

1 **R277. Education, Administration.**

2 **R277-600. Student Transportation Standards and Procedures.**

3 **R277-600-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and
6 supervision over public schools in the Board;

7 (b) Subsection 53E-3-501(1)(d), which directs the Board to establish rules for bus
8 routes, bus safety and other transportation needs;

9 (c) Sections 53F-2-402 and 53F-2-403, which provide for distribution of funds for
10 transportation of public school students and disability standards for student bus riders;

11 (d) Section 53F-2-~~412~~ 415, which directs the Board to make rules to implement
12 ~~[unsafe-route]~~ rural school district transportation grants; and

13 (e) Subsection 53E-3-401(4), which allows the Board to make rules to execute the
14 Board's duties and responsibilities under the Utah Constitution and state law.

15 (2) The purpose of this rule is to specify the standards under which school districts
16 may qualify for and receive state transportation funds.

17 **R277-600-2. Definitions.**

18 (1) "ADA" means average daily attendance.

19 (2) "ADM" means average daily membership.

20 (3) "AFR" means a school district's annual financial report, one component of which
21 is the AFR for all pupil transportation costs.

22 (4)(a) "Approved costs" means the Board approved costs of transporting eligible
23 students from home to school to home once each day, after-school routes, approved routes
24 for students with disabilities and vocational students attending school outside their regularly
25 assigned attendance boundary, and a portion of the bus purchase prices.

26 (b) All approved costs are adjusted by the Superintendent consistent with a Board-
27 approved formula per the annual legislative transportation appropriation.

28 (5) "Deadhead miles" means miles traveled while operating a bus with no
29 passengers on board.

30 (6) "Extended school year" or "ESY" means an extension of the school district or
31 charter school traditional school year to provide special education and related services to
32 a student with a disability, in accordance with the student's IEP, and at no cost to the
33 student's parents.

34 (7) "Hazardous" means in a state of danger or potential danger, which may result
35 in injury or death.

36 (8) "Local school board" means a local school district board of education.

37 (9) "Multipurpose passenger vehicle" or "MPV" means any motor vehicle with less
38 than 10 passenger positions, including the driver's position, which cannot be certified as
39 a bus.

40 (10) "Pupil Transportation Advisory Committee" means the committee described in
41 Subsection 53F-2-403(5).

42 (11) "Out-of-pocket expense" means gasoline, oil, and tire expenses.

43 ~~[(12) "Unsafe route" has the same meaning as defined in Subsection 53F-2-412(1).]~~

44 **R277-600-3. General Provisions.**

45 (1)(a) The Superintendent shall use state transportation funds to reimburse school
46 districts for the costs reasonably related to transporting students to and from school.

47 (b) The Board shall define the limits of a school district's transportation costs
48 reimbursable by state funds in a manner that encourages safety, economy, and efficiency.

49 (2) Allowable transportation costs are divided into two categories:

50 (a) A Category costs include expenditures for regular bus routes established by the
51 school district, and approved by the state.

52 (b) B Category costs include other methods of transporting students to and from
53 school.

54 (3) The Superintendent shall develop a formula to allocate A Category costs based
55 on a calculated rate.

56 (4) The Superintendent shall approve B Category costs on a line-by-line basis after:

57 (a) comparing the costs submitted by a school district with the costs of alternative
58 methods of performing the designated functions; and

59 (b) accounting for legislative appropriation variations.

60 (5) The Superintendent shall develop a uniform accounting procedure for the
61 financial reporting of transportation costs, which shall specify the methods used to calculate
62 allowable transportation costs.

63 (6) The Superintendent shall develop uniform forms for the administration of the
64 transportation program.

65 (7)(a) An LEA shall record all student transportation costs, including accurate
66 mileage, minute, and trip records.

67 (b) An LEA may maintain records and financial worksheets during the fiscal year
68 for audit purposes.

69 **R277-600-4. Eligibility.**

70 (1) The Superintendent shall only disburse state transportation funds for
71 transporting eligible students.

72 (2) The Superintendent shall determine transportation eligibility for elementary
73 students (k-6) and secondary students (7-12) in accordance with the mileage from home,
74 specified in Subsections 53F-2-403(1) and (2), to the school attended by assignment of the
75 local school board.

76 (3) A student whose IEP identifies transportation as a necessary related service is
77 eligible for transportation regardless of distance from the school attended by assignment
78 of the local school board.

79 (4) A student who attends school for at least one-half day at a location other than
80 the local school board designated school is not eligible for transportation for distances up
81 to one and one-half miles.

82 (5) A school district that implements double sessions as an alternative to new
83 building construction may transport, one-way to or from school, with Board approval,
84 affected elementary students residing less than one and one-half miles from school, if the
85 local school board determines the transportation would improve safety affected by darkness
86 or other hazardous conditions.

87 (6) The distance from home to school is determined as follows: From the center of
88 the public route (road, thoroughfare, walkway, or highway) open to public use, opposite the
89 regular entrance of the one where the pupil is living, over the nearest public route
90 (thoroughfare, road, walkway, or highway) open regularly for use by the public, to the
91 center of the public route (thoroughfare, road, walkway, or highway) open to public use,
92 opposite the nearest public entrance to the school grounds which the student is attending.

93 **R277-600-5. Student with Disabilities Transportation.**

94 (1)(a) A student with a disability shall be transported on regular buses and regular
95 routes whenever possible, unless the IEP team determines otherwise.

96 (b) A school district may request approval, prior to providing transportation, for
97 reimbursement for transporting students with disabilities who cannot be safely transported
98 on regular school bus runs.

99 (2) A school district may be reimbursed for the costs of transporting or for
100 alternative transportation for students with disabilities whose severity of disability, or
101 combination of disabilities, necessitates special transportation.

102 (3) During the regular school year, an eligible special transportation route from the
103 assigned school site to an alternative program location shall be for a minimum of fifteen
104 days with primarily the same group of students

105 (4) During the ESY, an eligible special transportation route from the assigned school
106 site to an alternative program location shall be for a minimum of ten days with primarily the
107 same group of students.

108 (5) ESY services shall meet the standards of Part B of the Individuals with
109 Disabilities Education Act (IDEA), 20 U.S.C. 1401(3) and Board Special Education Rules.

110 (6) The Utah Schools for the Deaf and the Blind shall provide transportation for
111 students who are transported to its self-contained classes, unless an exception is approved
112 by the Superintendent.

113 **R277-600-6. Bus Route Approval.**

114 (1)(a) A local school board shall propose bus routes subject to approval by the

115 Superintendent.

116 (b) A local school board shall provide information requested by the Superintendent
117 prior to approval of a route.

118 (c) During the regular school year, an eligible route from the assigned school site
119 to an alternative program location shall be for a minimum of fifteen days with primarily the
120 same group of students.

121 (d) The Superintendent may not approve a route for reimbursement if an equitable
122 student transportation allowance or a subsistence allowance for the necessary
123 transportation is more cost-effective.

124 (2) The Superintendent may approve exceptions for good cause shown.

125 (3) A bus route shall:

126 (a) traverse the most direct public route;

127 (b) be reasonably cost-effective in comparison to other feasible alternatives;

128 (c) provide adequate safety for students;

129 (d) traverse roads that are constructed and maintained in a manner that does not
130 cause property damage; and

131 (e) include an economically appropriate number of students.

132 (4)(a) The minimum number of general education students required to establish a
133 bus route is ten.

134 (b) The minimum number of students with disabilities required to establish a bus
135 route is five.

136 (c) A bus route may be established for fewer students upon special permission of
137 the Superintendent.

138 (5) A school district shall designate safe areas for bus stops.

139 (6)(a) A student is responsible for the student's own transportation to bus stops up
140 to one and one-half miles from home.

141 (b) A student with a disability is responsible for the student's own transportation to
142 bus stops unless the IEP team determines otherwise.

143 (7)(a) A school district shall report changes made in existing routes or the addition
144 of new routes to the Superintendent as they occur.

145 (b) The Superintendent shall review and may refuse to fund route changes.

146 (8) The Superintendent may reimburse a school district for transporting another
147 district's students across school district boundaries so long as:

148 (a) the route promotes efficient transportation for both districts;

149 (b) the route serves a group or community of students and families rather than a
150 single student or a single family;

151 (c) the local school boards of both participating districts vote in an open meeting
152 that students who reside in one district can be better and more economically served by
153 another district; and

154 (d) both districts and the Superintendent maintain documentation annually of the
155 boards' votes and the map of the approved route.

156 (9) A school district may transport eligible students home after school activities held
157 at the students' school of regular attendance and within a reasonable time period after the
158 close of the regular school day and receive approved route mileage.

159 (10)(a) The Superintendent may approve atypical routes as alternatives to building
160 construction if routes are needed to allow more efficient school district use of school
161 facilities.

162 (b) Building construction alternatives include:

163 (i) elementary double sessions;

164 (ii) year-round school; and

165 (iii) attendance across school district boundaries.

166 (11)(a) A school district may use ~~[the State Guarantee Transportation Levy or]~~ local
167 transportation funds to transport students across state lines or out-of-state for school
168 sponsored activities or required field trips if:

169 (i) the local school board has a policy that includes approval of trips at the
170 appropriate administrative level;

171 (ii) the school or school district has considered the purpose of the trip or activity and
172 any competing risk or liability;

173 (iii) given the distance, purpose and length of the trip, the school district has
174 determined that the use of a publicly owned school bus is appropriate for the trip or activity;
175 and

176 (iv) the local school board has consulted with State Risk Management.

177 (b) If school bus routes transport students across Utah state lines or outside of Utah
178 for required to and from routes, routes are reimbursable providing a school district
179 maintains documentation that:

180 (i) the routes are necessary;

181 (ii) the routes are more cost-effective; or

182 (iii) the routes provide greater safety for students than in-state routes.

183 **R277-600-7. Alternative Transportation.**

184 (1) The Superintendent shall analyze bus routes that involve a large number of
185 deadhead miles to determine if an alternative method of transporting students is more
186 efficient.

187 (2) Approved alternatives include the alternatives described in Subsections (3)
188 through (9).

189 (3)(a) The costs incurred in transporting eligible pupils in a school district MPV are
190 approved costs as long as the costs demonstrate efficiency; or

191 (b) The costs incurred in paying eligible students an allowance in lieu of school
192 district-supplied transportation are approved costs.

193 (4)(a) A student may be reimbursed for the mileage to the bus stop or school,
194 whichever is closer to the student's home.

195 (b) The allowance under this Subsection (4)(a) may not be less than \$0.35 per mile,
196 nor greater than the reimbursement allowance permitted by the Utah Department of
197 Administrative Services for use of privately owned vehicles set forth in the Utah Travel
198 Regulations.

199 (5) A district shall annually perform a cost-benefit analysis as part of its
200 determination of the LEA specific reimbursement rate and make this analysis available to
201 the public.

202 (6)(a) A district shall make a student mileage allowance under this Section R277-
203 600-7 to only one student per family for each trip that is necessary for all the students
204 within a family to attend school.

205 (b) If siblings are on different school schedules or ride buses that are on significantly
206 different schedules, multiple students within a family may claim and be paid for student
207 mileage allowances.

208 (7) If a student eligible for reimbursement under this Section R277-600-7 or the
209 student's parent is unable to provide private transportation, with prior approval from the
210 Superintendent, an amount equivalent to the student allowance may be paid to the school
211 district to help pay the costs of school district transportation.

212 (8)(a) A district shall measure and certify a student's mileage in school district
213 records.

214 (b) A student's ADA, as entered in school records, is used to determine the
215 student's attendance.

216 (9)(a) The cost incurred in providing a subsistence allowance is an approved cost
217 under the following conditions:

218 (i) a student lives more than 60 miles (one way) on well-maintained roads from the
219 student's assigned school, a parent may be reimbursed for the student's room and board
220 if the student relocates temporarily to reside in close proximity to the student's assigned
221 school;

222 (ii) payment may not exceed the Substitute Care Rate for Family Services for the
223 current fiscal year;

224 (iii) adjustments for changes made in the rate during the year shall be included in
225 the allowance; and

226 (iv) in addition to the reimbursement for room and board, the subsistence allowance
227 may include the costs of up to 18 round trips per year.

228 (b)(i) A subsistence allowance is not available to a parent who maintains a separate
229 home during the school year for the convenience of the family.

230 (ii) A parent's primary residence during the school year is the residence of the child.

231 (10) A school district may contract or lease with a third party provider for pupil
232 transportation services.

233 (11)(a) The cost incurred in engaging in a contract or leasing for transportation is
234 an approved cost at the prorated amount available to school districts.

235 (b) The Superintendent shall determine reimbursements for school districts using
236 a leasing arrangement in accordance with the comparable cost for the school district to
237 operate its own transportation.

238 (c) Under a contract or lease, a school district's transportation administrator's time
239 may not exceed one percent of the commercial contract cost.

240 (12) If a school district contracts or leases with a third party provider or other LEA
241 for pupil transportation services, it shall maintain and provide to the Superintendent upon
242 request the following items as if it operated its own transportation:

243 (a) eligible student counts;

244 (b) bus route mileage;

245 (c) bus route minutes; and

246 (d) service to students with disabilities and bus inventory data.

247 **R277-600-8. Other Reimbursable Expenses.**

248 The Superintendent may reimburse a school district for the following costs with state
249 transportation funds:

250 (1) salaries of clerks, secretaries, trainers, drivers, a supervisor, mechanics, and
251 other personnel necessary to operate the transportation program, subject to the following
252 limitations:

253 (a) a full time supervisor may be paid at the same rate as other professional
254 directors in the school district; and

255 (b) a school district shall ensure that a supervisor's salary is commensurate with the
256 number of buses, number of eligible students transported, and total responsibility relative
257 to other school district supervisory functions;

258 (2) a school district may claim a percentage of the school district superintendent's
259 or other supervisor's salary for reimbursement if the school district's eligibility count is less

260 than 600 and a verifiable record of administrative time spent in the transportation operation
261 is maintained; and

262 (3) the wage time for bus drivers may include to and from school time consisting of:

263 (i) 10 minute pre-trip inspection;

264 (ii) actual driving time;

265 (iii) 10 minute post-trip inspection and bus cleanup; and

266 (iv) 10 minute bus servicing and fueling;

267 (4) a proportionate amount of a superintendent's or supervisor's employee benefits
268 (health, accident, life insurance);

269 (5) purchased property services;

270 (6) property, comprehensive, and liability insurance;

271 (7) communication expenses and travel for supervisors to workshops or national
272 conventions;

273 (8) supplies and materials for vehicles, the school district transportation office and
274 the garage;

275 (9) training expenses to complete bus driver instruction and certification required
276 by the Board; and

277 (10) other related costs approved by the Superintendent, which may include
278 additional bus driver training.

279 **R277-600-9. Non-reimbursable Expenses.**

280 (1) AFR for all pupil transportation costs may only include pupil transportation costs
281 and other school district expenditures directly related to pupil transportation.

282 (2) In determining expenditures for eligible to and from school transportation, all
283 related costs shall be reduced on a pro rata basis for the miles not connected with
284 approved costs.

285 (3) Expenses determined by the Superintendent as not directly related to
286 transportation of eligible students to and from school may not be reimbursed.

287 (4)(a) A local school board may determine appropriate non-school uses of school
288 buses.

- 289 (b) A local school board may lease or rent public school buses to:
- 290 (i) federal, state, county, or municipal entities;
- 291 (ii) entities insured by State Risk Management;
- 292 (iii) non-government entities; or
- 293 (iv) entities not insured through State Risk Management.
- 294 (c) As part of any agreement to allow non-school use of a school bus, a local school
- 295 board shall:
- 296 (i) require full cost reimbursement for any non-public school use including:
- 297 (A) cost per mile;
- 298 (B) cost per minute; and
- 299 (C) bus depreciation;
- 300 (ii) require a non-school user to provide:
- 301 (A) proof of insurance through State Risk Management or private insurance
- 302 coverage; and
- 303 (B) a fully executed agreement for full release of indemnification;
- 304 (iii) require that any non-school use is revenue neutral; and
- 305 (iv) consult with State Risk Management to determine adequacy of documentation
- 306 of insurance and indemnity for any entity requesting use or rental of publicly owned school
- 307 buses.
- 308 (5) A local school board shall approve the use of school buses by a non-
- 309 governmental entity or an entity not insured through State Risk Management in an open
- 310 meeting.
- 311 (6)(a) In the event of an emergency, local, regional, state or federal authorities may
- 312 request the use of school buses or school bus drivers or both for the period of the
- 313 emergency.
- 314 (b) A local school board shall grant a request under Subsection (a) so long as the
- 315 use can be accommodated consistent with continuing student transportation and student
- 316 safety requirements.

317 **R277-600-10. Board Local Levy.**

318 (1) Costs for school district transportation of students which are not reimbursable
319 may be paid for from general school district funds or from the proceeds of the Board Local
320 Levy authorized under Section 53F-~~[2-602]~~ 8-302.

321 (2) The revenue from the Board Local Levy may be used for transporting students
322 and for school bus replacement.

323 (3)(a) A local school board may approve the transportation of students in areas
324 where walking constitutes a hazardous condition from general local school board funds or
325 from the Board Local Levy.

326 (b) A local school board shall determine hazardous walking conditions by an
327 analysis of the following factors:

328 (i) volume, type, and speed of vehicular traffic;

329 (ii) age and condition of students traversing the area;

330 (iii) condition of the roadway, sidewalks and applicable means of access in the area;

331 and

332 (iv) environmental conditions.

333 (c) A local school board may designate hazardous conditions.

334 ~~[(4) Guarantee Transportation Levy~~

335 ~~—(a) The Superintendent shall distribute funds appropriated under Subsection 53F-2-~~
336 ~~403(7) according to each school district's proportional share of its qualifying state~~
337 ~~contribution.~~

338 ~~—(b) The qualifying state contribution for school districts shall be the difference~~
339 ~~between 85 percent of the average state cost per qualifying mile multiplied by the number~~
340 ~~of qualifying miles and the current funds raised per school district by an amount of revenue~~
341 ~~equal to at least .0002 per dollar of taxable value of the school district's Board Local Levy~~
342 ~~under Section 53F-2-602.]~~

343 **R277-600-11. Exceptions.**

344 (1)(a) When undue hardships and inequities are created through exact application
345 of these standards, a school district may request an exception to these rules from the
346 Superintendent for individual cases.

347 (b) Hardships or inequities under Subsection (1)(a) may include written evidence
348 demonstrating that no significant increased costs (less than one percent of a school
349 district's transportation budget) is incurred due to a waiver or that students cannot be
350 provided services consistent with the law due to transportation exigencies.

351 (c) The Superintendent may consult with the Pupil Transportation Advisory
352 Committee in considering the exemption.

353 (2) A school district shall not be penalized in the computation of its state allocation
354 for the presence on an approved to and from school route of an ineligible student who does
355 not create an appreciable increase in the cost of the route.

356 (3) There is an appreciable increase in cost under Subsection (2) if, because of the
357 presence of ineligible students, any of the following occurs:

358 (a) another route is required;

359 (b) a larger or additional bus is required;

360 (c) a route's mileage is increased;

361 (d) the number of pick-up points below the mileage limits for eligible students
362 exceeds one; and

363 (e) significant additional time is required to complete a route.

364 (4)(a) An ineligible student may ride a school bus on a space available basis.

365 (b) An eligible student may not be displaced or required to stand in order to make
366 room for an ineligible student.

367 **R277-600-12. Rural School Transportation Reimbursement Program.**

368 (1) The Superintendent shall annually determine which LEAs are eligible for rural
369 school transportation reimbursement using the criteria described in Subsection 53F-5-
370 211(1)(a).

371 (2) The Superintendent shall measure eligibility based on:

372 (a) the most recent October 1 UTREx submission; and

373 (b) the prior year's transportation data submitted in accordance with Section R277-
374 484-3.

375 (3) By November 1 annually, the Superintendent shall notify an LEA that the LEA

376 may seek reimbursement.

377 (4) An LEA eligible for reimbursement shall:

378 (a) provide evidence to the Superintendent in the first year of the LEA's eligibility that
379 the LEA has provided transportation to and from the school for the past five years;

380 (b) submit to the Superintendent in the first year of the LEA's eligibility the LEA's
381 current year pupil transportation Schedule A1 by December 30; and

382 (c) in subsequent years of eligibility, submit all transportation reports in accordance
383 with Section R277-484-3.

384 (5) Submission of the pupil transportation Schedule A1 shall constitute an annual
385 application and request for reimbursement by an LEA with an eligible school.

386 (6)(a) The Superintendent shall calculate and process reimbursements to LEAs once
387 a year.

388 (b) The Superintendent shall determine allowable costs eligible for reimbursement
389 taking into account:

390 (i) eligible routes; and

391 (ii) eligible miles and minutes as reported on the pupil transportation Schedule A1.

392 (c) The Superintendent shall reimburse an LEA based on the LEA's percentage of
393 total unreimbursed eligible costs submitted.

394 (d) If the annual appropriation is insufficient to fund all submitted eligible cost
395 payments, the Superintendent shall prorate the reimbursement up to the amount of the
396 appropriation.

397 (7) An LEA shall permit the Superintendent to review accounting ledgers, student
398 records, and transportation records upon request in order to determine:

399 (a) a school's eligibility in accordance with Subsection (1); and

400 (b) allowability of an LEA's submitted costs.

401 **R277-600-13. Rural School District Transportation Grant Program.**

402 (1) The Superintendent shall annually determine which school districts are eligible for
403 the rural school district transportation grant program using the criteria described in Subsection
404 53F-2-415(2).

- 405 (2) The Superintendent shall measure school district eligibility based on:
406 (a) the prior year's transportation data submitted in accordance with Section R277-484-
407 3; and
408 (b) the most recent county classification.
409 (3)(a) By November 1 annually, the Superintendent shall notify a school district that
410 the school district may apply for a grant and the amount of available grant funds based on the
411 prior-year eligible miles for unreimbursed costs associated with activities described in 53F-2-
412 415(3).
413 (b) The Superintendent shall prorate an eligible school district's award amount up to
414 the amount of the appropriation.
415 (4) A school district eligible for the grant program shall:
416 (a) provide assurance within the school district's application that matching funds from
417 the school district's board local levy will be utilized for the purposes outlined in Subsection
418 53F-2-415(1); and
419 (b) report revenue from the board local levy and related expenditures for the grant
420 program in the school district's Annual Program Report for that specific fiscal year.
421 (5)(a) The Superintendent shall process the grant award in the state's grants
422 management system
423 (b) The Superintendent shall allocate funds to eligible school districts once a year.
424 (6) A school district shall permit the Superintendent to review accounting ledgers,
425 student records, and transportation records upon request in order to determine:
426 (a) a school's eligibility in accordance with Subsection (1); and
427 (b) allowability of an LEA's submitted program costs.
428 (7) If a school district does not comply with the requirements of the grant program,
429 the Superintendent may impose corrective action in accordance with Rule R277-114.

430

431 **KEY: school buses, school transportation**
432 **Date of Enactment or Last Substantive Amendment:**
433 **Notice of Continuation: September 15, 2016**
434 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-501(1)(d);**
435 **53E-3-401(4), 53F-2-41[2]5, and 53F-2-403**

Draft 2 - Blue - New Text | Red - [~~Deleted Text~~]

Draft 2
May 2, 2019