;
 - (3) the local boards of both participating districts vote in an open meeting that students who reside in one district can be better and more economically served by another district; and
- 206 <u>(4) both districts and the USOE maintain documentation</u> 207 <u>annually of the boards' votes and the map of the approved</u> 208 <u>route.</u>
- 209 [\pm] \underline{F} . [\pm] \underline{F} .

- 212 period after the close of the regular school day $[\frac{is}]$ and 213 receive approved route mileage.
- G. [A route may be approved as an] The USOE may approve atypical routes as alternatives to building construction[upon special permission of the USOE] if[the] routes [is] are needed to allow more efficient school district use of school facilities. Building construction alternatives include elementary double sessions, year-round school, and attendance across school district boundaries.
- 221 H(1) School districts may use State Guarantee 222 Transportation Levy or local transportation funds to transport 223 students across state lines or out-of-state for school 224 sponsored activities or required field trips if:
- 225 (a) the local board has a policy that includes approval of trips at the appropriate administrative level;
- 227 (b) the school or school district has considered the 228 purpose of the trip or activity and any competing risk or 229 liability;
- (c) given the distance, purpose and length of the trip, the school district has determined that the use of a publicly owned school bus is most appropriate for the trip or activity; and
- 234 (d) the local board has consulted with State Risk 235 Management.
- 236 (2) If school bus routes transport students across Utah 237 state lines or outside of Utah for required to and from 238 routes, routes are reimbursable providing school districts 239 maintain documentation that the routes are necessary, or are 240 more cost-effective, or provide greater safety for students 241 than in-state routes.

242 R277-600-7. Alternative Transportation.

Bus routes that involve a large number of deadhead miles [are]will be analyzed by the USOE for reduction or to determine if an alternative method of transporting students is more efficient. Approved alternatives include the following:

A. The costs incurred in transporting eligible pupils in a school district multipurpose passenger vehicle (M.P.V.) are approved costs as long as the costs demonstrate efficiency.

- B(1) The costs incurred in paying eligible students an allowance in lieu of school district-supplied transportation are [-an] approved costs. A student is reimbursed for the mileage to the bus stop or school, whichever is closer, [nearest]to the student's home. The allowance shall not be less than the standard mileage rate deduction permitted by the United States Internal Revenue Service for charitable contributions, nor greater than the reimbursement allowance permitted by the Utah Department of Administrative Services for use of privately owned vehicles set forth in the Utah Travel Regulations;
- (2) a student mileage allowance is made to only one student per family for each trip that is necessary for all the students within a family to attend school. If siblings are on different school schedules or ride buses that are on significantly different schedules, multiple students within a family may claim and be paid for student mileage allowances;
- (3) if a student or the student's parent is unable to provide private transportation, with prior state approval, an amount equivalent to the student allowance [is payable] may be paid to the school district to help pay the costs of school district transportation;
- (4) the student's mileage shall be measured and certified in school district records. The student's ADA, as entered in school records, is used to determine the student's attendance.
- C(1) The cost incurred in providing a subsistence allowance is an approved cost. If a student lives more than 60 miles (one way) on well-maintained roads from the student's assigned school, a parent may be reimbursed for the student's room and board if the student relocates temporarily to reside in close proximity to the student's assigned school. Payment shall not exceed the Substitute Care Rate for Family Services for the current fiscal year. Adjustments for changes made in

- the rate during the year are included in the allowance. In addition to the reimbursement for room and board, the subsistence allowance includes the costs of 18 round trips per year.
- (2) A subsistence allowance is not applicable to a parent who maintains a separate home during the school year for the convenience of the family. A parent's <u>primary</u> residence during the school year is the residence of the child.
 - D. Contracting or leasing for pupil transportation
- 292 (1) The cost incurred in engaging in a contract or 293 leasing for transportation is an approved cost at the prorated 294 amount available to school districts.
 - (2) Reimbursements for school districts using a leasing arrangement are determined in accordance with the comparable cost for the school district to operate its own transportation.
- 299 (3) Under a contract or lease, the school district's 300 transportation administrator's time shall not exceed one 301 percent of the commercial contract cost.
- 302 (4) Eligible student counts, bus route mileage, bus route 303 minutes, service to students with disabilities and bus 304 inventory data are required as if the school district operated 305 its own transportation.

306 R277-600-8. Other Reimbursable Expenses.

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- 307 State transportation funds at the USOE_determined 308 prorated amount may[be used to] reimburse a school district 309 for the following costs:
- A. Salaries of clerks, secretaries, trainers, drivers, a 311 supervisor, mechanics and other personnel necessary to operate 312 the transportation program:
- 313 (1) a full time supervisor may be paid at the same rate 314 as other professional directors in the school district. The 315 supervisor's salary shall be commensurate with the number of 316 buses, number of eligible students transported, and total 317 responsibility relative to other school district supervisory

- 318 functions. A school district may claim a percentage of the school district superintendent's or other supervisor's salary 319 320 for reimbursement if the school district's eligibility count 321 is less than 600 and a verifiable record of administrative 322 the time spent in transportation operation is 323 [kept]maintained;
 - (2) The wage time for bus drivers includes to and from school time: ten minute pre-trip inspection, actual driving time, ten minute post-trip inspection and bus cleanup, and 10 minute bus servicing and fueling;
- 328 B. Only a proportionate amount of a superintendent's or 329 supervisor's employee benefits (health, accident, life 330 insurance) may be paid from the school district's 331 transportation fund;
 - C. Purchased property services;

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- D. Property, comprehensive, and liability insurance;
- 334 E. Communication expenses and travel for supervisors to workshops or the national convention;
- F. Supplies and materials for vehicles, the school district transportation office and the garage;
- 338 G. Depreciation: The USOE [computes]shall provide an annual formula for school bus depreciation;
- 340 H. Training expenses to complete bus driver instruction 341 and certification required by the Board; and
- 342 I. Other related costs approved by the USOE which may include additional bus driver training.

R277-600-9. Non-reimbursable Expenses.

- A. AFR for all pupil transportation costs shall only include pupil transportation costs and other school district expenditures directly related to pupil transportation.
- 348 B. [Expenditures for uses of school district buses and
 349 equipment which are not approved APR to and from school pupil
 350 transportation costs shall be deleted when transportation
 351 costs are calculated. Bus and equipment] In determining
 352 expenditures for eligible to and from school transportation,

- 353 all related costs shall be reduced on a pro rata basis for the 354 miles not connected with approved costs.
- 355 C. Expenses determined by the USOE [to be] as not directly 356 related to transportation of eligible students to and from 357 school [are] shall not be reimbursable.
- Local boards may determine appropriate non-school 358 359 uses of school buses. Local boards may lease/rent public 360 school buses to federal, state, county, or municipal entities, 361 and those insured by State Risk Management or to nongovernment entities or to those not insured through State Risk 362 363 Management. In making these determinations, local boards 364 shall:
- 365 (1) require full cost reimbursement for any non-public 366 school use including:
- 367 (a) cost per mile;
- 368 (b) cost per minute;
- (c) bus depreciation. 369
- 370 (2) require documentation from the non-school user of 371 insurance through State Risk Management or private insurance coverage and a fully executed agreement for full release of 372 373 indemnification;
- 374 (3) require that any non-school use is revenue neutral; 375 and
- 376 (4) consult with State Risk Management to determine 377 adequacy of documentation of insurance and indemnity for any entity requesting use or rental of publicly owned school 378 379 buses.
- E. If a local board approves the use of school buses by 380 381 a non-governmental entity or an entity not insured through State Risk Management, [requests the use of school bus(es), 382 383 the]that use shall be approved[by a local board] in an open 384 board meeting.
- 385 In the event of an emergency, local, regional, state 386 or federal authorities may request the use of school buses or 387 school bus drivers or both for the period of the emergency.
- 388 The local board shall grant the request so long as the use can

- 389 be accommodated consistent with continuing student[-safety 390 and] transportation and student safety requirements.
- 391 R277-600-10. Board Local Levy.

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- A. Costs for school district transportation of students which are not reimbursable may be paid for from general [funds of the] school district funds or from the proceeds of the Board Local Levy authorized under Section 53A-17a-164.
 - B. The revenue from the Board Local Levy may be used for transporting students and for the replacement of school buses.
 - C. A local board may approve the [T]transportation of students in areas where walking constitutes a hazardous condition [T] may be provided from general local board funds [T] from the school district or from the Board Local Levy.
 - (1) Hazardous walking conditions shall be determined by an analysis by the local board of the following factors:
 - (a) volume, type, and speed of vehicular traffic;
 - (b) age and condition of students traversing the area;
- 406 (c) condition of the roadway, sidewalks and applicable 407 means of access in the area; and
 - (d) environmental conditions.
 - (2) A local board may designate hazardous conditions.
 - D. Guarantee Transportation Levy
- 411 (1) Appropriated funds under Section 53A-17a-127(7) shall 412 be distributed according to each school district's 413 proportional share of its qualifying state contribution.
- 414 (2) The qualifying state contribution for school districts shall be the difference between 85 percent of the average state cost per qualifying mile multiplied by the number of qualifying miles and the current funds raised per school district by an amount of revenue equal to at least .0002 per dollar of taxable value of the school district's Board Local Levy under Section 53A-17a-164.
- 421 **R277-600-11**. Exceptions.
- 422 A. When undue hardships and inequities are created

- 423 through exact application of these standards, school districts
- 424 may request an exception to these rules from the State
- 425 Superintendent on individual cases. Such hardships or
- 426 inequities may include written evidence demonstrating that no
- 427 significant increased costs (less than one percent of a school
- 428 district's transportation budget) is incurred due to a waiver
- 429 or that students cannot be provided services consistent with
- 430 the law due to transportation [restrictions] exigencies. The
- 431 State Superintendent may consult with the Pupil Transportation
- 432 Advisory Committee, designated in Section 53A-17a-127(5), in
- 433 considering the exemption.
- B(1) a school district shall not be penalized in the
- 435 computation of its state allocation for the presence on an
- 436 approved to and from school route of an ineligible student who
- 437 does not create an appreciable increase in the cost of the
- 438 route;
- 439 (2) there is an appreciable increase in cost if, because
- 440 of the presence of ineligible students, any of the following
- 441 occurs:
- 442 (a) another route is required;
- (b) a larger or additional bus is required;
- (c) a route's mileage is increased;
- (d) the number of pick-up points below the mileage limits
- 446 for eligible students exceeds one;
- (e) significant additional time is required to complete
- 448 a route.
- 449 (3) ineligible students may ride buses on a space
- 450 available basis. An eligible student may not be displaced or
- 451 required to stand in order to make room for an ineligible
- 452 student.
- 453 **KEY:** school buses, school transportation
- 454 Date of Enactment or Last Substantive Amendment: [April 10,
- 455 **2012**]**2013**
- 456 Notice of Continuation: [January 8, 2008]2013
- 457 Authorizing, and Implemented or Interpreted Law: Art X Sec 3;

53A-1-402(1)(d); **53A-17a-126 and 127**