

SENATE BILL NO. 112

INTRODUCED BY

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BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT REIMBURSING A SCHOOL DISTRICT FOR PUPIL TRANSPORTATION COSTS BASED ON A WEIGHTED RIDERSHIP SYSTEM; ESTABLISHING A PASSENGER COUNT FOR HIGH SCHOOL TRANSPORTATION PROGRAMS; CLARIFYING THAT A K-12 SCHOOL DISTRICT HAS TWO REPRESENTATIVES ON THE COUNTY TRANSPORTATION COMMITTEE; ESTABLISHING CRITERIA FOR THE REVIEW OF A BUS ROUTE BY THE COUNTY TRANSPORTATION COMMITTEE; LIMITING STATE AND COUNTY REIMBURSEMENT FOR AN INDIVIDUAL TRANSPORTATION CONTRACT; INCREASING THE PER DIEM RATE FOR ROOM AND BOARD FOR AN ELIGIBLE TRANSPORTEE; AMENDING SECTIONS 20-10-101, 20-10-103, 20-10-131, 20-10-132, 20-10-141, AND 20-10-142, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-10-101, MCA, is amended to read:

"20-10-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Bus route" means a route approved by the board of trustees of a school district and by the county transportation committee.

(2) "Eligible transportee" means a public school pupil who:

(a) is 5 years of age or older and has not ~~attained his 21st birthday~~ reached the age of 21 on or before September 10 of the current school year or who is a preschool child with disabilities between the ages of 3 and 6;

(b) is a resident of the state of Montana;

(c) regardless of district and county boundaries;

(i) resides at least 3 miles, over the shortest practical route, from the nearest operating public elementary school or public high school, whichever the case may be; or

(ii) has transportation identified as a related service in an individualized education program as

1 developed and implemented in accordance with the Individual With Disabilities Education Act, 20 U.S.C.
 2 1400, et seq.; and

3 (d) is considered to reside with ~~his~~ a parent or guardian who maintains legal residence within the
 4 boundaries of the district furnishing the transportation regardless of where the eligible transportee actually
 5 lives when attending school.

6 (3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus
 7 bench seat allocated for one passenger.

8 ~~(2)(4)~~ (a) ~~A "school~~ "School bus" means, except as provided in subsection ~~(2)(b)~~ (4)(b), any motor
 9 vehicle that:

10 (i) complies with the bus standards established by the board of public education as verified by the
 11 ~~Montana~~ department of justice's semiannual inspection of school buses and the superintendent of public
 12 instruction; and

13 (ii) is owned by a district or other public agency and operated for the transportation of pupils to or
 14 from school or owned by a carrier under contract with a district or public agency to provide transportation
 15 of pupils to or from school.

16 (b) A school bus does not include a vehicle that is:

17 (i) privately owned and not operated for compensation under this title;

18 (ii) privately owned and operated for reimbursement under 20-10-142;

19 (iii) either district-owned or privately owned, designed to carry not more than nine passengers, and
 20 used to transport pupils to or from activity events or to transport pupils to their homes in case of illness
 21 or other emergency situations; or

22 (iv) an over-the-road passenger coach used only to transport pupils to activity events.

23 ~~(3)(5)~~ "Transportation" means:

24 (a) a district's conveyance of a pupil by a school bus between ~~his~~ the pupil's legal residence or an
 25 officially designated bus stop and the school designated by the trustees for ~~his~~ the pupil's attendance; or

26 (b) "individual transportation" ~~whereby~~ by which a district is relieved of actually conveying a pupil.
 27 Individual transportation may include paying the parent or guardian for conveying the pupil, reimbursing the
 28 parent or guardian for the pupil's board and room, or providing supervised correspondence study or
 29 supervised home study.

30 (6) "Transportation service area" means the geographic area of responsibility for school bus

1 transportation for each district that operates a school bus transportation program.

2 (7) "Weighted ridership" means the sum of the passenger points assigned to the eligible
 3 transportees who are transported on a bus route."

4
 5 **Section 2.** Section 20-10-103, MCA, is amended to read:

6 **"20-10-103. School bus driver qualifications.** Any A driver of a school bus is qualified to drive a
 7 school bus if the driver:

8 (1) is not less than 18 years of age;

9 (2) is of good moral character;

10 (3) is the holder of a commercial driver's license;

11 (4) has filed with the district a satisfactory medical examination report, on a form approved by the
 12 United States department of transportation ~~or by the superintendent of public instruction~~, signed by any
 13 physician licensed in the United States or, if acceptable to an insurance carrier, any licensed physician;

14 (5) has completed a basic first aid course and holds a valid basic first aid certificate from an
 15 authorized instructor. The issuance of the certificate is governed by rules established by the superintendent
 16 of public instruction, provided that the rules may suspend this requirement for a reasonable period of time
 17 if there has been an inadequate opportunity for securing the basic first aid course and certificate.

18 (6) has complied with any other qualifications established by the board of public education; and

19 (7) has filed with the county superintendent a certificate from the trustees of the district for which
 20 the school bus is to be driven, certifying compliance with the driver qualifications enumerated in this
 21 section."

22

23 **Section 3.** Section 20-10-131, MCA, is amended to read:

24 **"20-10-131. County transportation committee membership.** (1) To coordinate the orderly provision
 25 of a uniform transportation program within a county ~~under the transportation law, board of public education~~
 26 ~~transportation policies, and the transportation rules of the superintendent of public instruction~~, there shall
 27 must be a county transportation committee created in each county of the state of Montana. The
 28 membership of the ~~county transportation~~ committee ~~shall be~~ consists of:

29 (a) the county superintendent;

30 (b) the ~~chairman~~ presiding officer of the board of county commissioners or a member of ~~such the~~ the

1 board designated by the ~~chairman~~ presiding officer;

2 (c) except for a K-12 school district, a trustee or district employee designated by the trustees of
3 each high school district of the county;

4 (d) one representative from each high school district of the county who is a trustee of an
5 elementary district encompassed within the high school district and who has been selected at a meeting
6 of the trustees of ~~such~~ the elementary districts;

7 (e) two representatives of each K-12 school district of the county, each of whom is either a trustee
8 or a district employee designated by the trustees; and

9 ~~(e)(f)~~ a representative of a district of another county when the transportation services of ~~such a~~
10 the district are affected by the actions of the county transportation committee, but ~~such a~~ the
11 representative ~~shall have~~ has a voice only in matters affecting transportation within ~~such~~ the district or by
12 ~~such~~ the district.

13 (2) The county transportation committee ~~shall~~ must have at least five members, and if this
14 minimum membership cannot be realized in the manner prescribed in subsections (1)(a) through ~~(1)(d)~~ (1)(e)
15 ~~above~~, the county superintendent shall appoint a sufficient number of members to satisfy the minimum
16 membership requirement.

17 (3) The county superintendent ~~shall be~~ is the ~~chairman~~ presiding officer of the county
18 transportation committee, and a quorum ~~shall consist of~~ is a majority of the membership. A quorum must
19 be present for the committee to conduct business. The ~~county transportation~~ committee shall meet on the
20 call of the ~~chairman~~ presiding officer or any three members of ~~such~~ the committee."
21

22 **Section 4.** Section 20-10-132, MCA, is amended to read:

23 **"20-10-132. Duties of the county transportation committee.** (1) It ~~shall be~~ is the duty of the county
24 transportation committee to:

25 (a) establish the transportation service areas within the county, without regard to district boundary
26 lines, ~~which will define the geographic area of responsibility for school bus transportation~~ for each district
27 that operates a school bus transportation program;

28 (b) except as provided in subsection (2), approve, disapprove, or adjust the school bus ~~routing~~
29 routes submitted by the trustees of each district in conformity with the transportation service areas
30 established in subsection (1)(a);

1 (c) approve, disapprove, or adjust applications, approved by the trustees, for increased
2 reimbursements for individual transportation ~~due to~~ because of isolated conditions of the eligible
3 transportee's residence; and

4 (d) conduct hearings to establish the facts of transportation controversies ~~which~~ that have been
5 appealed from the decision of the trustees and act on ~~such~~ the appeals on the basis of the facts established
6 at ~~such~~ the hearing.

7 (2) In an emergency situation, a temporary bus route change may be approved by the county
8 superintendent. A bus route change approved by the county superintendent must be confirmed by the
9 county transportation committee within 30 days in order to be continued for a period longer than 30 days.

10 (3) When the county transportation committee reviews a request for a new bus route or a change
11 to an existing route, the committee shall consider the following:

12 (a) a map of the existing and proposed bus route;

13 (b) a description of turnarounds;

14 (c) conditions affecting safety;

15 (d) the total mileage and change in mileage of the affected bus route;

16 (e) the approximate total cost;

17 (f) reasons for the proposed bus route change;

18 (g) the number of children to be served;

19 (h) a copy of the official minutes of the meeting at which the school trustees approved the new bus
20 route or route change; and

21 (i) any other information that the county transportation committee considers relevant.

22 (4) When an application for increased reimbursement for individual transportation is presented to
23 the county transportation committee, it must include a signed individual transportation contract and a copy
24 of the official minutes of the meeting at which the trustees acted upon the request for increased
25 reimbursement.

26 ~~(2)(5)~~ (5) After a ~~fact finding~~ factfinding hearing and decision on a transportation controversy, the
27 trustees or a patron of the district may appeal ~~such~~ the decision to the superintendent of public instruction
28 who shall ~~render~~ issue a decision on the basis of the facts established at the county transportation
29 committee hearing.

30 ~~(3) The trustees of any district which objects to a particular school bus route or transportation~~

1 ~~service area to which it has been assigned may request a transfer to another school bus route or~~
2 ~~transportation service area. The county transportation committee may transfer the territory of such district~~
3 ~~to an adjacent district's transportation service area or approved school bus route with the consent of such~~
4 ~~adjacent district. When the qualified electors of the district object to the decision of the county~~
5 ~~transportation committee and the adjacent district is willing to provide school bus service, 20% of the~~
6 ~~qualified electors, as prescribed in 20-20-301, may petition the trustees to conduct an election on the~~
7 ~~proposition that the territory of such district be transferred for school bus transportation purposes to such~~
8 ~~consenting, adjacent district. When a satisfactory petition is presented to the trustees, the trustees shall~~
9 ~~call an election in accordance with 20-20-201 for the next ensuing regular school election day. Such~~
10 ~~election shall be conducted in accordance with the school election laws. If a majority of those voting at~~
11 ~~such election approve the transfer, it shall become effective on July 1 of the ensuing school fiscal year.~~

12 ~~(4) Unless a transfer of a district from one transportation service area or approved school bus route~~
13 ~~to another such area or route is approved by the county transportation committee and the superintendent~~
14 ~~of public instruction, the state transportation reimbursement shall be limited to the reimbursement amount~~
15 ~~for school bus transportation to the nearest operating public elementary school or public high school,~~
16 ~~whichever is appropriate for the affected pupils."~~

17

18 **Section 5.** Section 20-10-141, MCA, is amended to read:

19 **"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The following mileage
20 rates for school transportation constitute the maximum reimbursement to districts for school transportation
21 from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146.
22 These rates may not limit the amount that a district may budget in its transportation fund budget in order
23 to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal
24 year. All bus miles traveled on bus routes approved by the county transportation committee are
25 reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight
26 location of a school bus when the location is more than 10 miles from the school. A district may approve
27 additional bus or nonbus miles within its own district or approved service area but may not claim
28 reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under
29 the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified
30 driver on a bus route approved by the county transportation committee and the superintendent of public

1 instruction.

2 (2) The rate per bus mile traveled must be determined in accordance with the following schedule
3 when the ~~number of eligible transportees that board a school bus on an approved~~ weighted ridership
4 assigned to a bus route is not less than one-half of ~~its~~ the rated capacity of the school bus:

5 (a) 85 cents per bus mile for a school bus with a rated capacity of ~~not less than 12 but~~ not more
6 than 45 ~~children~~ passenger seating positions; and

7 (b) when the rated capacity is more than 45 ~~children~~ passenger seating positions, an additional
8 2.13 cents per bus mile for each additional ~~child~~ passenger seating position in the rated capacity in excess
9 of 45 must be added to a base rate of 85 cents per bus mile.

10 (3) Reimbursement for nonbus mileage provided for in subsection (1) may not exceed 50% of the
11 maximum reimbursement rate determined under subsection (2).

12 (4) When the ~~number of eligible transportees boarding a school bus on an approved~~ weighted
13 ridership assigned to a bus route is less than one-half of ~~its~~ the rated capacity of the school bus, the rate
14 per bus mile traveled must be computed as follows:

15 (a) determine the ~~number of eligible transportees that board the school bus on the~~ weighted
16 ridership assigned to the bus route;

17 (b) multiply the number determined in subsection (4)(a) by two ~~and round off to the nearest whole~~
18 ~~number~~; and

19 (c) use the adjusted rated capacity determined in subsection (4)(b) as the rated capacity of the bus
20 to determine the rate per bus mile traveled from the rate schedule in subsection (2).

21 (5) The rated capacity is the number of ~~riding~~ passenger seating positions of a school bus as
22 determined under the policy adopted by the board of public education. If modification of a school bus to
23 accommodate pupils with disabilities reduces the rated capacity of the bus, the reimbursement to a district
24 for pupil transportation is based on the rated capacity of the bus prior to modification.

25 (6) The number of pupils riding the school bus may not exceed the passenger seating positions of
26 the bus."

27

28 **Section 6.** Section 20-10-142, MCA, is amended to read:

29 "20-10-142. **Schedule of maximum reimbursement for individual transportation.** The following rates
30 for individual transportation constitute the maximum reimbursement to districts for individual transportation

1 from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146.
2 These rates constitute the limitation of the budgeted amounts for individual transportation for the ensuing
3 school fiscal year. The schedules provided in this section may not be altered by any authority other than
4 the legislature ~~of the state of Montana~~. When the trustees contract with the parent or guardian of any
5 eligible transportee to provide individual transportation for each day of school attendance, they shall
6 reimburse the parent or guardian for actual miles transported on the basis of the following schedule:

7 (1) When a parent or guardian transports an eligible transportee or transportees from the residence
8 of the parent or guardian to a school or to schools located within 3 miles of one another, the total
9 reimbursement per day of attendance is determined by multiplying the distance in miles between the
10 residence and the school, or the most distant school if more than one, by 2, subtracting 6 miles from the
11 product, and multiplying the difference by 21.25 cents, provided that:

12 (a) if two or more eligible transportees are transported by a parent or guardian to two or more
13 schools located within 3 miles of one another and if the schools are operated by different school districts,
14 the total amount of the reimbursement must be divided equally between the districts;

15 (b) if two or more eligible transportees are transported by a parent or guardian to two or more
16 schools located more than 3 miles from one another, the parent or guardian must be separately reimbursed
17 for transporting the eligible transportee or transportees to each school;

18 (c) if a parent transports two or more eligible transportees to a school and a bus stop that are
19 located within 3 miles of one another, the total reimbursement must be determined under the provisions
20 of this subsection and must be divided equally between the district operating the school and the district
21 operating the bus;

22 (d) if a parent transporting two or more eligible transportees to a school or bus stop must, because
23 of varying arrival and departure times, make more than one round-trip journey to the bus stop or school,
24 the total reimbursement allowed by this section is limited to one round trip per day for each scheduled
25 arrival or departure time;

26 (e) notwithstanding subsection (1)(a), (1)(b), (1)(c), or (1)(d), a reimbursement may not be less than
27 25 cents a day.

28 (2) When the parent or guardian transports an eligible transportee or transportees from the
29 residence to a bus stop of a bus route approved by the trustees for the transportation of the transportee
30 or transportees, the total reimbursement per day of attendance is determined by multiplying the distance

1 in miles between the residence and the bus stop by 2, subtracting 3 miles from the product, and multiplying
2 the difference by 21.25 cents, provided that:

3 (a) if the eligible transportees attend schools in different districts but ride on one bus, the districts
4 shall divide the total reimbursement equally; and

5 (b) if the parent or guardian is required to transport the eligible transportees to more than one bus,
6 the parent or guardian must be separately reimbursed for transportation to each bus.

7 (3) When, ~~due to~~ because of excessive distances, impassable roads, or other special circumstances
8 of isolation, the rates prescribed in subsection (1) or (2) would be an inadequate reimbursement for the
9 transportation costs or would result in a physical hardship for the eligible transportee, a parent or guardian
10 may request an increase in the reimbursement rate. A request for increased rates ~~due to~~ because of
11 isolation must be made by the parent or guardian on the contract for individual transportation for the
12 ensuing school fiscal year by indicating the special facts and circumstances that exist to justify the
13 increase. Before an increased rate ~~due to~~ because of isolation may be paid to the requesting parent or
14 guardian, the rate must be approved by the county transportation committee and the superintendent of
15 public instruction after the trustees have indicated their approval or disapproval. Regardless of the action
16 of the trustees and when approval is given by the ~~county transportation~~ committee and the superintendent
17 of public instruction, the trustees shall pay the increased rate ~~due to~~ because of isolation. The increased
18 rate is 1½ times the rate prescribed in subsection (1).

19 (4) The state and county transportation reimbursement for an individual transportation contract may
20 not exceed \$8 per day of attendance for the first eligible transportee and \$5 per day of attendance for each
21 additional eligible transportee.

22 ~~(4)(5)~~ When the isolated conditions of the household where an eligible transportee resides require
23 an eligible transportee to live away from the household in order to attend school, the eligible transportee
24 is eligible for the room and board reimbursement. Approval to receive the room and board reimbursement
25 must be obtained in the same manner prescribed in subsection (3). The per diem rate for room and board
26 is ~~\$5.34~~ \$8 for one eligible transportee and ~~\$3.19~~ \$5 for each additional eligible transportee of the same
27 household.

28 ~~(5)(6)~~ When the individual transportation provision is to be satisfied by supervised home study or
29 supervised correspondence study, the reimbursement rate is the cost of the study, provided that the course
30 of instruction is approved by the trustees and supervised by the district."

1 **NEW SECTION. Section 7. Establishment of transportation service areas.** (1) The territory of a
2 transportation service area is the territory of a school district unless the county transportation committee
3 approves alternative boundaries after determining that the adjustments will improve pupil safety,
4 transportation efficiency, or the cost-effectiveness of the pupil transportation system of the county.

5 (2) A district may not extend a bus route to transport pupils from outside its transportation service
6 area unless the district has a written agreement with the district that the county transportation committee
7 has assigned to transport the pupils.

8 (3) When the trustees of two or more districts enter into a written agreement to authorize
9 transportation services among transportation service areas, a copy of the agreement must be submitted to
10 the county superintendent and approved by the county transportation committee. Upon approval by the
11 ~~county transportation~~ committee, the transportation agreements are valid for the current school year.

12 (4) The trustees of any district who object to a particular bus route or transportation service area
13 to which the district has been assigned may request a transfer to another bus route or transportation
14 service area. The county transportation committee may transfer the territory of the district to an adjacent
15 transportation service area or approved bus route with the consent of the district providing transportation
16 in the adjacent transportation service area.

17 (5) If the qualified electors of the district object to the decision of the county transportation
18 committee and the adjacent district is willing to provide school bus service, 20% of the qualified electors,
19 as prescribed in 20-20-301, may petition the trustees to conduct an election on the proposition that the
20 territory of the district be transferred for pupil transportation purposes to the adjacent transportation service
21 area. If a satisfactory petition is presented to the trustees, the trustees shall call an election on the
22 proposition in accordance with 20-20-201 for the next ensuing regular school election day. The election
23 must be conducted in accordance with the school election laws. If a majority of those voting at the election
24 approve the transfer, the transfer is effective on July 1 of the ensuing school fiscal year.

25 (6) Unless a transfer of territory from one transportation service area or approved bus route to
26 another area or bus route is approved by the superintendent of public instruction and the county
27 transportation committee, the state transportation reimbursement is limited to the reimbursement amount
28 for pupil transportation to the nearest operating public elementary school or public high school, whichever
29 is appropriate for the affected pupils.

30

1 **NEW SECTION. Section 8. Assignment of passenger points.**

2 Passenger points must be assigned to each eligible transportee on a bus route as follows:

- 3 (1) 1 point for each elementary pupil not described in subsection (3) or (4);
- 4 (2) 1.5 points for each high school pupil not described in subsection (3) or (4);
- 5 (3) 3 points for pupils described in 20-10-101(2)(c)(ii) who do not use a wheelchair; and
- 6 (4) for pupils using a wheelchair:
- 7 (a) 12 points for the first pupil using a wheelchair;
- 8 (b) 9 points for the second pupil using a wheelchair; and
- 9 (c) 6 points for each additional pupil using a wheelchair.

10

11 **NEW SECTION. Section 9. Passenger count required for high school programs.** (1) Each school

12 district shall conduct a passenger count of the eligible transportees in the high school program who ride

13 a school bus on the morning bus route for 5 consecutive school days beginning on the first Monday after

14 November 14. Eligible transportees who ride at least once in the 5-day period must be included in the

15 count. The passenger count must be used to determine the weighted ridership of the bus route for

16 reimbursement purposes.

17 (2) The district shall send the passenger count to the superintendent of public instruction, on forms

18 provided by the superintendent, on or before December 10. The district shall provide a copy of the

19 passenger count to the county superintendent.

20

21 **NEW SECTION. Section 10. Codification instruction.** [Sections 7 through 9] are intended to be

22 codified as an integral part of Title 20, chapter 10, part 1, and the provisions of Title 20, chapter 10, part

23 1, apply to [sections 7 through 9].

24

25 **NEW SECTION. Section 11. Effective date.** [This act] is effective July 1, 1995.

26 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0112, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act reimbursing a school district for pupil transportation costs based on a weighted ridership system; establishing a passenger count for high school transportation programs; clarifying that a K-12 school district has two representatives on the county transportation committee; establishing criteria for the review of a bus route by the county transportation committee; limiting state and county reimbursement for an individual transportation contract; increasing the per diem rate for room and board for an eligible transportee;

ASSUMPTIONS:

1. The increased costs associated with assigning high school students 1.5 passenger points will be offset by the reduction in costs associated with counting high school ridership and providing funding based upon actual ridership (as opposed to eligible ridership.)
2. A bus that is carrying one special education student will no longer be automatically designated as full and therefore eligible for the maximum transportation reimbursement. Each special education student will be assigned "weighted ridership" passenger points (the number of points is determined based on whether the student has special transportation needs) as will every other student assigned to the bus route. This statutory change is anticipated to reduce state and counties transportation reimbursement costs by \$204,000 annually.
3. Increasing the room and board rate for students to \$8 per day for the first eligible pupil in a family and \$5 per day for each additional pupil will increase state and county reimbursements by \$27,250 annually. This increased cost will be split 50/50 between the state and the counties.
4. Capping the state and county reimbursement rate for individual transportation contracts at the rate for room and board contracts (\$8/day for the first eligible transportee and \$5 for each additional transportee in a family) will save the state and counties \$17,150 annually. This cost savings will be split 50/50 between the state and counties.
5. The net savings that result from this bill will result in state general fund savings by reducing state transportation reimbursement costs.

FISCAL IMPACT:

Expenditures: The state transportation reimbursement will be reduced by \$97,100 annually.

Revenues: No impact on revenues.

David Lewis 1-19-95
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Barry Stang 1-19-95
BARRY STANG, PRIMARY SPONSOR DATE

Fiscal Note for SB0112, as introduced

SB 112

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County transportation reimbursement costs will be reduced by \$97,100 as a result of this legislation.

For districts that are running full or nearly-full school buses, this legislation will have no impact on the district transportation funding. For districts that are running buses that are currently less than half-full, it may allow these buses increased state and county reimbursement. Local property taxes may increase if districts cannot or do not make their transportation services more efficient in response to this bill.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Eligible transportees will generate state and county transportation reimbursements based on their need for transportation services. Special education students will generate state funding based on their need for special transportation services (i.e. depending on whether the pupil uses a wheelchair). The state will no longer pay districts the maximum reimbursement rate when only one special education student rides the school bus.

TECHNICAL NOTES:

1 SENATE BILL NO. 112

2 INTRODUCED BY STANG

3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION
4

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6 TRANSPORTATION COSTS BASED ON A WEIGHTED RIDERSHIP SYSTEM; ESTABLISHING A PASSENGER
7 COUNT FOR HIGH SCHOOL TRANSPORTATION PROGRAMS; CLARIFYING THAT A K-12 SCHOOL
8 DISTRICT HAS TWO REPRESENTATIVES ON THE COUNTY TRANSPORTATION COMMITTEE;
9 ESTABLISHING CRITERIA FOR THE REVIEW OF A BUS ROUTE BY THE COUNTY TRANSPORTATION
10 COMMITTEE; LIMITING STATE AND COUNTY REIMBURSEMENT FOR AN INDIVIDUAL TRANSPORTATION
11 CONTRACT; INCREASING THE PER DIEM RATE FOR ROOM AND BOARD FOR AN ELIGIBLE
12 TRANSPORTEE; AMENDING SECTIONS 20-10-101, 20-10-103, 20-10-131, 20-10-132, 20-10-141, AND
13 20-10-142, MCA; AND PROVIDING AN EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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19 following definitions apply:20 (1) "Bus route" means a route approved by the board of trustees of a school district and by the
21 county transportation committee.22 ~~(1) An "eligible~~ (2) "Eligible transportee" means a public school pupil who:23 (a) is 5 years of age or older and has not ~~attained his 21st birthday~~ reached the age of 21 on or
24 before September 10 of the current school year or who is a preschool child with disabilities between the
25 ages of 3 and 6;

26 (b) is a resident of the state of Montana;

27 (c) regardless of district and county boundaries;

28 (i) resides at least 3 miles, over the shortest practical route, from the nearest operating public
29 elementary school or public high school, whichever the case may be; or30 (ii) has transportation identified as a related service in an individualized education program as

1 developed and implemented in accordance with the Individual With Disabilities Education Act, 20 U.S.C.
 2 1400, et seq.; and

3 (d) is considered to reside with ~~his~~ a parent or guardian who maintains legal residence within the
 4 boundaries of the district furnishing the transportation regardless of where the eligible transportee actually
 5 lives when attending school.

6 (3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus
 7 bench seat allocated for one passenger.

8 ~~(2)(4)~~ (a) ~~A "school~~ "School bus" means, except as provided in subsection ~~(2)(b)~~ (4)(b), any motor
 9 vehicle that:

10 (i) complies with the bus standards established by the board of public education as verified by the
 11 ~~Montana~~ department of justice's semiannual inspection of school buses and the superintendent of public
 12 instruction; and

13 (ii) is owned by a district or other public agency and operated for the transportation of pupils to or
 14 from school or owned by a carrier under contract with a district or public agency to provide transportation
 15 of pupils to or from school.

16 (b) A school bus does not include a vehicle that is:

17 (i) privately owned and not operated for compensation under this title;

18 (ii) privately owned and operated for reimbursement under 20-10-142;

19 (iii) either district-owned or privately owned, designed to carry not more than nine passengers, and
 20 used to transport pupils to or from activity events or to transport pupils to their homes in case of illness
 21 or other emergency situations; or

22 (iv) an over-the-road passenger coach used only to transport pupils to activity events.

23 ~~(3)(5)~~ "Transportation" means:

24 (a) a district's conveyance of a pupil by a school bus between ~~his~~ the pupil's legal residence or an
 25 officially designated bus stop and the school designated by the trustees for ~~his~~ the pupil's attendance; or

26 (b) "individual transportation" ~~whereby~~ by which a district is relieved of actually conveying a pupil.
 27 Individual transportation may include paying the parent or guardian for conveying the pupil, reimbursing the
 28 parent or guardian for the pupil's board and room, or providing supervised correspondence study or
 29 supervised home study.

30 (6) "Transportation service area" means the geographic area of responsibility for school bus

1 transportation for each district that operates a school bus transportation program.

2 (7) "Weighted ridership" means the sum of the passenger points assigned to the eligible
 3 transportees who are transported on a bus route."

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 5 **Section 2.** Section 20-10-103, MCA, is amended to read:

6 **"20-10-103. School bus driver qualifications.** ~~Any~~ A driver of a school bus is qualified to drive a
 7 school bus if the driver:

8 (1) is not less than 18 years of age;

9 (2) is of good moral character;

10 (3) is the holder of a commercial driver's license;

11 (4) has filed with the district a satisfactory medical examination report, on a form approved by the
 12 United States department of transportation ~~or by the superintendent of public instruction~~, signed by any
 13 physician licensed in the United States or, if acceptable to an insurance carrier, any licensed physician;

14 (5) has completed a basic first aid course and holds a valid basic first aid certificate from an
 15 authorized instructor. The issuance of the certificate is governed by rules established by the superintendent
 16 of public instruction, provided that the rules may suspend this requirement for a reasonable period of time
 17 if there has been an inadequate opportunity for securing the basic first aid course and certificate.

18 (6) has complied with any other qualifications established by the board of public education; and

19 (7) has filed with the county superintendent a certificate from the trustees of the district for which
 20 the school bus is to be driven, certifying compliance with the driver qualifications enumerated in this
 21 section."

22
 23 **Section 3.** Section 20-10-131, MCA, is amended to read:

24 **"20-10-131. County transportation committee membership.** (1) To coordinate the orderly provision
 25 of a uniform transportation program within a county ~~under the transportation law, board of public education~~
 26 ~~transportation policies, and the transportation rules of the superintendent of public instruction~~, there shall
 27 must be a county transportation committee created in each county of the state of Montana. The
 28 membership of the ~~county transportation committee shall be~~ consists of:

29 (a) the county superintendent;

30 (b) the ~~chairman~~ presiding officer of the board of county commissioners or a member of ~~such the~~

1 board designated by the ~~chairman~~ presiding officer;

2 (c) ~~except for a K-12 school district~~, a trustee or district employee designated by the trustees of
3 each high school district of the county;

4 (d) one representative from each high school district of the county who is a trustee of an
5 elementary district encompassed within the high school district and who has been selected at a meeting
6 of the trustees of ~~such the~~ elementary districts;

7 (e) two representatives of each K-12 school district of the county, each of whom is either a trustee
8 or a district employee designated by the trustees; and

9 ~~(e)(f)~~ a representative of a district of another county when the transportation services of ~~such a~~
10 the district are affected by the actions of the county transportation committee, but ~~such a the~~
11 representative ~~shall have~~ has a voice only in matters affecting transportation within ~~such the~~ district or by
12 ~~such the~~ district.

13 (2) The county transportation committee ~~shall~~ must have at least five members, and if this
14 minimum membership cannot be realized in the manner prescribed in subsections (1)(a) through ~~(1)(d)~~ (1)(e)
15 ~~above~~, the county superintendent shall appoint a sufficient number of members to satisfy the minimum
16 membership requirement.

17 (3) The county superintendent ~~shall be~~ is the ~~chairman~~ presiding officer of the county
18 transportation committee, and a quorum ~~shall consist of~~ is a majority of the membership. A quorum must
19 be present for the committee to conduct business. The ~~county transportation~~ committee shall meet on the
20 call of the ~~chairman~~ presiding officer or any three members of ~~such the~~ committee."
21

22 **Section 4.** Section 20-10-132, MCA, is amended to read:

23 "**20-10-132. Duties of the county transportation committee.** (1) It ~~shall be~~ is the duty of the county
24 transportation committee to:

25 (a) establish the transportation service areas within the county, without regard to district boundary
26 lines, ~~which will define the geographic area of responsibility for school bus transportation~~ for each district
27 that operates a school bus transportation program;

28 (b) except as provided in subsection (2), approve, disapprove, or adjust the school bus ~~routing~~
29 routes submitted by the trustees of each district in conformity with the transportation service areas
30 established in subsection (1)(a);

1 (c) approve, disapprove, or adjust applications, approved by the trustees, for increased
2 reimbursements for individual transportation ~~due to~~ because of isolated conditions of the eligible
3 transportee's residence; and

4 (d) conduct hearings to establish the facts of transportation controversies ~~which~~ that have been
5 appealed from the decision of the trustees and act on ~~such~~ the appeals on the basis of the facts established
6 at ~~such~~ the hearing.

7 (2) In an emergency situation, a temporary bus route change may be approved by the county
8 superintendent. A bus route change approved by the county superintendent must be confirmed by the
9 county transportation committee within 30 days in order to be continued for a period longer than 30 days.

10 (3) When the county transportation committee reviews a request for a new bus route or a change
11 to an existing route, the committee shall consider the following:

12 (a) a map of the existing and proposed bus route;

13 (b) a description of turnarounds;

14 (c) conditions affecting safety;

15 (d) the total mileage and change in mileage of the affected bus route;

16 (e) the approximate total cost;

17 (f) reasons for the proposed bus route change;

18 (g) the number of children to be served;

19 (h) a copy of the official minutes of the meeting at which the school trustees approved the new bus
20 route or route change; and

21 (i) any other information that the county transportation committee considers relevant.

22 (4) When an application for increased reimbursement for individual transportation is presented to
23 the county transportation committee, it must include a signed individual transportation contract and a copy
24 of the official minutes of the meeting at which the trustees acted upon the request for increased
25 reimbursement.

26 ~~(2)(5)~~ After a ~~fact finding~~ factfinding hearing and decision on a transportation controversy, the
27 trustees or a patron of the district may appeal ~~such~~ the decision to the superintendent of public instruction
28 who shall ~~render~~ issue a decision on the basis of the facts established at the county transportation
29 committee hearing.

30 ~~(3) The trustees of any district which objects to a particular school bus route or transportation~~

1 ~~service area to which it has been assigned may request a transfer to another school bus route or~~
 2 ~~transportation service area. The county transportation committee may transfer the territory of such district~~
 3 ~~to an adjacent district's transportation service area or approved school bus route with the consent of such~~
 4 ~~adjacent district. When the qualified electors of the district object to the decision of the county~~
 5 ~~transportation committee and the adjacent district is willing to provide school bus service, 20% of the~~
 6 ~~qualified electors, as prescribed in 20-20-301, may petition the trustees to conduct an election on the~~
 7 ~~proposition that the territory of such district be transferred for school bus transportation purposes to such~~
 8 ~~consenting, adjacent district. When a satisfactory petition is presented to the trustees, the trustees shall~~
 9 ~~call an election in accordance with 20-20-201 for the next ensuing regular school election day. Such~~
 10 ~~election shall be conducted in accordance with the school election laws. If a majority of those voting at~~
 11 ~~such election approve the transfer, it shall become effective on July 1 of the ensuing school fiscal year.~~

12 ~~(4) Unless a transfer of a district from one transportation service area or approved school bus route~~
 13 ~~to another such area or route is approved by the county transportation committee and the superintendent~~
 14 ~~of public instruction, the state transportation reimbursement shall be limited to the reimbursement amount~~
 15 ~~for school bus transportation to the nearest operating public elementary school or public high school,~~
 16 ~~whichever is appropriate for the affected pupils."~~

17

18 **Section 5.** Section 20-10-141, MCA, is amended to read:

19 **"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The following mileage
 20 rates for school transportation constitute the maximum reimbursement to districts for school transportation
 21 from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146.
 22 These rates may not limit the amount that a district may budget in its transportation fund budget in order
 23 to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal
 24 year. All bus miles traveled on bus routes approved by the county transportation committee are
 25 reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight
 26 location of a school bus when the location is more than 10 miles from the school. A district may approve
 27 additional bus or nonbus miles within its own district or approved service area but may not claim
 28 reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under
 29 the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified
 30 driver on a bus route approved by the county transportation committee and the superintendent of public

1 instruction.

2 (2) The rate per bus mile traveled must be determined in accordance with the following schedule
3 when the ~~number of eligible transportees that board a school bus on an approved~~ weighted ridership
4 assigned to a bus route is not less than one-half of ~~its~~ the rated capacity of the school bus:

5 (a) 85 cents per bus mile for a school bus with a rated capacity of ~~not less than 12 but~~ not more
6 than 45 ~~children~~ passenger seating positions; and

7 (b) when the rated capacity is more than 45 ~~children~~ passenger seating positions, an additional
8 2.13 cents per bus mile for each additional ~~child~~ passenger seating position in the rated capacity in excess
9 of 45 must be added to a base rate of 85 cents per bus mile.

10 (3) Reimbursement for nonbus mileage provided for in subsection (1) may not exceed 50% of the
11 maximum reimbursement rate determined under subsection (2).

12 (4) When the ~~number of eligible transportees boarding a school bus on an approved~~ weighted
13 ridership assigned to a bus route is less than one-half of ~~its~~ the rated capacity of the school bus, the rate
14 per bus mile traveled must be computed as follows:

15 (a) determine the ~~number of eligible transportees that board the school bus on the~~ weighted
16 ridership assigned to the bus route;

17 (b) multiply the number determined in subsection (4)(a) by two ~~and round off to the nearest whole~~
18 ~~number~~; and

19 (c) use the adjusted rated capacity determined in subsection (4)(b) as the rated capacity of the bus
20 to determine the rate per bus mile traveled from the rate schedule in subsection (2).

21 (5) The rated capacity is the number of ~~riding~~ passenger seating positions of a school bus as
22 determined under the policy adopted by the board of public education. If modification of a school bus to
23 accommodate pupils with disabilities reduces the rated capacity of the bus, the reimbursement to a district
24 for pupil transportation is based on the rated capacity of the bus prior to modification.

25 (6) The number of pupils riding the school bus may not exceed the passenger seating positions of
26 the bus."

27
28 **Section 6.** Section 20-10-142, MCA, is amended to read:

29 "20-10-142. **Schedule of maximum reimbursement for individual transportation.** The following rates
30 for individual transportation constitute the maximum reimbursement to districts for individual transportation

1 from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146.
2 These rates constitute the limitation of the budgeted amounts for individual transportation for the ensuing
3 school fiscal year. The schedules provided in this section may not be altered by any authority other than
4 the legislature ~~of the state of Montana~~. When the trustees contract with the parent or guardian of any
5 eligible transportee to provide individual transportation for each day of school attendance, they shall
6 reimburse the parent or guardian for actual miles transported on the basis of the following schedule:

7 (1) When a parent or guardian transports an eligible transportee or transportees from the residence
8 of the parent or guardian to a school or to schools located within 3 miles of one another, the total
9 reimbursement per day of attendance is determined by multiplying the distance in miles between the
10 residence and the school, or the most distant school if more than one, by 2, subtracting 6 miles from the
11 product, and multiplying the difference by 21.25 cents, provided that:

12 (a) if two or more eligible transportees are transported by a parent or guardian to two or more
13 schools located within 3 miles of one another and if the schools are operated by different school districts,
14 the total amount of the reimbursement must be divided equally between the districts;

15 (b) if two or more eligible transportees are transported by a parent or guardian to two or more
16 schools located more than 3 miles from one another, the parent or guardian must be separately reimbursed
17 for transporting the eligible transportee or transportees to each school;

18 (c) if a parent transports two or more eligible transportees to a school and a bus stop that are
19 located within 3 miles of one another, the total reimbursement must be determined under the provisions
20 of this subsection and must be divided equally between the district operating the school and the district
21 operating the bus;

22 (d) if a parent transporting two or more eligible transportees to a school or bus stop must, because
23 of varying arrival and departure times, make more than one round-trip journey to the bus stop or school,
24 the total reimbursement allowed by this section is limited to one round trip per day for each scheduled
25 arrival or departure time;

26 (e) notwithstanding subsection (1)(a), (1)(b), (1)(c), or (1)(d), a reimbursement may not be less than
27 25 cents a day.

28 (2) When the parent or guardian transports an eligible transportee or transportees from the
29 residence to a bus stop of a bus route approved by the trustees for the transportation of the transportee
30 or transportees, the total reimbursement per day of attendance is determined by multiplying the distance

1 in miles between the residence and the bus stop by 2, subtracting ~~3~~ 6 miles from the product, and
 2 multiplying the difference by 21.25 cents, provided that:

3 (a) if the eligible transportees attend schools in different districts but ride on one bus, the districts
 4 shall divide the total reimbursement equally; and

5 (b) if the parent or guardian is required to transport the eligible transportees to more than one bus,
 6 the parent or guardian must be separately reimbursed for transportation to each bus.

7 (3) When, ~~due to~~ because of excessive distances, impassable roads, or other special circumstances
 8 of isolation, the rates prescribed in subsection (1) or (2) would be an inadequate reimbursement for the
 9 transportation costs or would result in a physical hardship for the eligible transportee, a parent or guardian
 10 may request an increase in the reimbursement rate. A request for increased rates ~~due to~~ because of
 11 isolation must be made by the parent or guardian on the contract for individual transportation for the
 12 ensuing school fiscal year by indicating the special facts and circumstances that exist to justify the
 13 increase. Before an increased rate ~~due to~~ because of isolation may be paid to the requesting parent or
 14 guardian, the rate must be approved by the county transportation committee and the superintendent of
 15 public instruction after the trustees have indicated their approval or disapproval. Regardless of the action
 16 of the trustees and when approval is given by the ~~county transportation~~ committee and the superintendent
 17 of public instruction, the trustees shall pay the increased rate ~~due to~~ because of isolation. The increased
 18 rate is 1½ times the rate prescribed in subsection (1).

19 (4) The state and county transportation reimbursement for an individual transportation contract may
 20 not exceed \$8 per day of attendance for the first eligible transportee and \$5 per day of attendance for each
 21 additional eligible transportee.

22 ~~(4)(5)~~ When the isolated conditions of the household where an eligible transportee resides require
 23 an eligible transportee to live away from the household in order to attend school, the eligible transportee
 24 is eligible for the room and board reimbursement. Approval to receive the room and board reimbursement
 25 must be obtained in the same manner prescribed in subsection (3). The per diem rate for room and board
 26 is ~~\$5.31~~ \$8 for one eligible transportee and ~~\$3.19~~ \$5 for each additional eligible transportee of the same
 27 household.

28 ~~(5)(6)~~ When the individual transportation provision is to be satisfied by supervised home study or
 29 supervised correspondence study, the reimbursement rate is the cost of the study, provided that the course
 30 of instruction is approved by the trustees and supervised by the district."

1 **NEW SECTION. Section 7. Establishment of transportation service areas.** (1) The territory of a
2 transportation service area is the territory of a school district unless the county transportation committee
3 approves alternative boundaries after determining that the adjustments will improve pupil safety,
4 transportation efficiency, or the cost-effectiveness of the pupil transportation system of the county.

5 (2) A district may not extend a bus route to transport pupils from outside its transportation service
6 area unless the district has a written agreement with the district that the county transportation committee
7 has assigned to transport the pupils.

8 (3) When the trustees of two or more districts enter into a written agreement to authorize
9 transportation services among transportation service areas, a copy of the agreement must be submitted to
10 the county superintendent and approved by the county transportation committee. Upon approval by the
11 ~~county transportation~~ committee, the transportation agreements are valid for the current school year.

12 (4) The trustees of any district who object to a particular bus route or transportation service area
13 to which the district has been assigned may request a transfer to another bus route or transportation
14 service area. The county transportation committee may transfer the territory of the district to an adjacent
15 transportation service area or approved bus route with the consent of the district providing transportation
16 in the adjacent transportation service area.

17 (5) If the qualified electors of the district object to the decision of the county transportation
18 committee and the adjacent district is willing to provide school bus service, 20% of the qualified electors,
19 as prescribed in 20-20-301, may petition the trustees to conduct an election on the proposition that the
20 territory of the district be transferred for pupil transportation purposes to the adjacent transportation service
21 area. If a satisfactory petition is presented to the trustees, the trustees shall call an election on the
22 proposition in accordance with 20-20-201 for the next ensuing regular school election day. The election
23 must be conducted in accordance with the school election laws. If a majority of those voting at the election
24 approve the transfer, the transfer is effective on July 1 of the ensuing school fiscal year.

25 (6) Unless a transfer of territory from one transportation service area or approved bus route to
26 another area or bus route is approved by the superintendent of public instruction and the county
27 transportation committee, the state transportation reimbursement is limited to the reimbursement amount
28 for pupil transportation to the nearest operating public elementary school or public high school, whichever
29 is appropriate for the affected pupils.

30

1 **NEW SECTION. Section 8. Assignment of passenger points.**

2 Passenger points must be assigned to each eligible transportee on a bus route as follows:

3 (1) 1 point for each elementary pupil not described in subsection (3) or (4);

4 (2) 1.5 points for each high school pupil not described in subsection (3) or (4);

5 (3) 3 points for pupils described in 20-10-101(2)(c)(ii) who do not use a wheelchair; and

6 (4) for pupils using a wheelchair:

7 (a) 12 points for the first pupil using a wheelchair;

8 (b) 9 points for the second pupil using a wheelchair; and

9 (c) 6 points for each additional pupil using a wheelchair.

10

11 **NEW SECTION. Section 9. Passenger count required for high school programs.** (1) Each school
12 district shall conduct a passenger count of the eligible transportees in the high school program who ride
13 a school bus on the morning bus route for 5 consecutive school days beginning on the first Monday after
14 November 14. Eligible transportees who ride at least once in the 5-day period must be included in the
15 count. The passenger count must be used to determine the weighted ridership of the bus route for
16 reimbursement purposes.

17 (2) The district shall send the passenger count to the superintendent of public instruction, on forms
18 provided by the superintendent, on or before December 10. The district shall provide a copy of the
19 passenger count to the county superintendent.

20

21 **NEW SECTION. Section 10. Codification instruction.** [Sections 7 through 9] are intended to be
22 codified as an integral part of Title 20, chapter 10, part 1, and the provisions of Title 20, chapter 10, part
23 1, apply to [sections 7 through 9].

24

25 **NEW SECTION. Section 11. Effective date.** [This act] is effective July 1, 1995.

26

-END-

1 SENATE BILL NO. 112

2 INTRODUCED BY STANG

3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REIMBURSING A SCHOOL DISTRICT FOR PUPIL
6 TRANSPORTATION COSTS BASED ON A WEIGHTED RIDERSHIP SYSTEM; ESTABLISHING A PASSENGER
7 COUNT FOR HIGH SCHOOL TRANSPORTATION PROGRAMS; CLARIFYING THAT A K-12 SCHOOL
8 DISTRICT HAS TWO REPRESENTATIVES ON THE COUNTY TRANSPORTATION COMMITTEE;
9 ESTABLISHING CRITERIA FOR THE REVIEW OF A BUS ROUTE BY THE COUNTY TRANSPORTATION
10 COMMITTEE; LIMITING STATE AND COUNTY REIMBURSEMENT FOR AN INDIVIDUAL TRANSPORTATION
11 CONTRACT; INCREASING THE PER DIEM RATE FOR ROOM AND BOARD FOR AN ELIGIBLE
12 TRANSPORTEE; AMENDING SECTIONS 20-10-101, 20-10-103, 20-10-131, 20-10-132, 20-10-141, AND
13 20-10-142, MCA; AND PROVIDING AN EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16

17 Section 1. Section 20-10-101, MCA, is amended to read:

18 "20-10-101. **Definitions.** As used in this title, unless the context clearly indicates otherwise, the
19 following definitions apply:20 (1) "Bus route" means a route approved by the board of trustees of a school district and by the
21 county transportation committee.22 ~~(1) An "eligible~~ (2) "Eligible transportee" means a public school pupil who:23 (a) is 5 years of age or older and has not ~~attained his 21st birthday~~ reached the age of 21 on or
24 before September 10 of the current school year or who is a preschool child with disabilities between the
25 ages of 3 and 6;

26 (b) is a resident of the state of Montana;

27 (c) regardless of district and county boundaries;

28 (i) resides at least 3 miles, over the shortest practical route, from the nearest operating public
29 elementary school or public high school, whichever the case may be; or30 (ii) has transportation identified as a related service in an individualized education program as

1 developed and implemented in accordance with the Individual With Disabilities Education Act, 20 U.S.C.
 2 1400, et seq.; and

3 (d) is considered to reside with ~~his~~ a parent or guardian who maintains legal residence within the
 4 boundaries of the district furnishing the transportation regardless of where the eligible transportee actually
 5 lives when attending school.

6 (3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus
 7 bench-seat allocated for one passenger.

8 ~~(2)(4)~~ (a) ~~A "school~~ "School bus" means, except as provided in subsection ~~(2)(b)~~ (4)(b), any motor
 9 vehicle that:

10 (i) complies with the bus standards established by the board of public education as verified by the
 11 ~~Montana~~ department of justice's semiannual inspection of school buses and the superintendent of public
 12 instruction; and

13 (ii) is owned by a district or other public agency and operated for the transportation of pupils to or
 14 from school or owned by a carrier under contract with a district or public agency to provide transportation
 15 of pupils to or from school.

16 (b) A school bus does not include a vehicle that is:

17 (i) privately owned and not operated for compensation under this title;

18 (ii) privately owned and operated for reimbursement under 20-10-142;

19 (iii) either district-owned or privately owned, designed to carry not more than nine passengers, and
 20 used to transport pupils to or from activity events or to transport pupils to their homes in case of illness
 21 or other emergency situations; or

22 (iv) an over-the-road passenger coach used only to transport pupils to activity events.

23 ~~(3)(5)~~ "Transportation" means:

24 (a) a district's conveyance of a pupil by a school bus between ~~his~~ the pupil's legal residence or an
 25 officially designated bus stop and the school designated by the trustees for ~~his~~ the pupil's attendance; or

26 (b) "individual transportation" ~~whereby~~ by which a district is relieved of actually conveying a pupil.
 27 Individual transportation may include paying the parent or guardian for conveying the pupil, reimbursing the
 28 parent or guardian for the pupil's board and room, or providing supervised correspondence study or
 29 supervised home study.

30 (6) "Transportation service area" means the geographic area of responsibility for school bus

1 transportation for each district that operates a school bus transportation program.

2 (7) "Weighted ridership" means the sum of the passenger points assigned to the eligible
 3 transportees who are transported on a bus route."

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 5 **Section 2.** Section 20-10-103, MCA, is amended to read:

6 **"20-10-103. School bus driver qualifications.** ~~Any~~ A driver of a school bus is qualified to drive a
 7 school bus if the driver:

8 (1) is not less than 18 years of age;

9 (2) is of good moral character;

10 (3) is the holder of a commercial driver's license;

11 (4) has filed with the district a satisfactory medical examination report, on a form approved by the
 12 United States department of transportation ~~or by the superintendent of public instruction~~, signed by any
 13 physician licensed in the United States or, if acceptable to an insurance carrier, any licensed physician;

14 (5) has completed a basic first aid course and holds a valid basic first aid certificate from an
 15 authorized instructor. The issuance of the certificate is governed by rules established by the superintendent
 16 of public instruction, provided that the rules may suspend this requirement for a reasonable period of time
 17 if there has been an inadequate opportunity for securing the basic first aid course and certificate.

18 (6) has complied with any other qualifications established by the board of public education; and

19 (7) has filed with the county superintendent a certificate from the trustees of the district for which
 20 the school bus is to be driven, certifying compliance with the driver qualifications enumerated in this
 21 section."

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 23 **Section 3.** Section 20-10-131, MCA, is amended to read:

24 **"20-10-131. County transportation committee membership.** (1) To coordinate the orderly provision
 25 of a uniform transportation program within a county ~~under the transportation law, board of public education~~
 26 ~~transportation policies, and the transportation rules of the superintendent of public instruction~~, there shall
 27 must be a county transportation committee created in each county of the state of Montana. The
 28 membership of the ~~county transportation~~ committee shall be consists of:

29 (a) the county superintendent;

30 (b) the ~~chairman~~ presiding officer of the board of county commissioners or a member of ~~such the~~

1 board designated by the ~~chairman~~ presiding officer;

2 (c) except for a K-12 school district, a trustee or district employee designated by the trustees of
3 each high school district of the county;

4 (d) one representative from each high school district of the county who is a trustee of an
5 elementary district encompassed within the high school district and who has been selected at a meeting
6 of the trustees of ~~such the~~ the elementary districts;

7 (e) two representatives of each K-12 school district of the county, each of whom is either a trustee
8 or a district employee designated by the trustees; and

9 ~~(e)(f)~~ a representative of a district of another county when the transportation services of ~~such a~~
10 the district are affected by the actions of the county transportation committee, but ~~such a~~ the
11 representative ~~shall have~~ has a voice only in matters affecting transportation within ~~such the~~ the district or by
12 ~~such the~~ the district.

13 (2) The county transportation committee ~~shall~~ must have at least five members, and if this
14 minimum membership cannot be realized in the manner prescribed in subsections (1)(a) through ~~(1)(d)~~ (1)(e)
15 ~~above~~, the county superintendent shall appoint a sufficient number of members to satisfy the minimum
16 membership requirement.

17 (3) The county superintendent ~~shall be~~ is the ~~chairman~~ presiding officer of the county
18 transportation committee, and a quorum ~~shall consist of~~ is a majority of the membership. A quorum must
19 be present for the committee to conduct business. The ~~county transportation~~ committee shall meet on the
20 call of the ~~chairman~~ presiding officer or any three members of ~~such the~~ the committee."

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23 **"20-10-132. Duties of the county transportation committee.** (1) It ~~shall be~~ is the duty of the county
24 transportation committee to:

25 (a) establish the transportation service areas within the county, without regard to district boundary
26 lines, ~~which will define the geographic area of responsibility for school bus transportation~~ for each district
27 that operates a school bus transportation program;

28 (b) except as provided in subsection (2), approve, disapprove, or adjust the school bus ~~routing~~
29 routes submitted by the trustees of each district in conformity with the transportation service areas
30 established in subsection (1)(a);

1 (c) approve, disapprove, or adjust applications, approved by the trustees, for increased
2 reimbursements for individual transportation ~~due to~~ because of isolated conditions of the eligible
3 transportee's residence; and

4 (d) conduct hearings to establish the facts of transportation controversies ~~which~~ that have been
5 appealed from the decision of the trustees and act on ~~such~~ the appeals on the basis of the facts established
6 at ~~such~~ the hearing.

7 (2) In an emergency situation, a temporary bus route change may be approved by the county
8 superintendent. A bus route change approved by the county superintendent must be confirmed by the
9 county transportation committee within 30 days in order to be continued for a period longer than 30 days.

10 (3) When the county transportation committee reviews a request for a new bus route or a change
11 to an existing route, the committee shall consider the following:

12 (a) a map of the existing and proposed bus route;

13 (b) a description of turnarounds;

14 (c) conditions affecting safety;

15 (d) the total mileage and change in mileage of the affected bus route;

16 (e) the approximate total cost;

17 (f) reasons for the proposed bus route change;

18 (g) the number of children to be served;

19 (h) a copy of the official minutes of the meeting at which the school trustees approved the new bus
20 route or route change; and

21 (i) any other information that the county transportation committee considers relevant.

22 (4) When an application for increased reimbursement for individual transportation is presented to
23 the county transportation committee, it must include a signed individual transportation contract and a copy
24 of the official minutes of the meeting at which the trustees acted upon the request for increased
25 reimbursement.

26 ~~(2)(5)~~ (5) After a ~~fact finding~~ factfinding hearing and decision on a transportation controversy, the
27 trustees or a patron of the district may appeal ~~such~~ the decision to the superintendent of public instruction
28 who shall ~~render~~ issue a decision on the basis of the facts established at the county transportation
29 committee hearing.

30 ~~(3) The trustees of any district which objects to a particular school bus route or transportation~~

1 ~~service area to which it has been assigned may request a transfer to another school bus route or~~
 2 ~~transportation service area. The county transportation committee may transfer the territory of such district~~
 3 ~~to an adjacent district's transportation service area or approved school bus route with the consent of such~~
 4 ~~adjacent district. When the qualified electors of the district object to the decision of the county~~
 5 ~~transportation committee and the adjacent district is willing to provide school bus service, 20% of the~~
 6 ~~qualified electors, as prescribed in 20-20-301, may petition the trustees to conduct an election on the~~
 7 ~~proposition that the territory of such district be transferred for school bus transportation purposes to such~~
 8 ~~consenting, adjacent district. When a satisfactory petition is presented to the trustees, the trustees shall~~
 9 ~~call an election in accordance with 20-20-201 for the next ensuing regular school election day. Such~~
 10 ~~election shall be conducted in accordance with the school election laws. If a majority of those voting at~~
 11 ~~such election approve the transfer, it shall become effective on July 1 of the ensuing school fiscal year.~~

12 ~~(4) Unless a transfer of a district from one transportation service area or approved school bus route~~
 13 ~~to another such area or route is approved by the county transportation committee and the superintendent~~
 14 ~~of public instruction, the state transportation reimbursement shall be limited to the reimbursement amount~~
 15 ~~for school bus transportation to the nearest operating public elementary school or public high school,~~
 16 ~~whichever is appropriate for the affected pupils."~~

17
 18 **Section 5.** Section 20-10-141, MCA, is amended to read:

19 **"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The following mileage
 20 rates for school transportation constitute the maximum reimbursement to districts for school transportation
 21 from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146.
 22 These rates may not limit the amount that a district may budget in its transportation fund budget in order
 23 to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal
 24 year. All bus miles traveled on bus routes approved by the county transportation committee are
 25 reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight
 26 location of a school bus when the location is more than 10 miles from the school. A district may approve
 27 additional bus or nonbus miles within its own district or approved service area but may not claim
 28 reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under
 29 the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified
 30 driver on a bus route approved by the county transportation committee and the superintendent of public

1 instruction.

2 (2) The rate per bus mile traveled must be determined in accordance with the following schedule
3 when the ~~number of eligible transportees that board a school bus on an approved~~ weighted ridership
4 assigned to a bus route is not less than one-half of ~~its~~ the rated capacity of the school bus:

5 (a) 85 cents per bus mile for a school bus with a rated capacity of ~~not less than 12 but~~ not more
6 than 45 ~~children~~ passenger seating positions; and

7 (b) when the rated capacity is more than 45 ~~children~~ passenger seating positions, an additional
8 2.13 cents per bus mile for each additional ~~child~~ passenger seating position in the rated capacity in excess
9 of 45 must be added to a base rate of 85 cents per bus mile.

10 (3) Reimbursement for nonbus mileage provided for in subsection (1) may not exceed 50% of the
11 maximum reimbursement rate determined under subsection (2).

12 (4) When the ~~number of eligible transportees boarding a school bus on an approved~~ weighted
13 ridership assigned to a bus route is less than one-half of ~~its~~ the rated capacity of the school bus, the rate
14 per bus mile traveled must be computed as follows:

15 (a) determine the ~~number of eligible transportees that board the school bus on the~~ weighted
16 ridership assigned to the bus route;

17 (b) multiply the number determined in subsection (4)(a) by two ~~and round off to the nearest whole~~
18 ~~number~~; and

19 (c) use the adjusted rated capacity determined in subsection (4)(b) as the rated capacity of the bus
20 to determine the rate per bus mile traveled from the rate schedule in subsection (2).

21 (5) The rated capacity is the number of ~~riding~~ passenger seating positions of a school bus as
22 determined under the policy adopted by the board of public education. If modification of a school bus to
23 accommodate pupils with disabilities reduces the rated capacity of the bus, the reimbursement to a district
24 for pupil transportation is based on the rated capacity of the bus prior to modification.

25 (6) The number of pupils riding the school bus may not exceed the passenger seating positions of
26 the bus."

27

28 **Section 6.** Section 20-10-142, MCA, is amended to read:

29 "20-10-142. **Schedule of maximum reimbursement for individual transportation.** The following rates
30 for individual transportation constitute the maximum reimbursement to districts for individual transportation

1 from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146.
2 These rates constitute the limitation of the budgeted amounts for individual transportation for the ensuing
3 school fiscal year. The schedules provided in this section may not be altered by any authority other than
4 the legislature ~~of the state of Montana~~. When the trustees contract with the parent or guardian of any
5 eligible transportee to provide individual transportation for each day of school attendance, they shall
6 reimburse the parent or guardian for actual miles transported on the basis of the following schedule:

7 (1) When a parent or guardian transports an eligible transportee or transportees from the residence
8 of the parent or guardian to a school or to schools located within 3 miles of one another, the total
9 reimbursement per day of attendance is determined by multiplying the distance in miles between the
10 residence and the school, or the most distant school if more than one, by 2, subtracting 6 miles from the
11 product, and multiplying the difference by 21.25 cents, provided that:

12 (a) if two or more eligible transportees are transported by a parent or guardian to two or more
13 schools located within 3 miles of one another and if the schools are operated by different school districts,
14 the total amount of the reimbursement must be divided equally between the districts;

15 (b) if two or more eligible transportees are transported by a parent or guardian to two or more
16 schools located more than 3 miles from one another, the parent or guardian must be separately reimbursed
17 for transporting the eligible transportee or transportees to each school;

18 (c) if a parent transports two or more eligible transportees to a school and a bus stop that are
19 located within 3 miles of one another, the total reimbursement must be determined under the provisions
20 of this subsection and must be divided equally between the district operating the school and the district
21 operating the bus;

22 (d) if a parent transporting two or more eligible transportees to a school or bus stop must, because
23 of varying arrival and departure times, make more than one round-trip journey to the bus stop or school,
24 the total reimbursement allowed by this section is limited to one round trip per day for each scheduled
25 arrival or departure time;

26 (e) notwithstanding subsection (1)(a), (1)(b), (1)(c), or (1)(d), a reimbursement may not be less than
27 25 cents a day.

28 (2) When the parent or guardian transports an eligible transportee or transportees from the
29 residence to a bus stop of a bus route approved by the trustees for the transportation of the transportee
30 or transportees, the total reimbursement per day of attendance is determined by multiplying the distance

1 in miles between the residence and the bus stop by 2, subtracting ~~3~~ 6 miles from the product, and
 2 multiplying the difference by 21.25 cents, provided that:

3 (a) if the eligible transportees attend schools in different districts but ride on one bus, the districts
 4 shall divide the total reimbursement equally; and

5 (b) if the parent or guardian is required to transport the eligible transportees to more than one bus,
 6 the parent or guardian must be separately reimbursed for transportation to each bus.

7 (3) When, ~~due to~~ because of excessive distances, impassable roads, or other special circumstances
 8 of isolation, the rates prescribed in subsection (1) or (2) would be an inadequate reimbursement for the
 9 transportation costs or would result in a physical hardship for the eligible transportee, a parent or guardian
 10 may request an increase in the reimbursement rate. A request for increased rates ~~due to~~ because of
 11 isolation must be made by the parent or guardian on the contract for individual transportation for the
 12 ensuing school fiscal year by indicating the special facts and circumstances that exist to justify the
 13 increase. Before an increased rate ~~due to~~ because of isolation may be paid to the requesting parent or
 14 guardian, the rate must be approved by the county transportation committee and the superintendent of
 15 public instruction after the trustees have indicated their approval or disapproval. Regardless of the action
 16 of the trustees and when approval is given by the ~~county transportation~~ committee and the superintendent
 17 of public instruction, the trustees shall pay the increased rate ~~due to~~ because of isolation. The increased
 18 rate is 1½ times the rate prescribed in subsection (1).

19 (4) The state and county transportation reimbursement for an individual transportation contract may
 20 not exceed \$8 per day of attendance for the first eligible transportee and \$5 per day of attendance for each
 21 additional eligible transportee.

22 ~~(4)(5)~~ (5) When the isolated conditions of the household where an eligible transportee resides require
 23 an eligible transportee to live away from the household in order to attend school, the eligible transportee
 24 is eligible for the room and board reimbursement. Approval to receive the room and board reimbursement
 25 must be obtained in the same manner prescribed in subsection (3). The per diem rate for room and board
 26 is ~~\$5.31~~ \$8 for one eligible transportee and ~~\$3.19~~ \$5 for each additional eligible transportee of the same
 27 household.

28 ~~(5)(6)~~ (6) When the individual transportation provision is to be satisfied by supervised home study or
 29 supervised correspondence study, the reimbursement rate is the cost of the study, provided that the course
 30 of instruction is approved by the trustees and supervised by the district."

1 **NEW SECTION. Section 7. Establishment of transportation service areas.** (1) The territory of a
2 transportation service area is the territory of a school district unless the county transportation committee
3 approves alternative boundaries after determining that the adjustments will improve pupil safety,
4 transportation efficiency, or the cost-effectiveness of the pupil transportation system of the county.

5 (2) A district may not extend a bus route to transport pupils from outside its transportation service
6 area unless the district has a written agreement with the district that the county transportation committee
7 has assigned to transport the pupils.

8 (3) When the trustees of two or more districts enter into a written agreement to authorize
9 transportation services among transportation service areas, a copy of the agreement must be submitted to
10 the county superintendent and approved by the county transportation committee. Upon approval by the
11 ~~county transportation~~ committee, the transportation agreements are valid for the current school year.

12 (4) The trustees of any district who object to a particular bus route or transportation service area
13 to which the district has been assigned may request a transfer to another bus route or transportation
14 service area. The county transportation committee may transfer the territory of the district to an adjacent
15 transportation service area or approved bus route with the consent of the district providing transportation
16 in the adjacent transportation service area.

17 (5) If the qualified electors of the district object to the decision of the county transportation
18 committee and the adjacent district is willing to provide school bus service, 20% of the qualified electors,
19 as prescribed in 20-20-301, may petition the trustees to conduct an election on the proposition that the
20 territory of the district be transferred for pupil transportation purposes to the adjacent transportation service
21 area. If a satisfactory petition is presented to the trustees, the trustees shall call an election on the
22 proposition in accordance with 20-20-201 for the next ensuing regular school election day. The election
23 must be conducted in accordance with the school election laws. If a majority of those voting at the election
24 approve the transfer, the transfer is effective on July 1 of the ensuing school fiscal year.

25 (6) Unless a transfer of territory from one transportation service area or approved bus route to
26 another area or bus route is approved by the superintendent of public instruction and the county
27 transportation committee, the state transportation reimbursement is limited to the reimbursement amount
28 for pupil transportation to the nearest operating public elementary school or public high school, whichever
29 is appropriate for the affected pupils.

30

1 **NEW SECTION. Section 8. Assignment of passenger points.**

2 Passenger points must be assigned to each eligible transportee on a bus route as follows:

- 3 (1) 1 point for each elementary pupil not described in subsection (3) or (4);
- 4 (2) 1.5 points for each high school pupil not described in subsection (3) or (4);
- 5 (3) 3 points for pupils described in 20-10-101(2)(c)(ii) who do not use a wheelchair; and
- 6 (4) for pupils using a wheelchair:
 - 7 (a) 12 points for the first pupil using a wheelchair;
 - 8 (b) 9 points for the second pupil using a wheelchair; and
 - 9 (c) 6 points for each additional pupil using a wheelchair.

10

11 **NEW SECTION. Section 9. Passenger count required for high school programs.** (1) Each school
 12 district shall conduct a passenger count of the eligible transportees in the high school program who ride
 13 a school bus on the morning bus route for 5 consecutive school days beginning on the first Monday after
 14 November 14. Eligible transportees who ride at least once in the 5-day period must be included in the
 15 count. The passenger count must be used to determine the weighted ridership of the bus route for
 16 reimbursement purposes.

17 (2) The district shall send the passenger count to the superintendent of public instruction, on forms
 18 provided by the superintendent, on or before December 10. The district shall provide a copy of the
 19 passenger count to the county superintendent.

20

21 **NEW SECTION. Section 10. Codification instruction.** [Sections 7 through 9] are intended to be
 22 codified as an integral part of Title 20, chapter 10, part 1, and the provisions of Title 20, chapter 10, part
 23 1, apply to [sections 7 through 9].

24

25 **NEW SECTION. Section 11. Effective date.** [This act] is effective July 1, 1995.

26

-END-



HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 3

Mr. Speaker: We, the committee on **Education and Cultural Resources** report that **Senate Bill 112** (third reading copy -- blue) be concurred in as amended.

Signed: 
Alvin Ellis, Jr., Chair

Carried by: Rep. Ellis

And, that such amendments read:

1. Title, line 13.

Following: "PROVIDING"

Strike: "AN"

Following: "EFFECTIVE"

Strike: "DATE"

Insert: "DATES, A RETROACTIVE APPLICABILITY DATE, AND A
TERMINATION DATE"

2. Page 6, line 18.

Following: line 17

Insert: "**Section 5.** Section 20-10-141, MCA, is amended to read:

"**20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The following mileage rates for school transportation constitute the maximum reimbursement to districts for school transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund budget in order to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal year. All bus miles traveled on routes approved by the county transportation committee are reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of a school bus when the location is more than 10 miles from the school. A district may approve

Committee Vote:
Yes 12 No 6

SB 112

HOUSE

additional bus or nonbus miles within its own district or approved service area but may not claim reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified driver on a bus route approved by the county transportation committee and the superintendent of public instruction.

(2) The rate per bus mile traveled must be determined in accordance with the following schedule when the number of eligible transportees that board a school bus on an approved route is not less than one-half of its rated capacity:

(a) 85 cents per bus mile for a school bus with a rated capacity of ~~not less than 12 but~~ not more than 45 children; and

(b) when the rated capacity is more than 45 children, an additional 2.13 cents per bus mile for each additional child in the rated capacity in excess of 45 must be added to a base rate of 85 cents per bus mile.

(3) Reimbursement for nonbus mileage provided for in subsection (1) may not exceed 50% of the maximum reimbursement rate determined under subsection (2).

(4) When the number of eligible transportees boarding a school bus on an approved route is less than one-half of its rated capacity, the rate per bus mile traveled must be computed as follows:

(a) determine the number of eligible transportees that board the school bus on the route;

(b) multiply the number determined in subsection (4)(a) by two and round off to the nearest whole number; and

(c) use the adjusted rated capacity determined in subsection (4)(b) as the rated capacity of the bus to determine the rate per bus mile traveled from the rate schedule in subsection (2).

(5) The rated capacity is the number of riding positions of a school bus as determined under the policy adopted by the board of public education." "

Renumber: subsequent sections

3. Page 11, line 13.

Following: "first"

Strike: "Monday"

Insert: "school day on or"

4. Page 11, line 21 and 23.

Strike: "7 through 9"

Insert: "8 through 10"

5. Page 11, lines 25 and 26.

Strike: "date"

March 7, 1995

Page 3 of 3

Insert: "**dates -- retroactive applicability**"

Strike: "[This act] is"

Insert: "(1) [Sections 1 through 4, 6 through 11, and 13] are"

Following: line 25

Insert: "(2) [Section 5 and this section] are effective on
passage and approval

(3) [Section 5] applies retroactively, within the meaning
of 1-2-109, to the school fiscal year beginning July 1, 1994.

NEW SECTION. **Section 13. Termination.** [Section 5]
terminates July 1, 1995."

-END-

1 SENATE BILL NO. 112

2 INTRODUCED BY STANG

3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REIMBURSING A SCHOOL DISTRICT FOR PUPIL
 6 TRANSPORTATION COSTS BASED ON A WEIGHTED RIDERSHIP SYSTEM; ESTABLISHING A PASSENGER
 7 COUNT FOR HIGH SCHOOL TRANSPORTATION PROGRAMS; CLARIFYING THAT A K-12 SCHOOL
 8 DISTRICT HAS TWO REPRESENTATIVES ON THE COUNTY TRANSPORTATION COMMITTEE;
 9 ESTABLISHING CRITERIA FOR THE REVIEW OF A BUS ROUTE BY THE COUNTY TRANSPORTATION
 10 COMMITTEE; LIMITING STATE AND COUNTY REIMBURSEMENT FOR AN INDIVIDUAL TRANSPORTATION
 11 CONTRACT; INCREASING THE PER DIEM RATE FOR ROOM AND BOARD FOR AN ELIGIBLE
 12 TRANSPORTEE; AMENDING SECTIONS 20-10-101, 20-10-103, 20-10-131, 20-10-132, 20-10-141, AND
 13 20-10-142, MCA; AND PROVIDING AN EFFECTIVE DATE DATES, A RETROACTIVE APPLICABILITY DATE,
 14 AND A TERMINATION DATE."

15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17
 18 **Section 1.** Section 20-10-101, MCA, is amended to read:

19 **"20-10-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
 20 following definitions apply:

21 (1) "Bus route" means a route approved by the board of trustees of a school district and by the
 22 county transportation committee.

23 ~~(1) An "eligible~~ (2) "Eligible transportee" means a public school pupil who:

24 (a) is 5 years of age or older and has not ~~attained his 21st birthday~~ reached the age of 21 on or
 25 before September 10 of the current school year or who is a preschool child with disabilities between the
 26 ages of 3 and 6;

27 (b) is a resident of the state of Montana;

28 (c) regardless of district and county boundaries;

29 (i) resides at least 3 miles, over the shortest practical route, from the nearest operating public
 30 elementary school or public high school, whichever the case may be; or

1 (ii) has transportation identified as a related service in an individualized education program as
 2 developed and implemented in accordance with the Individual With Disabilities Education Act, 20 U.S.C.
 3 1400, et seq.; and

4 (d) is considered to reside with ~~his~~ a parent or guardian who maintains legal residence within the
 5 boundaries of the district furnishing the transportation regardless of where the eligible transportee actually
 6 lives when attending school.

7 (3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus
 8 bench seat allocated for one passenger.

9 ~~(2)(4)~~ (a) ~~A "school~~ "School bus" means, except as provided in subsection ~~(2)(b)~~ (4)(b), any motor
 10 vehicle that:

11 (i) complies with the bus standards established by the board of public education as verified by the
 12 ~~Montana~~ department of justice's semiannual inspection of school buses and the superintendent of public
 13 instruction; and

14 (ii) is owned by a district or other public agency and operated for the transportation of pupils to or
 15 from school or owned by a carrier under contract with a district or public agency to provide transportation
 16 of pupils to or from school.

17 (b) A school bus does not include a vehicle that is:

18 (i) privately owned and not operated for compensation under this title;

19 (ii) privately owned and operated for reimbursement under 20-10-142;

20 (iii) either district-owned or privately owned, designed to carry not more than nine passengers, and
 21 used to transport pupils to or from activity events or to transport pupils to their homes in case of illness
 22 or other emergency situations; or

23 (iv) an over-the-road passenger coach used only to transport pupils to activity events.

24 ~~(3)(5)~~ "Transportation" means:

25 (a) a district's conveyance of a pupil by a school bus between ~~his~~ the pupil's legal residence or an
 26 officially designated bus stop and the school designated by the trustees for ~~his~~ the pupil's attendance; or

27 (b) "individual transportation" ~~whereby by which~~ a district is relieved of actually conveying a pupil.
 28 Individual transportation may include paying the parent or guardian for conveying the pupil, reimbursing the
 29 parent or guardian for the pupil's board and room, or providing supervised correspondence study or
 30 supervised home study.

1 (6) "Transportation service area" means the geographic area of responsibility for school bus
 2 transportation for each district that operates a school bus transportation program.

3 (7) "Weighted ridership" means the sum of the passenger points assigned to the eligible
 4 transportees who are transported on a bus route."

5
 6 **Section 2.** Section 20-10-103, MCA, is amended to read:

7 **"20-10-103. School bus driver qualifications.** ~~Any~~ A driver of a school bus is qualified to drive a
 8 school bus if the driver:

9 (1) is not less than 18 years of age;

10 (2) is of good moral character;

11 (3) is the holder of a commercial driver's license;

12 (4) has filed with the district a satisfactory medical examination report, on a form approved by the
 13 United States department of transportation ~~or by the superintendent of public instruction~~, signed by any
 14 physician licensed in the United States or, if acceptable to an insurance carrier, any licensed physician;

15 (5) has completed a basic first aid course and holds a valid basic first aid certificate from an
 16 authorized instructor. The issuance of the certificate is governed by rules established by the superintendent
 17 of public instruction, provided that the rules may suspend this requirement for a reasonable period of time
 18 if there has been an inadequate opportunity for securing the basic first aid course and certificate.

19 (6) has complied with any other qualifications established by the board of public education; and

20 (7) has filed with the county superintendent a certificate from the trustees of the district for which
 21 the school bus is to be driven, certifying compliance with the driver qualifications enumerated in this
 22 section."

23
 24 **Section 3.** Section 20-10-131, MCA, is amended to read:

25 **"20-10-131. County transportation committee membership.** (1) To coordinate the orderly
 26 provision of a uniform transportation program within a county ~~under the transportation law, board of public~~
 27 ~~education transportation policies, and the transportation rules of the superintendent of public instruction,~~
 28 there ~~shall~~ must be a county transportation committee created in each county of the state of Montana. The
 29 membership of the ~~county transportation~~ committee ~~shall be~~ consists of:

30 (a) the county superintendent;

1 (b) the ~~chairman~~ presiding officer of the board of county commissioners or a member of ~~such the~~
2 board designated by the ~~chairman~~ presiding officer;

3 (c) except for a K-12 school district, a trustee or district employee designated by the trustees of
4 each high school district of the county;

5 (d) one representative from each high school district of the county who is a trustee of an
6 elementary district encompassed within the high school district and who has been selected at a meeting
7 of the trustees of ~~such the~~ elementary districts;

8 (e) two representatives of each K-12 school district of the county, each of whom is either a trustee
9 or a district employee designated by the trustees; and

10 ~~(e)(f)~~ a representative of a district of another county when the transportation services of ~~such a~~
11 the district are affected by the actions of the county transportation committee, but ~~such a the~~
12 representative ~~shall have~~ has a voice only in matters affecting transportation within ~~such the~~ district or by
13 ~~such the~~ district.

14 (2) The county transportation committee ~~shall~~ must have at least five members, and if this
15 minimum membership cannot be realized in the manner prescribed in subsections (1)(a) through ~~(1)(d)~~ (1)(e)
16 ~~above~~, the county superintendent shall appoint a sufficient number of members to satisfy the minimum
17 membership requirement.

18 (3) The county superintendent ~~shall be~~ is the ~~chairman~~ presiding officer of the county
19 transportation committee, and a quorum ~~shall consist of~~ is a majority of the membership. A quorum must
20 be present for the committee to conduct business. The ~~county transportation~~ committee shall meet on the
21 call of the ~~chairman~~ presiding officer or any three members of ~~such the~~ committee."
22

23 **Section 4.** Section 20-10-132, MCA, is amended to read:

24 **"20-10-132. Duties of the county transportation committee.** (1) It ~~shall be~~ is the duty of the
25 county transportation committee to:

26 (a) establish the transportation service areas within the county, without regard to district boundary
27 lines, ~~which will define the geographic area of responsibility for school bus transportation~~ for each district
28 that operates a school bus transportation program;

29 (b) except as provided in subsection (2), approve, disapprove, or adjust the school bus ~~routing~~
30 routes submitted by the trustees of each district in conformity with the transportation service areas

1 established in subsection (1)(a);

2 (c) approve, disapprove, or adjust applications, approved by the trustees, for increased
3 reimbursements for individual transportation ~~due to~~ because of isolated conditions of the eligible
4 transportee's residence; and

5 (d) conduct hearings to establish the facts of transportation controversies ~~which~~ that have been
6 appealed from the decision of the trustees and act on ~~such~~ the appeals on the basis of the facts established
7 at ~~such~~ the hearing.

8 (2) In an emergency situation, a temporary bus route change may be approved by the county
9 superintendent. A bus route change approved by the county superintendent must be confirmed by the
10 county transportation committee within 30 days in order to be continued for a period longer than 30 days.

11 (3) When the county transportation committee reviews a request for a new bus route or a change
12 to an existing route, the committee shall consider the following:

13 (a) a map of the existing and proposed bus route;

14 (b) a description of turnarounds;

15 (c) conditions affecting safety;

16 (d) the total mileage and change in mileage of the affected bus route;

17 (e) the approximate total cost;

18 (f) reasons for the proposed bus route change;

19 (g) the number of children to be served;

20 (h) a copy of the official minutes of the meeting at which the school trustees approved the new
21 bus route or route change; and

22 (i) any other information that the county transportation committee considers relevant.

23 (4) When an application for increased reimbursement for individual transportation is presented to
24 the county transportation committee, it must include a signed individual transportation contract and a copy
25 of the official minutes of the meeting at which the trustees acted upon the request for increased
26 reimbursement.

27 ~~(2)~~(5) After a ~~fact-finding~~ factfinding hearing and decision on a transportation controversy, the
28 trustees or a patron of the district may appeal ~~such~~ the decision to the superintendent of public instruction
29 who shall ~~render~~ issue a decision on the basis of the facts established at the county transportation
30 committee hearing.

1 ~~(3) The trustees of any district which objects to a particular school bus route or transportation~~
 2 ~~service area to which it has been assigned may request a transfer to another school bus route or~~
 3 ~~transportation service area. The county transportation committee may transfer the territory of such district~~
 4 ~~to an adjacent district's transportation service area or approved school bus route with the consent of such~~
 5 ~~adjacent district. When the qualified electors of the district object to the decision of the county~~
 6 ~~transportation committee and the adjacent district is willing to provide school bus service, 20% of the~~
 7 ~~qualified electors, as prescribed in 20-20-301, may petition the trustees to conduct an election on the~~
 8 ~~proposition that the territory of such district be transferred for school bus transportation purposes to such~~
 9 ~~consenting, adjacent district. When a satisfactory petition is presented to the trustees, the trustees shall~~
 10 ~~call an election in accordance with 20-20-201 for the next ensuing regular school election day. Such~~
 11 ~~election shall be conducted in accordance with the school election laws. If a majority of those voting at~~
 12 ~~such election approve the transfer, it shall become effective on July 1 of the ensuing school fiscal year.~~

13 ~~(4) Unless a transfer of a district from one transportation service area or approved school bus route~~
 14 ~~to another such area or route is approved by the county transportation committee and the superintendent~~
 15 ~~of public instruction, the state transportation reimbursement shall be limited to the reimbursement amount~~
 16 ~~for school bus transportation to the nearest operating public elementary school or public high school,~~
 17 ~~whichever is appropriate for the affected pupils."~~

18

19 **SECTION 5. SECTION 20-10-141, MCA, IS AMENDED TO READ:**

20 **"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The following mileage
 21 rates for school transportation constitute the maximum reimbursement to districts for school transportation
 22 from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146.
 23 These rates may not limit the amount that a district may budget in its transportation fund budget in order
 24 to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal
 25 year. All bus miles traveled on routes approved by the county transportation committee are reimbursable.
 26 Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of
 27 a school bus when the location is more than 10 miles from the school. A district may approve additional
 28 bus or nonbus miles within its own district or approved service area but may not claim reimbursement for
 29 the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under the rate provisions
 30 of this schedule, must be a school bus, as defined by this title, driven by a qualified driver on a bus route

1 approved by the county transportation committee and the superintendent of public instruction.

2 (2) The rate per bus mile traveled must be determined in accordance with the following schedule
3 when the number of eligible transportees that board a school bus on an approved route is not less than
4 one-half of its rated capacity:

5 (a) 85 cents per bus mile for a school bus with a rated capacity of ~~not less than 12 but~~ not more
6 than 45 children; and

7 (b) when the rated capacity is more than 45 children, an additional 2.13 cents per bus mile for each
8 additional child in the rated capacity in excess of 45 must be added to a base rate of 85 cents per bus mile.

9 (3) Reimbursement for nonbus mileage provided for in subsection (1) may not exceed 50% of the
10 maximum reimbursement rate determined under subsection (2).

11 (4) When the number of eligible transportees boarding a school bus on an approved route is less
12 than one-half of its rated capacity, the rate per bus mile traveled must be computed as follows:

13 (a) determine the number of eligible transportees that board the school bus on the route;

14 (b) multiply the number determined in subsection (4)(a) by two and round off to the nearest whole
15 number; and

16 (c) use the adjusted rated capacity determined in subsection (4)(b) as the rated capacity of the bus
17 to determine the rate per bus mile traveled from the rate schedule in subsection (2).

18 (5) The rated capacity is the number of riding positions of a school bus as determined under the
19 policy adopted by the board of public education."
20

21 **Section 6.** Section 20-10-141, MCA, is amended to read:

22 **"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The following mileage
23 rates for school transportation constitute the maximum reimbursement to districts for school transportation
24 from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146.
25 These rates may not limit the amount that a district may budget in its transportation fund budget in order
26 to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal
27 year. All bus miles traveled on bus routes approved by the county transportation committee are
28 reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight
29 location of a school bus when the location is more than 10 miles from the school. A district may approve
30 additional bus or nonbus miles within its own district or approved service area but may not claim

1 reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under
 2 the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified
 3 driver on a bus route approved by the county transportation committee and the superintendent of public
 4 instruction.

5 (2) The rate per bus mile traveled must be determined in accordance with the following schedule
 6 when the ~~number of eligible transportees that board a school bus on an approved~~ weighted ridership
 7 assigned to a bus route is not less than one-half of ~~its~~ the rated capacity of the school bus:

8 (a) 85 cents per bus mile for a school bus with a rated capacity of ~~not less than 12 but~~ not more
 9 than 45 ~~children~~ passenger seating positions; and

10 (b) when the rated capacity is more than 45 ~~children~~ passenger seating positions, an additional
 11 2.13 cents per bus mile for each additional ~~child~~ passenger seating position in the rated capacity in excess
 12 of 45 must be added to a base rate of 85 cents per bus mile.

13 (3) Reimbursement for nonbus mileage provided for in subsection (1) may not exceed 50% of the
 14 maximum reimbursement rate determined under subsection (2).

15 (4) When the ~~number of eligible transportees boarding a school bus on an approved~~ weighted
 16 ridership assigned to a bus route is less than one-half of ~~its~~ the rated capacity of the school bus, the rate
 17 per bus mile traveled must be computed as follows:

18 (a) determine the ~~number of eligible transportees that board the school bus on the~~ weighted
 19 ridership assigned to the bus route;

20 (b) multiply the number determined in subsection (4)(a) by two ~~and round off to the nearest whole~~
 21 ~~number~~; and

22 (c) use the adjusted rated capacity determined in subsection (4)(b) as the rated capacity of the bus
 23 to determine the rate per bus mile traveled from the rate schedule in subsection (2).

24 (5) The rated capacity is the number of ~~riding~~ passenger seating positions of a school bus as
 25 determined under the policy adopted by the board of public education. If modification of a school bus to
 26 accommodate pupils with disabilities reduces the rated capacity of the bus, the reimbursement to a district
 27 for pupil transportation is based on the rated capacity of the bus prior to modification.

28 (6) The number of pupils riding the school bus may not exceed the passenger seating positions of
 29 the bus."

30

1 **Section 7.** Section 20-10-142, MCA, is amended to read:

2 **"20-10-142. Schedule of maximum reimbursement for individual transportation.** The following
3 rates for individual transportation constitute the maximum reimbursement to districts for individual
4 transportation from state and county sources of transportation revenue under the provisions of 20-10-145
5 and 20-10-146. These rates constitute the limitation of the budgeted amounts for individual transportation
6 for the ensuing school fiscal year. The schedules provided in this section may not be altered by any
7 authority other than the legislature ~~of the state of Montana~~. When the trustees contract with the parent
8 or guardian of any eligible transportee to provide individual transportation for each day of school
9 attendance, they shall reimburse the parent or guardian for actual miles transported on the basis of the
10 following schedule:

11 (1) When a parent or guardian transports an eligible transportee or transportees from the residence
12 of the parent or guardian to a school or to schools located within 3 miles of one another, the total
13 reimbursement per day of attendance is determined by multiplying the distance in miles between the
14 residence and the school, or the most distant school if more than one, by 2, subtracting 6 miles from the
15 product, and multiplying the difference by 21.25 cents, provided that:

16 (a) if two or more eligible transportees are transported by a parent or guardian to two or more
17 schools located within 3 miles of one another and if the schools are operated by different school districts,
18 the total amount of the reimbursement must be divided equally between the districts;

19 (b) if two or more eligible transportees are transported by a parent or guardian to two or more
20 schools located more than 3 miles from one another, the parent or guardian must be separately reimbursed
21 for transporting the eligible transportee or transportees to each school;

22 (c) if a parent transports two or more eligible transportees to a school and a bus stop that are
23 located within 3 miles of one another, the total reimbursement must be determined under the provisions
24 of this subsection and must be divided equally between the district operating the school and the district
25 operating the bus;

26 (d) if a parent transporting two or more eligible transportees to a school or bus stop must, because
27 of varying arrival and departure times, make more than one round-trip journey to the bus stop or school,
28 the total reimbursement allowed by this section is limited to one round trip per day for each scheduled
29 arrival or departure time;

30 (e) notwithstanding subsection (1)(a), (1)(b), (1)(c), or (1)(d), a reimbursement may not be less than

1 25 cents a day.

2 (2) When the parent or guardian transports an eligible transportee or transportees from the
3 residence to a bus stop of a bus route approved by the trustees for the transportation of the transportee
4 or transportees, the total reimbursement per day of attendance is determined by multiplying the distance
5 in miles between the residence and the bus stop by 2, subtracting ~~3~~ 6 miles from the product, and
6 multiplying the difference by 21.25 cents, provided that:

7 (a) if the eligible transportees attend schools in different districts but ride on one bus, the districts
8 shall divide the total reimbursement equally; and

9 (b) if the parent or guardian is required to transport the eligible transportees to more than one bus,
10 the parent or guardian must be separately reimbursed for transportation to each bus.

11 (3) When, ~~due to~~ because of excessive distances, impassable roads, or other special circumstances
12 of isolation, the rates prescribed in subsection (1) or (2) would be an inadequate reimbursement for the
13 transportation costs or would result in a physical hardship for the eligible transportee, a parent or guardian
14 may request an increase in the reimbursement rate. A request for increased rates ~~due to~~ because of
15 isolation must be made by the parent or guardian on the contract for individual transportation for the
16 ensuing school fiscal year by indicating the special facts and circumstances that exist to justify the
17 increase. Before an increased rate ~~due to~~ because of isolation may be paid to the requesting parent or
18 guardian, the rate must be approved by the county transportation committee and the superintendent of
19 public instruction after the trustees have indicated their approval or disapproval. Regardless of the action
20 of the trustees and when approval is given by the ~~county transportation~~ committee and the superintendent
21 of public instruction, the trustees shall pay the increased rate ~~due to~~ because of isolation. The increased
22 rate is 1½ times the rate prescribed in subsection (1).

23 (4) The state and county transportation reimbursement for an individual transportation contract may
24 not exceed \$8 per day of attendance for the first eligible transportee and \$5 per day of attendance for each
25 additional eligible transportee.

26 ~~(4)~~(5) When the isolated conditions of the household where an eligible transportee resides require
27 an eligible transportee to live away from the household in order to attend school, the eligible transportee
28 is eligible for the room and board reimbursement. Approval to receive the room and board reimbursement
29 must be obtained in the same manner prescribed in subsection (3). The per diem rate for room and board
30 is ~~\$5-34~~ \$8 for one eligible transportee and ~~\$3-19~~ \$5 for each additional eligible transportee of the same

1 household.

2 ~~(5)~~(6) When the individual transportation provision is to be satisfied by supervised home study or
3 supervised correspondence study, the reimbursement rate is the cost of the study, provided that the course
4 of instruction is approved by the trustees and supervised by the district."
5

6 NEW SECTION. **Section 8. Establishment of transportation service areas.** (1) The territory of a
7 transportation service area is the territory of a school district unless the county transportation committee
8 approves alternative boundaries after determining that the adjustments will improve pupil safety,
9 transportation efficiency, or the cost-effectiveness of the pupil transportation system of the county.

10 (2) A district may not extend a bus route to transport pupils from outside its transportation service
11 area unless the district has a written agreement with the district that the county transportation committee
12 has assigned to transport the pupils.

13 (3) When the trustees of two or more districts enter into a written agreement to authorize
14 transportation services among transportation service areas, a copy of the agreement must be submitted to
15 the county superintendent and approved by the county transportation committee. Upon approval by the
16 ~~county transportation~~ committee, the transportation agreements are valid for the current school year.

17 (4) The trustees of any district who object to a particular bus route or transportation service area
18 to which the district has been assigned may request a transfer to another bus route or transportation
19 service area. The county transportation committee may transfer the territory of the district to an adjacent
20 transportation service area or approved bus route with the consent of the district providing transportation
21 in the adjacent transportation service area.

22 (5) If the qualified electors of the district object to the decision of the county transportation
23 committee and the adjacent district is willing to provide school bus service, 20% of the qualified electors,
24 as prescribed in 20-20-301, may petition the trustees to conduct an election on the proposition that the
25 territory of the district be transferred for pupil transportation purposes to the adjacent transportation service
26 area. If a satisfactory petition is presented to the trustees, the trustees shall call an election on the
27 proposition in accordance with 20-20-201 for the next ensuing regular school election day. The election
28 must be conducted in accordance with the school election laws. If a majority of those voting at the election
29 approve the transfer, the transfer is effective on July 1 of the ensuing school fiscal year.

30 (6) Unless a transfer of territory from one transportation service area or approved bus route to

1 another area or bus route is approved by the superintendent of public instruction and the county
 2 transportation committee, the state transportation reimbursement is limited to the reimbursement amount
 3 for pupil transportation to the nearest operating public elementary school or public high school, whichever
 4 is appropriate for the affected pupils.

5

6 **NEW SECTION. Section 9. Assignment of passenger points.**

7 Passenger points must be assigned to each eligible transportee on a bus route as follows:

- 8 (1) 1 point for each elementary pupil not described in subsection (3) or (4);
 9 (2) 1.5 points for each high school pupil not described in subsection (3) or (4);
 10 (3) 3 points for pupils described in 20-10-101(2)(c)(ii) who do not use a wheelchair; and
 11 (4) for pupils using a wheelchair:
 12 (a) 12 points for the first pupil using a wheelchair;
 13 (b) 9 points for the second pupil using a wheelchair; and
 14 (c) 6 points for each additional pupil using a wheelchair.

15

16 **NEW SECTION. Section 10. Passenger count required for high school programs.** (1) Each school
 17 district shall conduct a passenger count of the eligible transportees in the high school program who ride
 18 a school bus on the morning bus route for 5 consecutive school days beginning on the first ~~Monday~~
 19 SCHOOL DAY ON OR after November 14. Eligible transportees who ride at least once in the 5-day period
 20 must be included in the count. The passenger count must be used to determine the weighted ridership of
 21 the bus route for reimbursement purposes.

22 (2) The district shall send the passenger count to the superintendent of public instruction, on forms
 23 provided by the superintendent, on or before December 10. The district shall provide a copy of the
 24 passenger count to the county superintendent.

25

26 **NEW SECTION. Section 11. Codification instruction.** [Sections ~~7 through 9~~ 8 THROUGH 10] are
 27 intended to be codified as an integral part of Title 20, chapter 10, part 1, and the provisions of Title 20,
 28 chapter 10, part 1, apply to [sections ~~7 through 9~~ 8 THROUGH 10].

29

30 **NEW SECTION. Section 12. Effective date ~~DATES~~ -- RETROACTIVE APPLICABILITY.** [~~This act~~]

1 is (1) [SECTIONS 1 THROUGH 4, 6 THROUGH 11, AND 13] ARE effective July 1, 1995.

2 (2) [SECTION 5 AND THIS SECTION] ARE EFFECTIVE ON PASSAGE AND APPROVAL.

3 (3) [SECTION 5] APPLIES RETROACTIVELY, WITHIN THE MEANING OF 1-2-109, TO THE SCHOOL
4 FISCAL YEAR BEGINNING JULY 1, 1994.

5
6 NEW SECTION. SECTION 13. TERMINATION. [SECTION 5] TERMINATES JULY 1, 1995.

7 -END-