SENATE EDUCATION
EXHIBIT NO. 3
DATE 2-14-07
BILL NO. SB 38

Amendments to Senate Bill No. 38
1st Reading Copy

Requested by Senator Don Ryan

For the Senate Education and Cultural Resources Committee

Prepared by Casey Barrs
February 14, 2007 (1:04pm)

1. Title, page 1, line 5 through line 7.
Strike: "PAY" on line 5 through "BUDGET" on line 7
Insert: "USE THE DISTRICT TRANSPORTATION FUND TO PAY THE COSTS OF BUSING PUPILS FOR FIELD TRIPS AND TRIPS FOR SCHOOL-RELATED ATHLETICS OR ACTIVITIES; PROVIDING STATE AND COUNTY TRANSPORTATION AID FOR CERTAIN TRIPS APPROVED BY THE COUNTY TRANSPORTATION COMMITTEE"

2. Title, page 1, line 9.
Following: "20-3-205"
Strike: "AND"
Insert: ", 20-10-101, 20-10-132, 20-10-141,"
Following: "20-10-143,"
Insert: "20-10-144, 20-10-145, AND"

3. Page 1.
Following: line 13
Insert: "NEW SECTION. **Section 1. Busing for field trips and school-related athletics and activities.** (1) A school district that uses a school bus for busing pupils of the district on a field trip or school-related athletic or activity trip may request state and county transportation aid for a trip approved by the county transportation committee as provided in 20-10-132.

(2) State and county transportation aid for busing approved under this section is limited to the schedule of mileage reimbursement rates provided in 20-10-141 for miles actually traveled.

(3) School districts may pay certain costs of busing using the district transportation fund for trips provided and approved under this section when trips are taken during the school year, including costs for bus drivers and aides; fuel, insurance, and equipment costs; and contracted bus services. The cost of lodging, meals, and other incidental costs of trips may not be charged to the transportation fund for trips under this section.

(4) Trustees shall budget and must receive the approved state and county transportation aid in the school year following the school year in which the approved trip was conducted.

(5) Busing under this section may be authorized only for riders who are pupils of the district and for a reasonable number of adult chaperone bus riders.

(6) Transportation aid received by the district for trips under this section must be deposited into the district transportation fund."
Renumber: subsequent sections

4. Page 2, line 21.
Following: "claims"
Insert: ", including claims for reimbursement for trips approved under [section 1],"

5. Page 3.
Following: line 21
Insert: "Section 3. 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)(a) "Bus route" means a route approved by the board of trustees of a school district and by the county transportation committee.
(b) The term does not include field trips or trips for school-related athletics and activities.
(2) "Eligible transportee" means a public school pupil who:
(a) is 5 years of age or older and has not reached the age of 21 on or before September 10 of the current school year or who is a preschool child with a disability 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 developed and implemented in accordance with the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.; and
(d) is considered to reside with a parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school.
(3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus allocated for one passenger.
(4) (a) "School bus" means, except as provided in subsection (4)(b), any motor vehicle that~~:~~
~~(i)~~ complies with the bus standards established by the board of public education as verified by the department of justice's semiannual inspection of school buses and the superintendent of public instruction~~, and~~
~~(ii) is owned by a district or other public agency and operated for the transportation of pupils to or from school or~~

~~owned by a carrier under contract with a district or public agency to provide transportation of pupils to or from school~~.

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

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

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

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

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

(5) "Transportation" means:

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

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

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

{*Internal References to 20-10-101:*
20-10-147 X 20-10-147 X 61-8-102 X 61-9-226}"

Insert: "Section 4. Section 20-10-132, MCA, is amended to read:

"20-10-132. Duties of county transportation committee. (1) It is the duty of the county transportation committee to:

(a) establish the transportation service areas within the county, without regard to district boundary lines, for each district that operates a school bus transportation program;

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

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

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

(e) determine if geographic conditions make it impractical for a child to attend school in the district of residence, in

accordance with 20-5-321(1)(b); and

(f) approve, disapprove, or adjust districts' requests for state and county transportation aid for school bus trips approved and submitted as provided in [section 1].

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

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

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

(b) a description of turnarounds;

(c) conditions affecting safety;

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

(e) the approximate total cost;

(f) reasons for the proposed bus route change;

(g) the number of children to be served;

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

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

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

(5) When the county transportation committee reviews a district's request for mileage reimbursement for a trip as provided in [section 1], the committee shall consider the following:

(a) a description of the purpose of the trip;

(b) the mileage of the trip;

(c) the size of bus used and the number of students and adults who rode;

(d) the total of state and county transportation aid to be claimed; and

(e) any other information that the committee considers relevant.

~~(5)~~(6) After a factfinding hearing and decision on a transportation controversy, the trustees or a patron of the district may appeal the decision to the superintendent of public instruction who shall issue a decision on the basis of the facts established at the county transportation committee hearing."

{*Internal References to 20-10-132:*
20-3-107 X }"

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

"20-10-141. Schedule of maximum reimbursement by mileage rates. (1) The mileage rates in subsection (2) 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 and for trips authorized under [section 1]. 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 and costs of busing for trips authorized under [section 1] during the ensuing school fiscal year. All bus miles traveled on bus 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 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, field trip, or trip for school-related athletics or activities approved by the county transportation committee and the superintendent of public instruction.

(2) (a) The rate for each bus mile traveled must be determined in accordance with the following schedule:

(i) 95 cents for a school bus with a rated capacity of not more than 49 passenger seating positions;

(ii) $1.15 for a school bus with a rated capacity of 50 to 59 passenger seating positions;

(iii) $1.36 for a school bus with a rated capacity of 60 to 69 passenger seating positions;

(iv) $1.57 for a school bus with a rated capacity of 70 to 79 passenger seating positions; and

(v) $1.80 for a school bus with 80 or more passenger seating positions.

(b) Nonbus mileage, as provided in subsection (1), must be reimbursed at a rate of 50 cents a mile.

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

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

{*Internal References to 20-10-141:*
20-10-104 X 20-10-143 X 20-10-143 X 20-10-144
20-10-145 X 20-10-145 X }"

Renumber: subsequent sections

6. Page 3, line 23.
Following: "transportation"
Insert: "fund"
Following: "contracts"
Insert: "and requests for transportation aid"

7. Page 4, line 6.
Following: "include"
Insert: "in the transportation fund budget:
(a)"

8. Page 4, line 8.
Strike: "(a)"
Insert: "(i)"

9. Page 4, line 10.
Strike: "(b)"
Insert: "(ii)"

10. Page 4, line 12.
Strike: "(c)"
Insert: "(iii)"

11. Page 4, line 18 through line 19.
Strike: line 18 through line 19

12. Page 4.
Following: line 19
Insert: "(b) costs of busing for trips in accordance with
[section 1]."

13. Page 4, line 20.
Strike: "(4)"
Insert: "(3)"

14. Page 4, line 22.
Strike: "(5)"
Insert: "(4)"

15. Page 4, line 25.
Following: "send"
Insert: "to the county superintendent"
Following: "copies of"
Insert: ":
(a)"

16. Page 4, line 26.
Strike: "to the county superintendent"

17. Page 4.
Following: line 27
Insert:
"(b) approved requests for mileage reimbursement for trips provided under [section 1]."

18. Page 4, line 28.
Insert: "Section 7. Section 20-10-144, MCA, is amended to read:
"20-10-144. Computation of revenue and net tax levy requirements for district transportation fund budget. Before the second Monday of August, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:
(1) The "schedule amount" of the budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 must be determined by adding the following amounts:
(a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate for each bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by the district); plus
(b) the total of all individual transportation per diem reimbursement rates for the district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus
(c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school fiscal year; plus
(d) the amount budgeted in the budget for the contingency amount permitted in 20-10-143, except if the amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or $100, whichever is larger, the contingency amount on the budget must be reduced to the limitation amount and used in this determination of the schedule amount; plus
(e) any estimated costs for transporting a child out of district when the child has mandatory approval to attend school in a district outside the district of residence<u>; plus</u>
<u>(f) the sum of the maximum reimbursable mileage for each trip approved, as provided in [section 1], multiplied by the applicable rate per bus mile according to the schedule in 20-10-141 for the ensuing year for each trip approved by the county transportation committee for the ensuing school year</u>.
(2) (a) The schedule amount determined in subsection (1) or the total transportation fund budget, whichever is smaller, is divided by 2 and is used to determine the available state and

county revenue to be budgeted on the following basis:

(i) one-half is the budgeted state transportation reimbursement; and

(ii) one-half is the budgeted county transportation fund reimbursement and must be financed in the manner provided in 20-10-146.

(b) When the district has a sufficient amount of fund balance for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of district revenue and fund balance reappropriated must be used to reduce the county financing obligation in subsection (2)(a)(ii) and, if the county financing obligations are reduced to zero, to reduce the state financial obligation in subsection (2)(a)(i).

(c) The county revenue requirement for a joint district, after the application of any district money under subsection (2)(b), must be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each county.

(3) The total of the money available for the reduction of property tax on the district for the transportation fund must be determined by totaling:

(a) anticipated federal money received under the provisions of 20 U.S.C. 7701, et seq., or other anticipated federal money received in lieu of that federal act;

(b) anticipated payments from other districts for providing school bus transportation services for the district;

(c) anticipated payments from a parent or guardian for providing school bus transportation services for a child;

(d) anticipated or reappropriated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4);

(e) anticipated revenue from coal gross proceeds under 15-23-703;

(f) anticipated oil and natural gas production taxes;

(g) anticipated local government severance tax payments for calendar year 1995 production;

(h) anticipated transportation payments for out-of-district pupils under the provisions of 20-5-320 through 20-5-324;

(i) school district block grants distributed under 20-9-630;

(j) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year that may be used to finance the transportation fund; and

(k) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the transportation fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the transportation fund. The

operating reserve may not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and is for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.

(4) The district levy requirement for each district's transportation fund must be computed by:

(a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount; and

(b) subtracting the amount of money available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a).

(5) The transportation fund levy requirements determined in subsection (4) for each district must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the transportation fund levy requirements for the district, and the levy must be made by the county commissioners in accordance with 20-9-142."

{*Internal References to 20-10-144:*
20-10-146 X }"

Insert: "Section 8. Section 20-10-145, MCA, is amended to read:

"20-10-145. State transportation reimbursement. (1) A district providing school bus transportation ~~or~~, individual transportation, or trips approved under [section 1] in accordance with this title, board of public education transportation policy, and superintendent of public instruction transportation rules must receive a state reimbursement of its transportation expenditures under the transportation reimbursement rate provisions of 20-10-141 and 20-10-142. The state transportation reimbursement is one-half of the reimbursement amounts established in 20-10-141 and 20-10-142 or one-half of the district's transportation fund budget, whichever is smaller, and must be computed on the basis of the number of days the transportation services were actually rendered, not to exceed 180 pupil-instruction days. In determining the amount of the state transportation reimbursement, an amount claimed by a district may not be considered for reimbursement unless the amount has been paid in the regular manner provided for the payment of other financial obligations of the district.

(2) Requests for the state transportation reimbursement must be made by each district semiannually during the school fiscal year on the claim forms and procedure promulgated by the superintendent of public instruction. The claims for state transportation reimbursements must be routed by the district to the county superintendent, who after reviewing the claims shall send them to the superintendent of public instruction. The superintendent of public instruction shall establish the validity and accuracy of the claims for the state transportation reimbursements by determining compliance with this title, board

of public education transportation policy, and the transportation rules of the superintendent of public instruction. After making any necessary adjustments to the claims, the superintendent of public instruction shall order a disbursement from the state money appropriated by the legislature of the state of Montana for the state transportation reimbursement. The payment of all the district's claims within one county must be made to the county treasurer of the county, and the county superintendent shall apportion the payment in accordance with the apportionment order supplied by the superintendent of public instruction.

(3) After adopting a budget amendment for the transportation fund in accordance with 20-9-161 through 20-9-166, the district shall send to the superintendent of public instruction a copy of each new or amended individual transportation contract and each new or amended bus route form to which the budget amendment applies. State reimbursement for the additional obligations must be paid as provided in subsection (1).

(4) Semiannual claims submitted by the district must include claims for mileage reimbursements for trips that were conducted in the current school year and approved under [section 1]."

{*Internal References to 20-10-145:*
20-3-205 X 20-3-205 X 20-10-104 X 20-10-104
20-10-104 X 20-10-141 X 20-10-142 X }"

Insert: "Section 9. Section 20-10-146, MCA, is amended to read:

"20-10-146. County transportation reimbursement. (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation ~~or~~, individual transportation, and trips approved under [section 1] that ~~is~~ are actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) anticipated local government severance tax payments for calendar year 1995 production;

(iv) coal gross proceeds taxes under 15-23-703;

(v) countywide school transportation block grants distributed under 20-9-632;

(vi) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vii) federal forest reserve funds allocated under the provisions of 17-3-213; and

(viii) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments."

{*Internal References to 20-10-146:*
17-3-213 X 20-3-205 X 20-3-209 X 20-10-104
20-10-104 X 20-10-104 X 20-10-141 X 20-10-142
20-10-144 X }"

Renumber: subsequent section

- END -