

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;

11 (d) Section [53F-2-417](#), which directs the Board to make rules to implement rural
12 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

18 **R277-600-2. Definitions.**

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

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

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

23 (4) "Annual Program Report" or "APR" has the same meaning as defined in
24 Section [R277-484-2](#).

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

29 (b) All approved costs are adjusted by the Superintendent consistent with a

30 Board-approved formula per the annual legislative transportation appropriation.

31 (6) "Deadhead miles" means miles traveled while operating a bus with no
32 passengers on board.

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

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

39 (9) "Local school board" means a local school district board of education.

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

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

44 (12) "Pupil Transportation Advisory Committee" means the committee described
45 in Subsection [53F-2-403](#)(5).

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

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

50

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

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

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

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

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

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

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

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

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

67 (b) accounting for legislative appropriation variations.

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

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

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

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

77

78 **R277-600-4. Eligibility.**

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

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

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

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

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

96 (6) The distance from home to school is determined as follows: From the center
97 of the public route open to public use, opposite the regular entrance where the pupil is
98 living, over the nearest public route open regularly for use by the public, to the center of
99 the public route open to public use, opposite the nearest public entrance to the school
100 grounds which the student is attending.

101

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

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

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

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

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

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

CONTINUATION

April 16, 2021

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

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

122

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

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

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

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

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

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

135 (3) A bus route shall:

136 (a) traverse the most direct public road;

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

138 (c) provide adequate safety for students;

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

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

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

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

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

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

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

151 (b) A parent or guardian with a student that has a disability is responsible for the
152 student's own transportation to bus stops unless the IEP team determines otherwise.

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

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

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

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

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

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

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

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

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

172 (b) Building construction alternatives include:

173 (i) elementary double sessions;

174 (ii) year-round school; and

- 175 (iii) attendance across school district boundaries.
- 176 (11)(a) A school district may use local transportation funds to transport students
177 across state lines or out-of-state for school sponsored activities or required field trips if:
- 178 (i) the local school board has a policy that includes approval of trips at the
179 appropriate administrative level;
- 180 (ii) the school or school district has considered the purpose of the trip or activity
181 and any competing risk or liability;
- 182 (iii) given the distance, purpose and length of the trip, the school district has
183 determined that the use of a publicly owned school bus is appropriate for the trip or
184 activity; and
- 185 (iv) the local school board has consulted with State Risk Management.
- 186 (b) If school bus routes transport students across Utah state lines or outside of
187 Utah for required to and from routes, routes are reimbursable providing a school district
188 maintains documentation that:
- 189 (i) the routes are necessary;
- 190 (ii) the routes are more cost-effective; or
- 191 (iii) the routes provide greater safety for students than in-state routes.

192

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

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

197 (2) Approved alternatives include the alternatives described in Subsections (3)
198 through (9).

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

201 (b) The costs incurred in paying a parent or guardian of an eligible student an
202 allowance in lieu of school district-supplied transportation are approved costs.

203 (4)(a) A parent or guardian of a student may be reimbursed for the mileage to the

204 bus stop or school, whichever is closer to the student's home.

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

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

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

215 (b) If siblings are on different school schedule or ride buses that are on
216 significantly different schedules, a parent or guardian may claim and be paid for student
217 mileage allowances for multiple students.

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

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

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

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

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

232 (ii) payment may not exceed the Substitute Care Rate for Family Services for the

233 current fiscal year;

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

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

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

240 (ii) A parent or guardian's primary residence during the school year is the
241 residence of the child.

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

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

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

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

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

254 (a) eligible student counts;

255 (b) bus route mileage;

256 (c) bus route minutes; and

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

258

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

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

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

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

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

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

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

276 (i) 10 minute pre-trip inspection;

277 (ii) actual driving time;

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

279 (iv) 10 minute bus servicing and fueling;

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

282 (5) purchased property services;

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

284 (7) communication expenses and travel for supervisors to workshops or national
285 conventions;

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

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

290 (10) other related costs approved by the Superintendent, which may include

291 additional bus driver training.

292

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

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

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

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

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

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

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

305 (ii) entities insured by State Risk Management;

306 (iii) non-government entities; or

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

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

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

311 (A) cost per mile;

312 (B) cost per minute; and

313 (C) bus depreciation;

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

315 (A) proof of insurance through State Risk Management or private insurance
316 coverage; and

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

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

319 (iv) consult with State Risk Management to determine adequacy of documentation

320 of insurance and indemnity for any entity requesting use or rental of publicly owned school
321 buses.

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

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

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

331

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

333 (1) Costs for school district transportation of students which are not reimbursable
334 may be paid for from general school district funds or from the proceeds of the Board Local
335 Levy authorized under Section [53F-8-302](#).

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

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

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

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

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

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

347 (iv) environmental conditions.

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

349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374

R277-600-11. Exceptions.

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

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

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

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

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

- (a) another route is required;
- (b) a larger or additional bus is required;
- (c) a route's mileage is increased;
- (d) the number of pick-up points below the mileage limits for eligible students exceeds one; and
- (e) significant additional time is required to complete a route.

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

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

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

(1) The Superintendent shall annually determine which LEAs are eligible for rural school transportation reimbursement using the criteria described in Subsection [53F-2-520](#)

- 378 (2) The Superintendent shall measure eligibility based on:
- 379 (a) the most recent October 1 UTREx submission; and
- 380 (b) the prior year's transportation data submitted in accordance with Section
- 381 R277-484-3.
- 382 (3) By November 1 annually, the Superintendent shall notify an LEA that the LEA
- 383 may seek reimbursement.
- 384 (4) An LEA eligible for reimbursement shall:
- 385 (a) provide evidence to the Superintendent in the first year of the LEA's eligibility
- 386 that the LEA has provided transportation to and from the school for the past five years;
- 387 (b) submit to the Superintendent in the first year of the LEA's eligibility the LEA's
- 388 current year pupil transportation Schedule A1 by December 30; and
- 389 (c) in subsequent years of eligibility, submit all transportation reports in
- 390 accordance with Section [R277-484-3](#).
- 391 (5) Submission of the pupil transportation Schedule A1 shall constitute an annual
- 392 application and request for reimbursement by an LEA with an eligible school.
- 393 (6)(a) The Superintendent shall calculate and process reimbursements to LEAs
- 394 once a year.
- 395 (b) The Superintendent shall determine allowable costs eligible for reimbursement
- 396 taking into account:
- 397 (i) eligible routes; and
- 398 (ii) eligible miles and minutes as reported on the pupil transportation Schedule A1.
- 399 (c) The Superintendent shall reimburse an LEA based on the LEA's percentage of
- 400 total unreimbursed eligible costs submitted.
- 401 (d) If the annual appropriation is insufficient to fund all submitted eligible cost
- 402 payments, the Superintendent shall prorate the reimbursement up to the amount of the
- 403 appropriation.
- 404 (7) An LEA shall permit the Superintendent to review accounting ledgers, student
- 405 records, and transportation records upon request in order to determine:
- 406 (a) a school's eligibility in accordance with Subsection (1); and

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

408

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

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

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

414 (a) the prior year's transportation data submitted in accordance with Section
415 [R277-484](#)-3; and

416 (b) the most recent county classification.

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

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

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

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

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

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

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

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

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

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

CONTINUATION

April 16, 2021

436 (7) If a school district does not comply with the requirements of the grant program,
437 the Superintendent may impose corrective action in accordance with Rule [R277-114](#).

438

439 **KEY: school buses, school transportation**

440 **Date of Enactment or Last Substantive Amendment: August 19, 2019**

441 **Notice of Continuation: September 15, 2016**

442 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-501\(1\)\(d\)](#);**

443 **[53E-3-401\(4\)](#); [53F-2-415](#); [53F-2-403](#)**