

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]~~ 417, 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) "Annual Program Report" or "APR" has the same meaning as defined in Section  
23 R277-484-2.

24 ~~[(4)5]~~(a) "Approved costs" means the Board approved costs of transporting eligible  
25 students from home to school to home once each day, after-school routes, approved routes  
26 for students with disabilities and vocational students attending school outside their regularly  
27 assigned attendance boundary, and a portion of the bus purchase prices.

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

30 ([5]6) "Deadhead miles" means miles traveled while operating a bus with no  
31 passengers on board.

32 ([6]7) "Extended school year" or "ESY" means an extension of the school district or  
33 charter school traditional school year to provide special education and related services to  
34 a student with a disability, in accordance with the student's IEP, and at no cost to the  
35 student's parent[s].

36 ([7]8) "Hazardous" means in a state of danger or potential danger, which may result  
37 in injury or death.

38 ([8]9) "Local school board" means a local school district board of education.

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

42 (11) "Public route" means a road, thoroughfare, walkway, or highway.

43 (1[0]2) "Pupil Transportation Advisory Committee" means the committee described  
44 in Subsection 53F-2-403(5).

45 (13) "Pupil Transportation Schedule A1" means a report submitted annually to the  
46 Superintendent covering all estimated miles and minutes of to/from pupil transportation  
47 within an LEA.

48 (1[4]4) "Out-of-pocket expense" means gasoline, oil, and tire expenses.

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

### 50 **R277-600-3. General Provisions.**

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

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

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

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

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

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

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

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

65 (b) accounting for legislative appropriation variations.

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

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

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

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

75 **R277-600-4. Eligibility.**

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

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

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

85 (4) A student who attends school for at least one-half day at a location other than

86 the local school board designated school is not eligible for transportation for distances up  
87 to one and one-half miles.

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

93 (6) The distance from home to school is determined as follows: From the center of  
94 the public route [~~(road, thoroughfare, walkway, or highway)~~] open to public use, opposite  
95 the regular entrance [~~of the one~~] where the pupil is living, over the nearest public route  
96 [~~(thoroughfare, road, walkway, or highway)~~] open regularly for use by the public, to the  
97 center of the public route [~~(thoroughfare, road, walkway, or highway)~~] open to public use,  
98 opposite the nearest public entrance to the school grounds which the student is attending.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

131 (3) A bus route shall:

132 (a) traverse the most direct public ~~[route]~~ road;

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

134 (c) provide adequate safety for students;

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

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

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

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

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

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

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

147 (b) A parent with a student ~~[with]~~ that has a disability is responsible for the student's  
148 own transportation to bus stops unless the IEP team determines otherwise.

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

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

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

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

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

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

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

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

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

168 (b) Building construction alternatives include:

169 (i) elementary double sessions;

170 (ii) year-round school; and

171 (iii) attendance across school district boundaries.

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

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

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

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

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

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

186 (i) the routes are necessary;

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

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

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

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

193 (2) Approved alternatives include the alternatives described in Subsections (3)  
194 through (9).

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

197 (b) The costs incurred in paying a parent of an eligible student~~[s]~~ an allowance in  
198 lieu of school district-supplied transportation are approved costs.

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

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

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

208 (6)(a) A district shall make a student mileage allowance under this Section R277-  
209 600-7 to only one student per family for each trip that is necessary for all the students  
210 within a family to attend school.

211 (b) If siblings are on a different school schedule~~[s]~~ or ride buses that are on  
212 significantly different schedules, ~~[multiple students within]~~ a parent~~[family]~~ may claim and  
213 be paid for student mileage allowances for multiple students.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

249 (a) eligible student counts;

250 (b) bus route mileage;

251 (c) bus route minutes; and

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

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

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

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

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

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

264 (2) a school district may claim a percentage of the school district superintendent's  
265 or other supervisor's salary for reimbursement if the school district's eligibility count is less  
266 than 600 and a verifiable record of administrative time spent in the transportation operation  
267 is maintained; and

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

269 (i) 10 minute pre-trip inspection;

270 (ii) actual driving time;

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

272 (iv) 10 minute bus servicing and fueling;

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

275 (5) purchased property services;

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

277 (7) communication expenses and travel for supervisors to workshops or national  
278 conventions;

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

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

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

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

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

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

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

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

295 (b) A local school board may lease or rent public school buses to:

296 (i) federal, state, county, or municipal entities;

297 (ii) entities insured by State Risk Management;

298 (iii) non-government entities; or

299 (iv) entities not insured through State Risk Management.

300 (c) As part of any agreement to allow non-school use of a school bus, a local school  
301 board shall:

302 (i) require full cost reimbursement for any non-public school use including:

303 (A) cost per mile;

304 (B) cost per minute; and

305 (C) bus depreciation;

306 (ii) require a non-school user to provide:

307 (A) proof of insurance through State Risk Management or private insurance  
308 coverage; and

309 (B) a fully executed agreement for full release of indemnification;

310 (iii) require that any non-school use is revenue neutral; and

311 (iv) consult with State Risk Management to determine adequacy of documentation  
312 of insurance and indemnity for any entity requesting use or rental of publicly owned school  
313 buses.

314 (5) A local school board shall approve the use of school buses by a non-  
315 governmental entity or an entity not insured through State Risk Management in an open  
316 meeting.

317 (6)(a) In the event of an emergency, local, regional, state or federal authorities may  
318 request the use of school buses or school bus drivers or both for the period of the  
319 emergency.

320 (b) A local school board shall grant a request under Subsection (a) so long as the  
321 use can be accommodated consistent with continuing student transportation and student  
322 safety requirements.

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

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

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

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

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

- 334 (i) volume, type, and speed of vehicular traffic;
- 335 (ii) age and condition of students traversing the area;
- 336 (iii) condition of the roadway, sidewalks and applicable means of access in the area;

337 and

- 338 (iv) environmental conditions.

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

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

341 ~~——(a) The Superintendent shall distribute funds appropriated under Subsection 53F-2-~~  
342 ~~403(7) according to each school district's proportional share of its qualifying state~~  
343 ~~contribution.~~

344 ~~——(b) The qualifying state contribution for school districts shall be the difference~~  
345 ~~between 85 percent of the average state cost per qualifying mile multiplied by the number~~

346 of qualifying miles and the current funds raised per school district by an amount of revenue  
347 equal to at least .0002 per dollar of taxable value of the school district's Board Local Levy  
348 under Section 53F-2-602.]

349 **R277-600-11. Exceptions.**

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

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

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

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

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

364 (a) another route is required;

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

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

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

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

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

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

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

374 (1) The Superintendent shall annually determine which LEAs are eligible for rural  
375 school transportation reimbursement using the criteria described in Subsection 53F-5-  
376 211(1)(a).

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

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

379 (b) the prior year's transportation data submitted in accordance with Section R277-  
380 484-3.

381 (3) By November 1 annually, the Superintendent shall notify an LEA that the LEA  
382 may seek reimbursement.

383 (4) An LEA eligible for reimbursement shall:

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

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

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

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

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

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

396 (i) eligible routes; and

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

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

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

403 (7) An LEA shall permit the Superintendent to review accounting ledgers, student

404 records, and transportation records upon request in order to determine:

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

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

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

408 (1) The Superintendent shall annually determine which school districts are eligible for  
409 the rural school district transportation grant program using the criteria described in Subsection  
410 53F-2-417(2).

411 (2) The Superintendent shall measure school district eligibility based on:

412 (a) the prior year's transportation data submitted in accordance with Section R277-484-  
413 3; and

414 (b) the most recent county classification.

415 (3)(a) By November 1 annually, the Superintendent shall notify a school district that  
416 the school district may apply for a grant and the amount of available grant funds based on the  
417 prior-year eligible miles for unreimbursed costs associated with activities described in 53F-2-  
418 417(3).

419 (b) The Superintendent shall prorate an eligible school district's award amount up to  
420 the amount of the appropriation.

421 (4) A school district eligible for the grant program shall:

422 (a) provide assurance within the school district's application that matching funds from  
423 the school district's board local levy will be utilized for the purposes outlined in Subsection  
424 53F-2-417(1); and

425 (b) report revenue from the board local levy and related expenditures for the grant  
426 program in the school district's Annual Program Report for that specific fiscal year.

427 (5)(a) The Superintendent shall process the grant award in the state's grants  
428 management system

429 (b) The Superintendent shall allocate funds to eligible school districts once a year.

430 (6) A school district shall permit the Superintendent to review accounting ledgers,  
431 student records, and transportation records upon request in order to determine:

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

433           (b) allowability of an LEA's submitted program costs.  
434           (7) If a school district does not comply with the requirements of the grant program,  
435 the Superintendent may impose corrective action in accordance with Rule R277-114.

436

437 **KEY: school buses, school transportation**  
438 **Date of Enactment or Last Substantive Amendment:**  
439 **Notice of Continuation: September 15, 2016**  
440 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-501(1)(d);**  
441 **53E-3-401(4), 53F-2-41[2]7, and 53F-2-403**