

1 HOUSE BILL NO. 162

2 INTRODUCED BY H. JACOBSON

3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE BASE RATE FOR REIMBURSEMENT TO A
6 SCHOOL DISTRICT FOR PUPIL TRANSPORTATION FROM 85 CENTS TO \$1.05 A MILE FOR A SCHOOL
7 BUS AND THE BASE RATE FOR AN INDIVIDUAL TRANSPORTATION CONTRACT FROM 21.25 CENTS
8 TO 25 CENTS A MILE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 20-5-323, 20-10-141,
9 AND 20-10-142, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

10

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

12

13 **Section 1.** Section 20-5-323, MCA, is amended to read:

14 **"20-5-323. Tuition and transportation rates.** (1) Except as provided in subsections (3) through (5),
15 whenever a child has approval to attend a school outside of the child's district of residence under the
16 provisions of 20-5-320 or 20-5-321, the basis of the rate of tuition is a flat rate for each of the 15
17 district-size groupings determined by rule by the superintendent of public instruction by March 15 of each
18 year, using statewide district expenditure and revenue data for the general fund, debt service fund, and
19 retirement fund to determine the average district contribution.

20 (2) The tuition for a child with a disability must be determined under rules adopted by the
21 superintendent of public instruction for the calculation of tuition for special education pupils.

22 (3) The tuition rate for out-of-district placement pursuant to 20-5-321(1)(d) and (1)(e) for a
23 student without disabilities who requires a program with costs that exceed the average district costs must
24 be determined as the actual individual costs of providing that program according to the following:

25 (a) the district of attendance and the district, person, or entity responsible for the tuition payments
26 shall approve an agreement with the district of attendance for the tuition cost; and

27 (b) for a Montana resident student, the average district per-ANB foundation payment amount
28 received in the year for which the tuition charges are calculated must be subtracted from the per-student
29 program costs for a Montana resident student.

30 (4) When a child attends a public school of another state or province, the amount of daily tuition

1 may not be greater than the average annual cost ~~per~~ for each student in the child's district of residence.
 2 This calculation for tuition purposes is determined by totaling all of the expenditures for all of the district
 3 budgeted funds for the preceding school fiscal year and dividing that amount by the October 1 enrollment
 4 in the preceding school fiscal year. For the purposes of this subsection, the following do not apply:
 5 (a) placement of a child with a disability pursuant to Title 20, chapter 7, part 4;
 6 (b) placement made in a state or province with a reciprocal tuition agreement pursuant to
 7 20-5-314;
 8 (c) an order issued under Title 40, chapter 4, part 2; or
 9 (d) out-of-state placement by a state agency.
 10 (5) When a child is placed by a state agency in an out-of-state residential facility, the state agency
 11 making the placement is responsible for the education costs resulting from the placement.
 12 (6) The amount, if any, charged for transportation may not exceed the lesser of the average
 13 transportation cost ~~per~~ for each student in the child's district of residence or ~~21.25~~ 25 cents ~~per a~~ mile.
 14 The average expenditures for the district transportation fund for the preceding school fiscal year must be
 15 calculated by dividing the transportation fund expenditures by the October 1 enrollment for the preceding
 16 fiscal year."

17

18 **Section 2.** 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
 22 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund
 23 budget in order to provide for the estimated and necessary cost of school transportation during the ensuing
 24 school fiscal year. All bus miles traveled on bus routes approved by the county transportation committee
 25 are reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an
 26 overnight location of a school bus when the location is more than 10 miles from the school. A district may
 27 approve 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~~ for each bus mile traveled must be determined in accordance with the following
3 schedule when the weighted ridership assigned to a bus route is not less than one-half of the rated
4 capacity of the school bus:

5 (a) ~~85 cents~~ \$1.05 ~~per a~~ bus mile for a school bus with a rated capacity of not more than 45
6 passenger seating positions; and

7 (b) when the rated capacity is more than 45 passenger seating positions, an additional 2.13 cents
8 ~~per a~~ bus mile for each additional passenger seating position in the rated capacity in excess of 45 must
9 be added to a base rate of ~~85 cents~~ \$1.05 ~~per a~~ 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 weighted ridership assigned to a bus route is less than one-half of the rated capacity
13 of the school bus, the rate ~~per~~ for each bus mile traveled must be computed as follows:

14 (a) determine the weighted ridership assigned to the bus route;

15 (b) multiply the number determined in subsection (4)(a) by two; and

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

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

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

24

25 **Section 3.** Section 20-10-142, MCA, is amended to read:

26 **"20-10-142. Schedule of maximum reimbursement for individual transportation.** The following
27 rates for individual transportation constitute the maximum reimbursement to districts for individual
28 transportation from state and county sources of transportation revenue under the provisions of 20-10-145
29 and 20-10-146. These rates constitute the limitation of the budgeted amounts for individual transportation
30 for the ensuing school fiscal year. The schedules provided in this section may not be altered by any

1 authority other than the legislature. When the trustees contract with the parent or guardian of any eligible
2 transportee to provide individual transportation for each day of school attendance, they shall reimburse
3 the parent or guardian for actual miles transported on the basis of the following schedule:

4 (1) When a parent or guardian transports an eligible transportee or transportees from the residence
5 of the parent or guardian to a school or to schools located within 3 miles of one another, the total
6 reimbursement ~~per~~ for each day of attendance is determined by multiplying the distance in miles between
7 the residence and the school, or the most distant school if more than one, by 2, subtracting 6 miles from
8 the product, and multiplying the difference by ~~21.25~~ 25 cents, provided that:

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

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

15 (c) if a parent transports two or more eligible transportees to a school and a bus stop that are
16 located within 3 miles of one another, the total reimbursement must be determined under the provisions
17 of this subsection (1) and must be divided equally between the district operating the school and the district
18 operating the bus;

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

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

25 (2) When the parent or guardian transports an eligible transportee or transportees from the
26 residence to a bus stop of a bus route approved by the trustees for the transportation of the transportee
27 or transportees, the total reimbursement ~~per~~ for each day of attendance is determined by multiplying the
28 distance in miles between the residence and the bus stop by 2, subtracting 6 miles from the product, and
29 multiplying the difference by ~~21.25~~ 25 cents, provided that:

30 (a) if the eligible transportees attend schools in different districts but ride on one bus, the districts

1 shall divide the total reimbursement equally; and

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

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

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

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

23 (6) When the individual transportation provision is to be satisfied by supervised home study or
24 supervised correspondence study, the reimbursement rate is the cost of the study, provided that the
25 course of instruction is approved by the trustees and supervised by the district."
26

27 **NEW SECTION. Section 4. Appropriation.** There is appropriated \$1.7 million from the general fund
28 to the office of public instruction for each of the school fiscal years 2002 and 2003 to pay for school
29 district transportation reimbursements.
30

