

Wyoming Administrative Rules

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General Agency, Board or Commission Rules

Chapter 20: Rules for the Pupil Transportation Component within the Education Resource Block Grant Model

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CHAPTER 20

RULES FOR THE PUPIL TRANSPORTATION COMPONENT WITHIN THE EDUCATION RESOURCE BLOCK GRANT MODEL

Section 1. Authority. The State Superintendent of Public Instruction pursuant to the authority granted by Wyo. Stat. 31-5-118(a), Wyo. Stat. 21-13-320(f), and Wyo. Stat. 21-4-401 (b) promulgates these rules.

Section 2. Applicability. These rules pertain to criteria and standards for determining eligible pupil transportation operation and maintenance costs, school bus fleet requirements, operational standards, and school bus purchase procedures used in calculating transportation amounts under the Education Resource Block Grant Model (ERBGM). These rules become effective when signed by the Governor and filed with the Secretary of State's Office.

Section 3. Promulgation, Amendment or Repeal of Rules.
Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (Wyo. Stat. 16-3-101 through 16-3-115).

Section 4. Definitions.

(a) Activity Trip. Travel inside the state of Wyoming for athletic and non-athletic activities sanctioned by the Wyoming High School Activities Association, and/or school sponsored athletic and non-athletic activities in grades preceding high school which directly correspond to those high school activities sanctioned by the Wyoming High School Activities Association. Expenses may include the driver's room and meal costs, but do not include student and/or sponsor's expenses. No reimbursement shall be made for transportation expenses for student activity trips in excess of one hundred fifty (150) miles from the Wyoming border into another state. The first 150 miles from the Wyoming border will be reimbursed with acceptable documentation.

(b) Administrative. The activities of personnel and services directly concerned with the conveyance of students.

(c) Advertising. Cost associated with employment ads, surplus sale of school buses ads and bid notification for equipment, beginning of year route announcements, route changes, school bus safety week, supplies for the pupil

transportation program and any other advertising directly related to pupil transportation.

(d) Aide, Bus. Paraprofessional (or district employee) employed to ride on the school bus to assist with students being transported.

(e) Aide, Loading Zone. School district transportation employee that supervises school loading zones during the loading and unloading of students riding school buses.

(f) Base Price. The price, before approved options, the Department will reimburse local school districts for the purchase of school buses. The base price will be figured by averaging all bid prices that meet or exceed the specifications.

(g) Benefits. Amounts paid by the school system on behalf of pupil transportation employees - including but not limited to employer's share of insurance (health), retirement programs, social security programs and workmen's compensation programs.

(h) Bus Garage. Permanent structure and improvements thereon owned by the district for the purpose of operating and maintaining school buses.

(i) Bus Maintenance Equipment. Specialized equipment to be kept in the bus garage and used to support school bus transportation (tire changing equipment, engine analyzer, brake repair equipment, computer, etc.).

(j) Bus Repair and Maintenance. School bus repairs and maintenance services provided by outside repair services rather than directly by school district personnel (glass replacement, tire service, major drive train repair, bodywork, etc.).

(k) Clerical Support. Office work performed for the transportation program.

(l) Communications Services. Services provided by non-district employees to assist in transmitting and receiving pupil transportation messages or information including but not limited to telephone, communication radios and equipment, cell phones, monthly internet service, and postage.

(m) Computer expenses. Hardware, software, and training for: GPS systems, routing, activity trips, field trips, fuel maintenance systems, maintenance records and student tracking/management systems.

(n) Contract Services. Services provided by persons, companies or agencies for transporting children in school buses, excluding isolation and maintenance payments.

(o) Department. The Wyoming Department of Education.

(p) Direct Cost. A cost which can be obviously and physically traced to providing pupil transportation services.

(q) Driver. The operator of a school bus. Also includes expenses for a relief activity driver waiting to drive.

(r) Education Resource Block Grant Model. As defined in W.S. 21-13-101 (a)(xiv).

(s) Equipment. A material item that retains its original shape and appearance with use, is non-expendable, does not lose its identity through incorporation into a different or more complex unit, and has a serviceable life of more than one (1) year. The material must be related to pupil transportation services. A snowplow mounted on the service truck would be included. A service truck, used exclusively in support of pupil transportation services, with a GVWR under 13,500 pounds and a minimum life cycle of ten (10) years or 150,000 miles, is included as equipment.

(t) Field Trip. A student activity outside the classroom that is an extension of classroom instruction and considered part of the regular school session. Travel must be in a school bus. No reimbursement shall be made for transportation expenses for student field trips in excess of one hundred fifty (150) miles from the Wyoming border into another state. The first 150 miles from the Wyoming border will be reimbursed with acceptable documentation.

(u) Global positioning system (GPS). Vehicle mounted or handheld/portable system (must be secured/mountable in driver's compartment) to track school bus location and travel.

(v) Indirect Cost. A cost that is not directly identifiable with providing transportation services but rather is incurred as a consequence of the general, overall operating activities of the school district.

(w) Insurance. Premium payments to insure the school system against loss or damage to a bus garage or school district vehicle used primarily for student transportation.

(x) Isolation and Maintenance Payment. The payment of funds as defined in Wyo. Stat. 21-4-401.

(y) Maintenance. The activities involved in the up-keep and repair of school buses and equipment. This does not include up-keep or maintenance to the bus garage or site.

(z) Mechanic. A person involved in maintaining school buses.

(aa) Multiple Routing. The use of buses for two distinct routes in the morning and/or evening to one or more schools.

(bb) Non-conforming Vehicle. A vehicle that does not comply with Chapter 2, the Department of Education Rules for *Minimum Standards for Wyoming School Buses*.

(cc) Operation. The daily activities involved in directing, managing, and supervising the transportation system.

(dd) Periodicals. Pupil transportation related magazines and newsletters.

(ee) Physical Examination. An examination meeting the requirements of Wyo. Stat. 21-3-131 (a) (iv).

(ff) Purchased Services. Services, which are professional and technical in nature and not provided by school personnel, which would include but not be limited to: (first aid training, defensive driving courses, CPR, transportation workshop presenters, computer programming for school transportation, and drug and alcohol testing, etc).

(gg) Salary. Amount paid to employees of the school district who work in the pupil transportation department.

(ii) School Bus. Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of Chapter 2, the Department of Education Rules for *Minimum Standards for Wyoming School Buses*, and is used to transport students to or from school, school activities and student related business.

(jj) Single Route. The use of buses for one route in the morning and/or evening to one or more schools.

(kk) Supervisor. The person directly in charge of the day-to-day operation of the transportation system.

(ll) Supplies. Material items of an expendable nature that may be consumed, worn out or deteriorate with use, or items that lose their identity through fabrication or incorporation into different or more complex units or substances. The supplies must be related to pupil transportation services

(mm) Trade-in Value. For purposes of the transportation reimbursement within the Education Resource Block Grant Model, meaning a non-cash transaction used to reduce the purchase price of a bus.

(nn) Training expenses/ Professional development - Materials, supplies and food/drink used during district-wide training sessions or exercises.

(oo) Transportation Route. The path followed by a school bus for pupil transportation to and from school from the time the vehicle leaves the point of storage until it returns to the point of storage.

(pp) Travel Costs. Cost of transportation, meals, hotel, and other expenses associated with traveling on pupil transportation business for the school district, which include but are not limited to: (workshops, meetings, and picking up school buses - if not included in the bid price, parts running, route checking, chase vehicle for service, and taking buses for service). Also includes reasonable expenses for "park out" drivers to return home during the day. A student need not be present for these reimbursements to be authorized.

(qq) Utilities. Expenditures for services usually provided by public utilities such as water, sewage, electricity, gas, garbage collection, natural gas, oil, and

coal used in the bus garage. Bottled drinking water would also be included.

(rr) Video cameras. A vehicle mounted camera system used to record behavior on a school bus. Also included would be the necessary equipment to review the recordings in the transportation office.

Section 5. Reimbursable Expenses.

(a) Transportation costs within the Education Resource Block Grant Model are those amounts actually expended the previous year for the operation and maintenance of school buses for the transportation of children to and from school, field trips, and activity trips.

(b) The reimbursable transportation expenses to be included within the Education Resource Block Grant Model shall be direct costs as follows:

- (i) Activity trip expenses;
- (ii) Advertising expenses;
- (ii) Administrative costs and benefits;
 - (A) Supervisor salary and benefits;
 - (B) Mechanic salary and benefits;
 - (C) Clerical support salary and benefits;
 - (D) Bus and loading zone aides salary and benefits;
 - (E) Salary and benefits for other personnel assigned to the transportation department;
- (iv) Bus maintenance equipment;
- (v) Bus garage utilities;
- (vi) Communication services;
- (vii) Computer expenses;
- (viii) Contract services;

- (ix) Field trip expenses;
- (x) Global positioning systems (GPS)
- (xi) Insurance - school buses and school bus garage;
- (xii) Isolation and Maintenance;
- (xiii) Periodicals;
- (xiv) Physical examinations for school bus drivers;
- (xv) Purchased services;
- (xvi) School bus repairs and maintenance;
- (xvii) School bus driver salaries and benefits;
- (xviii) Supplies;
- (xix) Training expenses/Professional development;
- (xx) Travel Costs;
- (xxi) Video cameras.

Section 6. Non-reimbursable Expenses.

(a) Expenses, which shall not be included within the Education Resource Block Grant Model under pupil transportation, shall be as follows:

(i) Purchase of staff vehicles, non-school bus vehicles, and non-conforming vehicles;

(ii) Maintenance and repair expenses for staff vehicles, non-school bus vehicles, and non-conforming vehicles;

(iii) Expenses incurred as a result of busing students from a large attendance center to a small attendance center in an effort to keep the smaller attendance center open or increase its average daily membership;

(iv) Indirect costs;

(v) Reclining school bus seats and related repair costs.

(vi) Bus garage and site repairs and maintenance.

Section 7. School Bus Purchase.

(a) Bus purchases.

(i) Purchases: Vehicles meeting Chapter 2, the Department of Education Rules for *Minimum Standards for Wyoming School Buses* shall be reimbursed per Wyo. Stat. 21-13-320(g) (v) (A) based on the cost as shown by an invoice and production order from a certified dealer.

(ii) Lease/Purchase: Vehicles meeting Chapter 2, the Department of Education Rules for *Minimum Standards for Wyoming School Buses*, shall be reimbursed per Wyo. Stat. 21-13-320(g) (v) (B) based on the cost plus interest paid as shown by an invoice and production order from a certified dealer. Reimbursement of the expenditure shall be based on an amortization schedule, with a lease no longer than five (5) years. If a lease is paid off prior to maturity, the district shall receive the amount actually expended in that year, not to exceed the purchase price and original lease fees.

(iii) A notarized statement must accompany all claims for reimbursement from the selling dealer listing each item installed on or delivered with the vehicle not included in Chapter 2, the Department of Education Rules for *Minimum Standards for Wyoming School Buses* and its value. The amount reimbursed by the state shall not include any unapproved options.

(b) Dual Purpose Vehicle.

(i) If a Multi-purpose Passenger Vehicle (MPV) is going to be used for dual purposes (student and staff travel), the district shall declare the use at the time of purchase and declare the percentage of anticipated use for students and for staff travel. The vehicle purchase price shall be reimbursed at that percentage for student use. The percentage of staff use shall not be reimbursed.

(ii) Mileage on the vehicle shall be recorded each year. All expenses for that vehicle shall be reimbursed based on the percentage of use for students. The percentage of staff use shall not be reimbursed. Each dual purpose MPV shall have a complete mileage log showing the use and number of students transported along with the beginning and ending mileage for every trip.

(iii) At the end of the purchase price reimbursement period, the district shall submit a yearly mileage report showing the percentage use for student travel and staff travel. Before the last payment is made, the Department shall adjust the payment to reflect the actual use over the period.

(c) Districts shall file a *WDE Vehicle Form, Part II Notification of New Bus* with the Department of Education within two weeks of delivery of a new vehicle.

(d) Districts shall file a *WDE Vehicle Form, Part I and II Bus Disposal* with the Department of Education before disposing of a vehicle.

Section 8. Cost of Operation.

(a) Each district shall report the actual number of miles traveled annually on activity trips and field trips on the *WDE Vehicle form*.

(b) Each district shall record the mileage of each vehicle on July 1 and the following June 30. This mileage shall be reported as a district total to the Department on the *WDE Vehicle form*.

(c) Each district shall report the route miles traveled on the *WDE Vehicle form*.

(d) A cost per mile for each district will be calculated by dividing the total reimbursable expenses of each district by the total miles as reported in subsection (8)(b) above for each district.

Section 9. School Bus Fleet Requirements.

(a) School bus fleet size shall be frozen as of February 10, 1999 as reported on the *WDE Vehicle Form* for each district. Also included will be the buses on order as of February 10, 1999.

(b) The size of a district's fleet shall be reviewed, and adjusted if necessary, if the Average Daily Membership (ADM) decreases by fifteen percent (15%) or more over a three-year period.

(c) A district may file a letter to request an additional vehicle with the Department of Education to increase the size of its bus fleet. Rationale for the additional buses must be provided on the form. Districts requesting additional vehicles must address the issue of multiple routing. The process may include an on-site review of the transportation system by the Department of Education.

(d) The following life cycles shall apply to all school buses (years/miles):

Minimum

Type A		6 yrs/110,000
Type B		6 yrs/ 90,000
Type C		9 yrs/150,000
Type D <34,000 GVWR		9 yrs/150,000
Type D >34,001 GVWR	(Heavy Duty)	11 yrs/150,000
MPV		6 yrs/125,000

Average

Type A		7 yrs/120,000
Type B		7 yrs/ 95,000
Type C		10 yrs/165,000
Type D <34,000 GVWR		10 yrs/165,000
Type D >34,001 GVWR	(Heavy Duty)	13 yrs/175,000
MPV		7 yrs/140,000

Optimal

Type A		8 yrs/130,000
Type B		8 yrs/100,000
Type C		12 yrs/175,000
Type D <34,000 GVWR		12 yrs/175,000
Type D >34,001 GVWR	(Heavy Duty)	14 yrs/200,000
MPV		9 yrs/150,000

(e) When a bus is replaced it shall be immediately traded in, sold, or otherwise removed from pupil transportation service.

(f) If a district stops using a bus before its minimum life cycle, another bus shall not be funded until the end of the appropriate minimum life cycle for that vehicle.

(g) Districts may replace a bus before the minimum life cycle in Section 9(d) if:

(i) The bus is a total loss as a result of an accident.

(ii) The bus is used in severe service and is not cost effective to keep in the fleet, as shown by appropriate documentation.

(iii) The bus was a "lemon" as shown by work orders or other documentation as well as review by a third party.

(h) A district may keep a bus after its minimum use limit if:

(i) The service record of the bus is so good that a district wants to keep it rather than trade it in. In this case, the district shall not be allowed to purchase a replacement vehicle until the bus is retired from student use.

(ii) The district puts the bus to use other than to transport students - carpenter/plumber vehicle, lunch delivery, maintenance use, etc. In this case, the vehicle shall be replaced.

(i) Vehicles shall be replaced with a like or smaller type and size of bus. A district may file a request letter with the Department to purchase a larger bus, with rationale for the bigger bus provided.

Section 10. Operations.

(a) All student transportation shall be in vehicles meeting the standards specified in the *Minimum Standards for Wyoming School Buses*.

(b) Minimum walking distances within the city limits shall be measured by one of the following methods:

(i) A radius from the main school building on a site and be a minimum of:

- (A) Elementary school students 1 mile.
- (B) Junior high students 1.5 miles.
- (C) High school students 2 miles.

(ii) If a district uses a fully functioning computer based routing system; the following minimum short path distance may be used:

- (A) Elementary school students 1.2 mile.
- (B) Junior high students 1.7 miles.
- (C) High school students 2.2 miles.

A district shall use only one of the above methods to calculate walking distance. No transportation shall be provided to children within the walking distance with the exception of Section 10(c).

(c) A local district may, by official board action, transport students within the walking distance if it finds that there is a physical barrier that would prevent a student from walking to school or a safety hazard that could cause the student harm. Examples of physical barriers would be a river, interstate highway (without a pedestrian crossover), etc. Examples of safety hazards are railroad tracks, multi-lane roads with inadequate pedestrian crossings, lack of adequate sidewalks, etc. Official board action must be on a route-by-route basis and renewed yearly.

(d) School buses shall travel only on city, county, state, and federally maintained streets and roads. County roads shall be high priority maintained roads as designated by the county.

(i) The local board of trustees may take official action to not operate on these roads based on safety concerns and cost effectiveness.

(ii) The local board of trustees may take official action to travel on other roads and driveways for safety concerns.

(iii) Official board action must be on a route-by-route basis and renewed yearly.

(e) School bus routing shall be developed with an awareness of cost effectiveness. Multiple routing shall be considered the norm, rather than the exception.

(f) School buses equipped with a roof-mounted strobe light shall use them as follows:

(i) when loading and unloading students, and

(ii) when students are on board, and

(iii) during adverse weather conditions, and

(iv) when bus speeds are less than twenty-five (25) mph.

(v) All four (4) conditions must be present in order to use the strobe light.

(g) Inter-district operations. No district shall send a school bus into another school district for the purposes of loading or discharging students of the other district without consent of the school boards concerned.

(h) Non-school use. Any non-district group using a school bus shall be charged for the driver's wages and benefits, fuel, and a per mile fee to cover maintenance and wear on the bus. The Department shall determine the figure by April 30 and notify the school districts. If a district can document that the cost per mile is less than or exceeds the figure provided by the Department, the district may charge for the driver's wages and benefits, fuel, and actual cost per mile. The school district shall not be reimbursed for any expense incurred during such use.

(i) Special needs. Special needs transportation is specially designed to meet the unique needs of a child with a disability. A standard school bus or a specially equipped school bus that has been designed, equipped or modified to accommodate students with special needs may be used. Many times a standard bus can be used, but the operating procedures must be modified. Any modifications to Section 10(a)-(h) of these rules must be set out in the Individualized Education Program (IEP) of the student.

(i) Special equipment or supplies that are used on a special needs bus for mobility assistance, health

support, or safety purposes shall meet any local, federal, or engineering standards that may apply, including proper identification.

(j) All portable equipment and special accessory items shall be secured at the mounting location to withstand a pulling force of five (5) times the weight of the item, or shall be retained in an enclosed, latched compartment. The compartment shall be capable of withstanding forces applied to its interior equal to five (5) times the weight of its contents without failure to the box's integrity and securement to the bus. Exception: If Chapter 2, the Department of Education Rules for *Minimum Standards for Wyoming School Buses*, provide specific requirements for securement of a particular type of equipment, the specific standard shall prevail (i.e., wheelchairs).

Section 11. State Bid/District Buy Procurement.

(a) The Department will develop, with the input of the Wyoming Pupil Transportation Committee, a standard set of specifications based on Chapter 2, the Department of Education Rules for *Minimum Standards For Wyoming School Buses*.

(b) The specifications will be reviewed with the school bus manufacturers and changes made where appropriate.

(c) The specifications will be sent to the districts, for a non-binding straw poll as to the number of each type of bus the district is planning to purchase.

(d) The specifications will be put out for bid with an estimate of the number of each bus that might be purchased statewide during the bid period.

(e) The bids received will be analyzed to determine which bids meet or exceed the specifications. All of the bids for the Type A buses will be averaged to come up with the "base" price for a Type A bus. The same will be done with the other types of buses. The base price will be the amount the state reimburses districts if they purchase a bus. The options page of the accepted bids will include the approved pricing for all options sold by the individual vendors. Once accepted by the Department, these prices shall remain in effect for the duration of the accepted bid. Any changes to the accepted option prices must be approved by the Department.

(f) Districts will be sent the bid price for each type of bus they plan to purchase. Districts will complete an *Intent to Purchase* form and a *WDE Vehicle Form* for each bus they plan to purchase. Districts will have a window of time in which to order the bus directly from the dealer.

(g) A district may purchase a bus that is not the lowest bid bus due to:

- (i) standardization for repairs or parts,
- (ii) better service from a particular dealer or,
- (iii) parts availability.

(h) Districts will be reimbursed no more than the approved base price for the vehicles purchased. The dealer cannot deviate from the specifications of the base bus bid.

(i) If a district decides to purchase the lowest bid bus, the difference between its price and the base price will not be given to the district.

(ii) If a district decides to purchase the middle priced bus, the trade-in value of the bus being replaced shall be used to make up the difference between the base price and the middle bid price, if any.

(iii) If the district decides to purchase the highest bid bus, they can negotiate for a better price due to the trade-in price or quantity discounts. The district will be responsible for paying the difference in the price.

(i) Districts can apply to the Department for approval to add options to buses purchased.

(i) If an option is requested and approved, the Department will reimburse the district for the price of that option.

(ii) If the option is denied, a district can still purchase the option, the district will be responsible for paying for the option. A disapproved option cannot be claimed for reimbursement under the "parts" budget.

(iii) All buses purchased must still meet all sections of Chapter 2, the Department of Education Rules for *Minimum Standards for Wyoming School Buses*.

Section 12. Isolation and Maintenance Payments.

(a) Isolation and maintenance payments are as prescribed in Wyo. Stat. 21-4-401.

(b) All applicants for isolation and maintenance payments shall establish residence in the school district by providing one of the following documents, as prescribed by the district board of trustees, which would include but not be limited to:

- (i) Property tax receipt for the home address
- (ii) Current electric bill
- (iii) Current water bill
- (iv) Vehicle license plate registration
- (v) Income tax return forms
- (vi) Other government issued document per the local school district policy.

(c) Residence requirements for each parent or legal guardian applying for isolation or maintenance for a student shall be determined by the local school district board of trustees. No pupil is eligible as isolated unless the pupil's parents or legal guardians demonstrate to the local school board that the family's residing in the isolated location is necessary for the family's financial well being. Documents that may be used for this purpose include federal income tax returns, property tax receipts, or profit and loss statements. The final decision for properly documented eligibility shall be made by the district board of trustees.