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## MEMORANDUM

**TO:** Members, Utah State Board of Education

**FROM:** Natalie Grange, CPA CFE  
Director of School Finance

**DATE:** August 11-12, 2016

**ACTION:** R277-600 *Student Transportation Standards and Procedures* (Amendment and Continuation)

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**Background:** The 2016 Legislature passed H.B. 301 *School Bus Route Grant Program*, which creates a grant program to provide transportation funding for routes that are unsafe for a student to walk. The statute requires the Pupil Transportation Advisory Committee to recommend a grant application to the Board.

R277-600 is amended to provide criteria and procedures for implementation of the grant program in response to the H.B. 301. A modification to R277-600 to pay in-lieu payments is based on a recommendation from the 2015 Interim Transportation intent language report. Technical and conforming changes are also provided. In addition to the amendments to R277-600, the rule is continued consistent with Board policy for continuation of rules and the Utah Administrative Rulemaking Act. The rule was last continued effective March 12, 2013.

**Board Strategic Plan:** This item supports the following imperative and strategies in the Board's Strategic Plan: Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

**Anticipated Action:** It is proposed that the Finance Committee consider approving R277-600, as amended and continued, on first reading and, if approved by the Committee, the Board consider approving R277-600, as amended and continued on second reading. It is anticipated that the Finance Committee will also recommend that the Board approve the application recommended by the Transportation Advisory Board.

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1 **R277. Education, Administration.**

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

3 **R277-600-~~[2]~~1. Authority and Purpose.**

4 ~~[A.](1)~~ This rule is authorized ~~[under]~~by:

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

7 (b) Subsection 53A-1-402(1)(d), which directs the Board to establish rules for  
8 bus routes, bus safety and other transportation needs~~[-and by]~~;

9 (c) Sections 53A-17a-126 and 127, which provide~~[s]~~ for distribution of funds  
10 for transportation of public school students and disability standards for student bus  
11 riders~~[-]~~;

12 (d) Section 53A-17a-126.5, which directs the Board to make rules to  
13 implement unsafe route grants; and

14 (e) Section 53A-1-401, which allows the Board to make rules to execute the  
15 Board's duties and responsibilities under the Utah Constitution and state law.

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

18

19 **R277-600-~~[4]~~2. Definitions.**

20 ~~[A.](1)~~ "ADA" means average daily attendance.

21 ~~[B.](2)~~ "ADM" means average daily membership.

22 ~~[C.](3)~~ "AFR" means a school district's annual financial report, one component  
23 of which is the AFR for all pupil transportation costs.

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

29 (b) All approved costs are adjusted by the ~~[USOE]~~Superintendent consistent  
30 with a Board-approved formula per the annual legislative transportation  
31 appropriation.

32 ~~[E. "Board" means the Utah State Board of Education.~~

33 ~~—— F. “Bus route miles” means operating a bus with passengers.]~~

34 ~~[G.](5) “Deadhead miles” means miles traveled while operating a bus~~  
35 ~~[when]with no passengers[are] on board.~~

36 ~~[H.](6) “Extended school year” or “[{]ESY[}]” means an extension of the~~  
37 ~~school district or charter school traditional school year to provide special education~~  
38 ~~and related services to a student with a disability, in accordance with the student's~~  
39 ~~IEP, and at no cost to the student's parents.[ESY services shall meet the standards~~  
40 ~~of Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401(3)~~  
41 ~~and the State Board of Education Special Education Rules.]~~

42 ~~[I.](7) “Hazardous” means in a state of danger or potential danger, which may~~  
43 ~~result in injury or death.~~

44 ~~[J. “IDEA” means the Individuals with Disabilities Education Act, Title 1, Part~~  
45 ~~A, Section 602.~~

46 ~~—— K. “IEP” (individualized education program) means a written statement for a~~  
47 ~~student with a disability that is developed and implemented under CFR Sections~~  
48 ~~300.340 through 300.347.]~~

49 ~~[L.](8) “Local school board” means a [the] local school district board of~~  
50 ~~education.~~

51 ~~[M.](9) [“M.P.V.” means]“M[m]ultipurpose passenger vehicle” or “MPV”~~  
52 ~~means[:] any motor vehicle with less than 10 passenger positions, including the~~  
53 ~~driver's position, which cannot be certified as a bus.~~

54 ~~(10) “Pupil Transportation Advisory Committee” means the committee~~  
55 ~~described in Subsection 53A-17a-127(5).~~

56 ~~[N.](11) “Out-of-pocket expense” means gasoline, oil, and tire expenses.~~

57 ~~(12) “Unsafe route” has the same meaning as defined in Subsection 53A-17a-~~  
58 ~~126.5(1).~~

59 ~~[O. “USOE” means the Utah State Office of Education.]~~

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

61 ~~[A.](1)(a) The Superintendent shall use [§]state transportation funds[are~~  
62 ~~used] to reimburse school districts for the costs reasonably related to transporting~~  
63 ~~students to and from school.~~

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

67 [B-](2) Allowable transportation costs are divided into two categories[-]:

68 (a) A Category costs include [E]expenditures for regular bus routes  
69 established by the school district, and approved by the state[-, are A category costs].

70 (b) B Category costs include [O]other methods of transporting students to and  
71 from school[- are B category costs].

72 (3) [The Board devises a formula to determine the reimbursement rate for A  
73 category costs consistent with Section 53A-17a-127(3)]The Superintendent shall  
74 develop a formula to allocate A Category costs based on a calculated rate.

75 (4) The Superintendent shall approve B [e]Category costs[- are approved] on  
76 a line-by-line basis[- by the USOE] after:

77 (a) comparing the costs submitted by a school district with the costs of  
78 alternative methods of performing the designated function[{}]; and

79 (b) [subject to adjustment per]accounting for legislative appropriation  
80 variations.

81 [E-](5) The [USOE]Superintendent shall develop a uniform accounting  
82 procedure for the financial reporting of transportation costs[- The procedure], which  
83 shall specify the methods used to calculate allowable transportation costs.

84 (6) The [USOE]Superintendent shall[- also] develop uniform forms for the  
85 administration of the transportation program.

86 [D-](7)(a) An LEA shall record [A]all student transportation costs[- shall be  
87 recorded.], including [A]accurate mileage, minute, and trip records[- shall be  
88 maintained].

89 (b) An LEA may maintain [R]records and financial worksheets[- shall be  
90 maintained] during the fiscal year for audit purposes.

91 **R277-600-4. Eligibility.**

92 [A-](1) The Superintendent shall only disburse [S]state transportation funds  
93 [shall be used only] for transporting eligible students.

94 [B-](2) The Superintendent shall determine [F]transportation eligibility for

95 elementary students (~~(K)k~~-6) and secondary students (7-12)~~[is determined]~~ in  
96 accordance with the mileage from home, specified in Subsections 53A-17a-127(1)  
97 and (2), to the school attended by assignment of the local school board.

98 ~~[G.](3)~~ A student whose IEP identifies transportation as a necessary related  
99 service is eligible for transportation regardless of distance from the school attended  
100 by assignment of the local school board.

101 ~~[D.](4)~~ A ~~[S]~~student~~[s]~~ who attends school for at least one-half day at a  
102 location other than the local school board designated school ~~[are expected to walk]~~is  
103 not eligible for transportation for distances up to ~~[4]~~one and one-half miles.

104 ~~[E.](5)~~ A school district that implements double sessions as an alternative to  
105 new building construction may transport, one-way to or from school, with Board  
106 approval, affected elementary students residing less than one and one-half miles  
107 from school, if the local school board determines the transportation would improve  
108 safety affected by darkness or other hazardous conditions.

109 ~~[F.](6)~~ The distance from home to school is determined as follows: From the  
110 center of the public route (road, thoroughfare, walkway, or highway) open to public  
111 use, opposite the regular entrance of the one where the pupil is living, over the  
112 nearest public route (thoroughfare, road, walkway, or highway) open regularly for use  
113 by the public, to the center of the public route (thoroughfare, road, walkway, or  
114 highway) open to public use, opposite the nearest public entrance to the school  
115 grounds which the student is attending.

## 116 **R277-600-5. Student with Disabilities Transportation.**

117 ~~[A.](1)(a)~~ A ~~[S]~~student~~[s]~~ with a disabilit~~[ies]~~y ~~[are]~~shall be transported on  
118 regular buses and regular routes whenever possible, unless the IEP team  
119 determines otherwise.

120 (b) A ~~[S]~~school district~~[s]~~ may request approval, prior to providing  
121 transportation, for reimbursement for transporting students with disabilities who  
122 cannot be safely transported on regular school bus runs.

123 ~~[B.](2)~~ A ~~[S]~~school district~~[s]~~ may be reimbursed for the costs of transporting  
124 or for alternative transportation for students with disabilities whose severity of  
125 disability, or combination of disabilities, necessitates special transportation.

126 ~~[E:]~~(3) During the regular school year, an eligible special transportation route  
127 from the assigned school site to an alternative program location shall be for a  
128 minimum of fifteen days with primarily the same group of students

129 ~~[D:]~~(4) During the ~~[extended school year (ESY)]~~, an eligible special  
130 transportation route from the assigned school site to an alternative program location  
131 shall be for a minimum of ten days with primarily the same group of students.

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

135 ~~[E:]~~(6) The Utah Schools for the Deaf and the Blind shall provide  
136 ~~[F]transportation[is provided by the Utah Schools for the Deaf and the Blind]~~ for  
137 students who are transported to its self-contained classes, unless an exception is  
138 approved by the Superintendent. ~~[Exceptions may be approved by the USOE.]~~

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

140 ~~[A. Transportation is over routes proposed by local boards and approved by~~  
141 ~~the USOE.]~~

142 (1)(a) A local school board shall propose bus routes subject to approval by the  
143 Superintendent.

144 (b) A local school board shall provide [†]information requested by the [USOE  
145 shall be provided]Superintendent prior to approval of a route.

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

149 (d) The [USOE]Superintendent [shall]may not approve a route for  
150 reimbursement if an equitable student transportation allowance or a subsistence  
151 allowance for the necessary transportation is more cost-effective.

152 (2) The [USOE]Superintendent may approve exceptions for good cause  
153 shown.

154 (3) A bus route shall:

155 ([†]a) traverse the most direct public route;

156 ([2]b) be reasonably cost-effective in comparison [related] to other feasible

157 alternatives;

158        ([3]c) provide adequate safety for students;

159        ([4]d) traverse roads that are constructed and maintained in a manner that  
160 does not cause property damage; and

161        ([5]e) include an economically appropriate number of students.

162        [B-](4)(a) The minimum number of general education students required to  
163 establish a bus route is ten[;].

164        (b) [t]The minimum number of students with disabilities required to establish  
165 a bus route is five.

166        (c) A bus route may be established for fewer students upon special  
167 permission of the[~~State~~] Superintendent.

168        [C-](5) [The]A school district shall designate[s] safe areas for bus stops.

169        [1]To promote efficiency, the USOE approved minimum distance between  
170 bus stops is 3/10 of a mile. The USOE may make exceptions for shorter distances  
171 between bus stops for student safety.

172        ~~——(2) Bus routes shall avoid, whenever possible, bus stops on dead-end roads.]~~

173        ([3]6)(a) A [S]student[s] [are]is responsible for the[ir] student's own  
174 transportation to bus stops up to one and one-half miles from home.

175        ([4]b) A [S]student[s] with a disabilit[ies]y [are]is responsible for the[ir]  
176 student's own transportation to bus stops unless the IEP team determines otherwise.

177        [D-](7)(a) A school district shall report [C]changes made[~~by school districts~~]  
178 in existing routes or the addition of new routes[~~shall be reported~~] to the  
179 [USOE]Superintendent as they occur.

180        (b) The [USOE]Superintendent shall review and may refuse to fund route  
181 changes.

182        [E-](8) The [USOE]Superintendent may reimburse a school district for  
183 transporting another district's students across school district boundaries so long as:

184        ([1]a) the route promotes efficient transportation for both districts;

185        ([2]b) the route serves a group or community of students and families rather  
186 than a single student or a single family;

187        ([3]c) the local school boards of both participating districts vote in an open  
188 meeting that students who reside in one district can be better and more economically

189 served by another district; and  
190 ~~(4)~~d) both districts and the ~~USOE~~Superintendent maintain documentation  
191 annually of the boards' votes and the map of the approved route.

192 ~~F.~~(9) A ~~S~~school[s] district may transport eligible students home after school  
193 activities held at the students' school of regular attendance and within a reasonable  
194 time period after the close of the regular school day and receive approved route  
195 mileage.

196 ~~G.~~(10)(a) The ~~USOE~~Superintendent may approve atypical routes as  
197 alternatives to building construction if routes are needed to allow more efficient  
198 school district use of school facilities.

199 (b) Building construction alternatives include:

200 (i) elementary double sessions~~;~~;

201 (ii) year-round school~~;~~; and

202 (iii) attendance across school district boundaries.

203 ~~H.~~(11)(a) A ~~S~~school district[s] may use the State Guarantee  
204 Transportation Levy or local transportation funds to transport students across state  
205 lines or out-of-state for school sponsored activities or required field trips if:

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

208 (~~b~~)ii) the school or school district has considered the purpose of the trip or  
209 activity and any competing risk or liability;

210 (~~e~~)iii) given the distance, purpose and length of the trip, the school district has  
211 determined that the use of a publicly owned school bus is ~~most~~ appropriate for the  
212 trip or activity; and

213 (~~d~~)iv) the local school board has consulted with State Risk Management.

214 ~~2~~b) If school bus routes transport students across Utah state lines or  
215 outside of Utah for required to and from routes, routes are reimbursable providing  
216 a school district[s] maintainsg documentation that:

217 (i) the routes are necessary~~;~~;

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

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

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

221 (1) The Superintendent shall analyze [B]bus routes that involve a large  
222 number of deadhead miles[~~will be analyzed by the USOE for reduction or~~] to  
223 determine if an alternative method of transporting students is more efficient.

224 (2) Approved alternatives include the [following]alternatives described in  
225 Subsections (3) through (9)[:].

226 ~~[A-](3)(a)~~ The costs incurred in transporting eligible pupils in a school district  
227 [~~multipurpose passenger vehicle (M.P.V.)~~]MPV are approved costs as long as the  
228 costs demonstrate efficiency; or

229 ~~[B(4)](b)~~ The costs incurred in paying eligible students an allowance in lieu of  
230 school district-supplied transportation are approved costs.

231 (4)(a) A student [is]may be reimbursed for the mileage to the bus stop or  
232 school, whichever is closer[;] to the student's home.

233 (b) The allowance under this Subsection (4)(a) [shall]may not be less than  
234 [~~the standard mileage rate deduction permitted by the United States Internal~~  
235 ~~Revenue Service for charitable contributions,]~~\$0.35 per mile, nor greater than the  
236 reimbursement allowance permitted by the Utah Department of Administrative  
237 Services for use of privately owned vehicles set forth in the Utah Travel  
238 Regulations.[:]

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

242 ~~(2)6~~ (a) A district shall make a student mileage allowance [is made]under this  
243 Section R277-600-7 to only one student per family for each trip that is necessary for  
244 all the students within a family to attend school.

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

248 ~~(3)7~~ [i]If a student eligible for reimbursement under this Section R277-600-7  
249 or the student's parent is unable to provide private transportation, with prior[~~state~~]  
250 approval from the Superintendent, an amount equivalent to the student allowance  
251 may be paid to the school district to help pay the costs of school district

252 transportation.

253 ~~([4]8)(a) [the]~~A district shall measure and certify a student's mileage~~[- shall be~~  
254 ~~measured and certified]~~ in school district records.

255 ~~(b) [The]~~A student's ADA, as entered in school records, is used to determine  
256 the student's attendance.

257 ~~[(4)](9)(a)~~ The cost incurred in providing a subsistence allowance is an  
258 approved cost[-] under the following conditions:

259 ~~(i) [If]~~a student lives more than 60 miles (one way) on well-maintained roads  
260 from the student's assigned school, a parent may be reimbursed for the student's  
261 room and board if the student relocates temporarily to reside in close proximity to the  
262 student's assigned school[-];

263 ~~(ii) [P]~~payment [shall]may not exceed the Substitute Care Rate for Family  
264 Services for the current fiscal year[-];

265 ~~(iii) [A]~~adjustments for changes made in the rate during the year [are]shall be  
266 included in the allowance[-]; and

267 ~~(iv) [I]~~n addition to the reimbursement for room and board, the subsistence  
268 allowance may include[s] the costs of up to 18 round trips per year.

269 ~~([2]b)(i)~~ A subsistence allowance is not [applicable]available to a parent who  
270 maintains a separate home during the school year for the convenience of the family.

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

273 ~~[D-](10) [Contracting or leasing]~~A school district may contract or lease with a  
274 third party provider for pupil transportation services.

275 ~~([4]11)(a)~~ The cost incurred in engaging in a contract or leasing for  
276 transportation is an approved cost at the prorated amount available to school  
277 districts.

278 ~~([2]b)~~ The Superintendent shall determine [R]reimbursements for school  
279 districts using a leasing arrangement[- are determined] in accordance with the  
280 comparable cost for the school district to operate its own transportation.

281 ~~([3]c)~~ Under a contract or lease, [the]a school district's transportation  
282 administrator's time [shall]may not exceed one percent of the commercial contract  
283 cost.

284 ([4]12) If a school district contracts or leases with a third party provider or  
285 other LEA for pupil transportation services, it shall maintain and provide to the  
286 Superintendent upon request the following items as if it operated its own  
287 transportation:

- 288 (a) [E]eligible student counts[;];
- 289 (b) bus route mileage[;];
- 290 (c) bus route minutes[;]; and
- 291 (d) service to students with disabilities and bus inventory data[are required  
292 as if the school district operated its own transportation].

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

294 ~~[State transportation funds at the USOE-determined prorated amount may~~  
295 ~~reimburse a school district for the following costs:]~~

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

298 ~~[A-](1) [S]salaries of clerks, secretaries, trainers, drivers, a supervisor,~~  
299 ~~mechanics, and other personnel necessary to operate the transportation program,~~  
300 ~~subject to the following limitations:~~

301 ~~([1]a) a full time supervisor may be paid at the same rate as other~~  
302 ~~professional directors in the school district[;]; and~~

303 ~~(b) [The]a school district shall ensure that a supervisor's salary [shall be]is~~  
304 ~~commensurate with the number of buses, number of eligible students transported,~~  
305 ~~and total responsibility relative to other school district supervisory functions[;];~~

306 ~~(2) [A]a school district may claim a percentage of the school district~~  
307 ~~superintendent's or other supervisor's salary for reimbursement if the school district's~~  
308 ~~eligibility count is less than 600 and a verifiable record of administrative time spent~~  
309 ~~in the transportation operation is maintained; and~~

310 ~~([2]3) [F]the wage time for bus drivers may include[s] to and from school time~~  
311 ~~consisting of:~~

- 312 (i) ~~[ten]10 minute pre-trip inspection[;];~~
- 313 (ii) ~~actual driving time[;];~~
- 314 (iii) ~~[ten]10 minute post-trip inspection and bus cleanup[;]; and~~

315 (iv) 10 minute bus servicing and fueling;  
316 [B.](4) [Only a] a proportionate amount of a superintendent's or supervisor's  
317 employee benefits (health, accident, life insurance)[~~may be paid from the school~~  
318 ~~district's transportation fund~~];  
319 [C.](5) [P]purchased property services;  
320 [D.](6) [P]property, comprehensive, and liability insurance;  
321 [E.](7) [C]communication expenses and travel for supervisors to workshops  
322 or[~~the~~] national conventions;  
323 [F.](8) [S]supplies and materials for vehicles, the school district transportation  
324 office and the garage;  
325 [G. ~~Depreciation: The USOE shall provide an annual formula for school bus~~  
326 ~~depreciation;~~]  
327 [H.](9) [F]training expenses to complete bus driver instruction and certification  
328 required by the Board; and  
329 [I.](10) [O]other related costs approved by the [USOE]Superintendent, which  
330 may include additional bus driver training.

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

332 [A.](1) AFR for all pupil transportation costs [~~shall~~]may only include pupil  
333 transportation costs and other school district expenditures directly related to pupil  
334 transportation.

335 [B.](2) In determining expenditures for eligible to and from school  
336 transportation, all related costs shall be reduced on a pro rata basis for the miles not  
337 connected with approved costs.

338 [C.](3) Expenses determined by the [USOE]Superintendent as not directly  
339 related to transportation of eligible students to and from school [~~shall~~]may not be  
340 reimburs[~~able~~]ed.

341 [D.](4)(a) A [L]local school board[s] may determine appropriate non-school  
342 uses of school buses.

343 (b) A [L]local school board[s] may lease[~~f~~] or rent public school buses to:

344 (i) federal, state, county, or municipal entities;[~~and those~~]

345 (ii) entities insured by State Risk Management[~~or to~~];

346 (iii) non-government entities; or ~~to those~~  
 347 (iv) entities not insured through State Risk Management.  
 348 (c) ~~[In making these determinations, local boards]~~ As part of any agreement  
 349 to allow non-school use of a school bus, a local school board shall:  
 350 (~~1~~)i) require full cost reimbursement for any non-public school use including:  
 351 (~~a~~)A) cost per mile;  
 352 (~~b~~)B) cost per minute; and  
 353 (~~e~~)C) bus depreciation; ~~[-]~~  
 354 (~~2~~)ii) require ~~[documentation from the]~~ a non-school user to provide:  
 355 (A) proof of insurance through State Risk Management or private insurance  
 356 coverage; and  
 357 (B) a fully executed agreement for full release of indemnification;  
 358 (~~3~~)iii) require that any non-school use is revenue neutral; and  
 359 (~~4~~)iv) consult with State Risk Management to determine adequacy of  
 360 documentation of insurance and indemnity for any entity requesting use or rental of  
 361 publicly owned school buses.  
 362 ~~[E.]~~(5) ~~[If a]~~A local school board shall approve~~[s]~~ the use of school buses by  
 363 a non-governmental entity or an entity not insured through State Risk Management~~[-~~  
 364 that use shall be approved] in an open~~[board]~~ meeting.  
 365 ~~[F.]~~(6)(a) In the event of an emergency, local, regional, state or federal  
 366 authorities may request the use of school buses or school bus drivers or both for the  
 367 period of the emergency.  
 368 (b) ~~[The]~~A local school board shall grant ~~[the]~~a request under Subsection (a)  
 369 so long as the use can be accommodated consistent with continuing student  
 370 transportation and student safety requirements.

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

372 ~~[A.]~~(1) Costs for school district transportation of students which are not  
 373 reimbursable may be paid for from general school district funds or from the proceeds  
 374 of the Board Local Levy authorized under Section 53A-17a-164.

375 ~~[B.]~~(2) The revenue from the Board Local Levy may be used for transporting  
 376 students and for ~~[the]~~school bus replacement~~[of school buses]~~.

377 ~~[E-]~~(3)(a) A local school board may approve the transportation of students in  
378 areas where walking constitutes a hazardous condition from general local school  
379 board funds or from the Board Local Levy.

380 ~~([1]b)~~ A local school board shall determine h[H]azardous walking conditions[  
381 shall be determined] by an analysis[~~by the local board~~] of the following factors:

382 ~~([a]i)~~ volume, type, and speed of vehicular traffic;

383 ~~([b]ii)~~ age and condition of students traversing the area;

384 ~~([c]iii)~~ condition of the roadway, sidewalks and applicable means of access in  
385 the area; and

386 ~~([d]iv)~~ environmental conditions.

387 ~~([2]c)~~ A local school board may designate hazardous conditions.

388 ~~[D-]~~(4) Guarantee Transportation Levy

389 ~~([1]a)~~ The Superintendent shall distribute [Appropriated] funds appropriated  
390 under Subsection 53A-17a-127(7)[~~shall be distributed~~] according to each school  
391 district's proportional share of its qualifying state contribution.

392 ~~([2]b)~~ The qualifying state contribution for school districts shall be the  
393 difference between 85 percent of the average state cost per qualifying mile multiplied  
394 by the number of qualifying miles and the current funds raised per school district by  
395 an amount of revenue equal to at least .0002 per dollar of taxable value of the  
396 school district's Board Local Levy under Section 53A-17a-164.

397 **R277-600-11. Exceptions.**

398 ~~[A-]~~(1)(a) When undue hardships and inequities are created through exact  
399 application of these standards, a school district[s] may request an exception to these  
400 rules from the~~[State]~~ Superintendent ~~[on]~~for individual cases.

401 ~~(b)~~ ~~[Such h]~~Hardships or inequities under Subsection (1)(a) may include  
402 written evidence demonstrating that no significant increased costs (less than one  
403 percent of a school district's transportation budget) is incurred due to a waiver or that  
404 students cannot be provided services consistent with the law due to transportation  
405 exigencies.

406 ~~(c)~~ ~~The[State]~~ Superintendent may consult with the Pupil Transportation  
407 Advisory Committee~~[, designated in Section 53A-17a-127(5),]~~ in considering the

408 exemption.

409 ~~[B(4)](2) [a]~~ A school district shall not be penalized in the computation of its  
410 state allocation for the presence on an approved to and from school route of an  
411 ineligible student who does not create an appreciable increase in the cost of the  
412 route.~~;~~

413 ~~(2)3~~ ~~[t]~~ There is an appreciable increase in cost under Subsection (2) if,  
414 because of the presence of ineligible students, any of the following occurs:

415 (a) another route is required;

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

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

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

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

421 ~~(3)4~~(a) An ineligible student[s] may ride a school buse[s] on a space  
422 available basis.

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

425 **R277-600-12. Grants for Unsafe Routes.**

426 (1) The Board shall solicit proposals and award grants for unsafe routes as  
427 provided in Section 53A-17a-126.5.

428 (2) Subject to Board approval, the Pupil Transportation Advisory Committee  
429 shall:

430 (a) develop an application and instructions regarding the process for applying  
431 for a grant and make the application available to all school districts in the state; and

432 (b) develop a scoring rubric to be used in ranking applications received for  
433 purposes of funding prioritization and distribute the rubric to all school districts in the  
434 state.

435 (3) The Pupil Transportation Advisory Committee may recommend  
436 modifications to the application and rubric developed under Subsection (2) as  
437 needed to address evolving risks and appropriations.

438 (4) The Superintendent shall use the following process to calculate grant

439 awards:

440 (a)(i) multiply the miles traveled for the unsafe route or sub-route by the  
441 allowance per mile;

442 (ii) multiply the minutes required for the unsafe route or sub-route by the  
443 allowance per minute;

444 (iii) the allowances per mile and minute used shall be the same allowances  
445 described in Subsection 53A-17a-127(3) for the respective fiscal year for each  
446 district; or

447 (b) Follow an alternative funding method recommended by the Pupil  
448 Transportation Advisory Committee and approved by the Board based on grant  
449 applications received from school districts.

450 (5) A school district may identify an alternative solution that addresses unsafe  
451 routes or other health or safety conditions and is more cost-effective than creating  
452 a new route or sub-route.

453 (6) A school district may use grant funds under this Section R277-600-12 to  
454 pay the costs of transporting students or for other related expenditures intended to  
455 reduce the hazards that exist along the unsafe route, as approved by the Board.

456 (7) A recipient of grant funds under this Section R277-600-12 shall maintain  
457 sufficient records to substantiate expenditure of grant funds and provide  
458 documentation to the Board upon request.

459 **KEY: school buses, school transportation**

460 **Date of Enactment or Last Substantive Amendment: ~~[May 16, 2013]~~2016**

461 **Notice of Continuation: ~~[March 12, 2013]~~2016**

462 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(d);**  
463 **53A-17a-126, 126.5, and 127; 53A-1-401**