

**SCHOOL TRANSPORTATION FUNDING AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dan N. Johnson**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill amends provisions related to funding for student transportation to and from school.

**Highlighted Provisions:**

This bill:

- ▶ requires the State Board of Education to use fiscal year 2019 data for purposes of:
  - distributing fiscal year 2021 and 2022 state appropriations for student transportation; and
  - determining the percentage of students who qualify for free or reduced price lunch in order to determine whether a local education agency is eligible for the rural school transportation reimbursement.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53F-2-403**, as last amended by Laws of Utah 2019, Chapters 186 and 408

**53F-2-520**, as last amended by Laws of Utah 2020, Chapter 408

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53F-2-403** is amended to read:

30 **53F-2-403. Eligibility for state-supported transportation -- Approved bus routes.**

31 (1) A student eligible for state-supported transportation means:

32 (a) a student enrolled in kindergarten through grade 6 who lives at least 1-1/2 miles  
33 from school;

34 (b) a student enrolled in grades 7 through 12 who lives at least two miles from school;  
35 and

36 (c) a student enrolled in a special program offered by a school district and approved by  
37 the state board for trainable, motor, multiple-disability, or other students with severe  
38 disabilities who are incapable of walking to school or where it is unsafe for students to walk  
39 because of their disabling condition, without reference to distance from school.

40 (2) If a school district implements double sessions as an alternative to new building  
41 construction, with the approval of the state board, those affected elementary school students  
42 residing less than 1-1/2 miles from school may be transported one way to or from school  
43 because of safety factors relating to darkness or other hazardous conditions as determined by  
44 the local school board.

45 (3) (a) The state board shall distribute transportation money to school districts based  
46 on:

47 (i) an allowance per mile for approved bus routes;

48 (ii) an allowance per hour for approved bus routes; and

49 (iii) a minimum allocation for each school district eligible for transportation funding.

50 (b) (i) [The] Except as provided in Subsection (3)(b)(ii), the state board shall distribute  
51 appropriated transportation funds based on the prior year's eligible transportation costs as  
52 legally reported under Subsection 53F-2-402(3).

53 (ii) The state board shall distribute state appropriations for transportation for fiscal  
54 years 2021 and 2022 using fiscal year 2019 eligible transportation costs described in  
55 Subsection 53F-2-402(3).

56 (c) The state board shall annually review the allowance per mile and the allowance per  
57 hour and adjust the allowances to reflect current economic conditions.

58 (4) (a) Approved bus routes for funding purposes shall be determined on fall data  
59 collected by October 1.

60 (b) Approved route funding shall be determined on the basis of the most efficient and  
61 economic routes.

62 (5) A Transportation Advisory Committee with representation from school district  
63 superintendents, business officials, school district transportation supervisors, and state board  
64 employees shall serve as a review committee for addressing school transportation needs,  
65 including recommended approved bus routes.

66 (6) A local school board may provide for the transportation of students regardless of the  
67 distance from school, from general funds of the school district.

68 Section 2. Section **53F-2-520** is amended to read:

69 **53F-2-520. Rural school transportation reimbursement.**

70 (1) As used in this section:

71 (a) "Eligible LEA" means a school district or a charter school:

72 (i) that is located in a county of the fourth, fifth, or sixth class, as defined in Section  
73 [17-50-501](#); and

74 (ii) in which:

75 (A) for a fiscal year other than fiscal year 2021 or 2022, at least 65% of the students  
76 enrolled in the school district or charter school qualify for free or reduced price lunch[-]; or

77 (B) for fiscal year 2021 or 2022, at least 65% of the students enrolled in the school  
78 district or charter school qualified for free or reduced price lunch in fiscal year 2019.

79 (b) "Eligible school" means a school:

80 (i) in an eligible LEA; and

81 (ii) that the eligible LEA has provided transportation to and from for a regular school  
82 day for students for at least five years.

83 (c) "LEA governing board" means:

84 (i) the local school board of a school district that is an eligible LEA; or

85 (ii) the charter school governing board of a charter school that is an eligible LEA.

86 (2) An LEA governing board may annually submit a request to the state board to  
87 receive reimbursement for an expense that:

88 (a) the LEA governing board incurs transporting a student to or from an eligible school  
89 for the regular school day; and

90 (b) the LEA governing board does not pay using state funding for pupil transportation  
91 described in Section 53F-2-402 or 53F-2-403.

92 (3) (a) Subject to legislative appropriations, and except as provided in Subsection  
93 (3)(b), the state board shall reimburse an LEA governing board for an expense included in a  
94 request described in Subsection (2).

95 (b) If the legislative appropriation for this section is insufficient to fund an expense in a  
96 request received under Subsection (2), the state board may reduce an LEA governing board's  
97 reimbursement in accordance with the rules described in Subsection (4).

98 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
99 state board shall make rules that establish:

100 (a) requirements for information an LEA governing board shall include in a  
101 reimbursement request described in Subsection (2);

102 (b) a deadline by which an LEA governing board shall submit a request described in  
103 Subsection (2); and

104 (c) a formula for reducing an LEA governing board's allocation under Subsection (3).

105 (5) Nothing in this section affects a school district's allocation for pupil transportation  
106 under Sections 53F-2-402 and 53F-2-403.