

HOUSE BILL NO. HB0286

K-12 transportation funding.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to school finance; amending provisions
2 governing funding for K-12 transportation within the
3 education resource block grant model; providing
4 applicability; requiring rulemaking; and providing for
5 effective dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-13-320(b)(intro), (f), (g)(intro),
10 (ii), (iii)(intro), (v)(A), (B), by creating a new paragraph
11 (vi), (h)(ii) and (m) is amended to read:

12

13 **21-13-320. Student transportation; amount within**
14 **school foundation program formula for transportation**
15 **maintenance and operations expenditures and school bus**
16 **purchases; district reporting requirements.**

1

2 (b) There shall be an amount computed for each school
3 district equal to ~~the assigned percentage of~~ the base price
4 amount for bus purchase and lease payment expenditures made
5 by the district during the previous school year pursuant to
6 subsection (g) of this section, ~~one hundred percent (100%) of~~
7 ~~the amount actually expended by the district during the~~
8 ~~previous school year under subsection (c) of this section~~ and
9 for:

10

11 (f) The department of education shall adopt necessary
12 rules and regulations to implement and enforce state
13 standards established under this section and to administer
14 this section. District expenditures computed under subsection
15 (b) of this section shall not include expenditures for
16 employee contributions to the Wyoming retirement system
17 exceeding five and fifty-seven hundredths percent (5.57%) of
18 any member employee's salary. In addition, the department
19 shall, in accordance with procedures prescribed by department
20 rule and regulation, establish a base price for each school
21 bus type or other student transportation vehicle type for the
22 applicable fiscal period that complies with minimum state
23 standards for vehicle specifications and equipment. The

1 department shall also establish a process including
2 competitive bidding which guarantees the acquisition of
3 school buses and other student transportation vehicles
4 approved for reimbursement and complying with state minimum
5 standards and district fleet size restrictions at the
6 established base price for the applicable fiscal year. ~~In~~
7 ~~addition and for purposes of reimbursement under subsection~~
8 ~~(g) of this section, the department shall in consultation~~
9 ~~with the pupil transportation committee, establish a minimum,~~
10 ~~average and optimal replacement schedule for each school bus~~
11 ~~type or other student transportation vehicle type~~ Department
12 rules shall establish appropriate restrictions on how and
13 under which conditions a school district may procure a school
14 bus or other student transportation vehicle, either through
15 purchase or lease, to ensure that the procurement method used
16 is the most cost effective. School districts shall notify the
17 department of school bus and other student transportation
18 vehicle needs and requirements for the appropriate fiscal
19 year in the manner and within the times prescribed by
20 department rule and regulation, and shall report
21 expenditures, purchases and lease arrangements for the
22 applicable reporting period, including vehicles replaced by
23 purchases and leases, as required by department rule and

1 regulation. The department shall annually review and conduct
2 audits as necessary of information submitted under this
3 section. As authorized under W.S. 21-13-307(b), the
4 department may correct the information reported by districts
5 under this section as necessary to fairly and accurately
6 reflect the data type, classification and format required to
7 administer this section in accordance with law and department
8 rules and regulations.

9

10 (g) In addition to subsection (b) of this section and
11 for ~~buses purchased or leased on or after July 1, 2002~~
12 purchases and leases conducted in a manner consistent with
13 department rule, the transportation adjustment for each
14 district under this section shall include an amount computed
15 under this subsection for the purchase or lease of school
16 buses and other vehicles used primarily for the
17 transportation of students to and from school and to and from
18 school activities. Computations of amounts reimbursed under
19 this subsection shall be based upon the base price established
20 by the department under subsection (f) of this section for
21 the student transportation vehicle type. Amounts included
22 within the adjustment under this subsection shall be subject
23 to the following:

1

2 (ii) The number of buses and other student
3 transportation vehicles comprising a district's fleet shall
4 comply with fleet size standards established by rule of the
5 department, ~~in accordance with paragraph (c)(ii) of this~~
6 ~~section, unless otherwise waived by the department for the~~
7 ~~provision of safe and efficient student transportation~~
8 ~~services~~ which shall be established to ensure safe and
9 efficient student transportation;

10

11 (iii) In consultation with the pupil
12 transportation committee, the department shall by rule
13 establish a replacement schedule ~~established by the~~
14 ~~department under subsection (f) of this section for the bus~~
15 ~~or other student transportation vehicle being replaced by the~~
16 ~~authorized purchase or lease shall be assigned the following~~
17 ~~percentages for purposes of computing the adjustment amount~~
18 ~~under paragraph (g)(v) of this section:~~ for buses and other
19 student transportation vehicles. The replacement schedule
20 shall establish replacement cycles for mileage and age not
21 less than the applicable national averages for replacement of
22 school buses and other student transportation vehicles;

23

1 (v) The adjustment for the purchase or lease of
2 buses and other student transportation vehicles authorized
3 under this subsection shall be equal to:

4
5 (A) One-fifth (1/5) of the base price
6 established under subsection (f) of this section for each
7 purchased school bus or other purchased student
8 transportation vehicle for which reimbursement is authorized
9 and which is made by the district during the preceding five
10 (5) years~~;~~~~, multiplied by the percentage assigned to the bus~~
11 ~~or other vehicle being replaced by the purchase as provided~~
12 ~~under paragraph (g)(iii) of this section. For purposes of~~
13 ~~this subparagraph, any purchase made during the period~~
14 ~~beginning April 1, 2002, and ending June 30, 2002, shall not~~
15 ~~be included;~~

16
17 (B) The base price established under
18 subsection (f) of this section for lease payments for each
19 school bus or other student transportation vehicle for which
20 reimbursement is authorized and which is made by the district
21 during the prior school year, ~~multiplied by the percentage~~
22 ~~assigned to the bus or other vehicle being replaced by the~~
23 ~~leased vehicle as provided by paragraph (g)(iii) of this~~

1 ~~section,~~ plus the annual interest charges imposed under the
2 lease arrangement. ~~For purposes of this subparagraph, any~~
3 ~~lease arrangement entered into during the period commencing~~
4 ~~April 1, 2002, and ending June 30, 2002, shall not be~~
5 ~~included.~~

6
7 (vi) Amounts included within the adjustment for
8 purchases or leases that are fully or partially paid for or
9 rebated under the Diesel Emissions Reduction Act, 42 U.S.C.
10 16131 et seq., or other similar program, shall be made in
11 accordance with department rule and regulation.

12
13 (h) As used in this section:

14
15 (ii) "Pupil transportation committee" means an
16 advisory committee comprised of school district business
17 managers, student transportation program managers and
18 employees, district superintendents and other district
19 personnel organized by the state department of education to
20 assist the department in developing and maintaining state
21 standards for vehicle specifications and equipment, vehicle
22 fleet regulations and vehicle replacement schedules.

1 ~~including the establishment of minimum, average and optimal~~
2 ~~replacement schedules, as required under this section.~~

3
4 (m) No district shall purchase or lease a school bus ~~on~~
5 ~~or after March 15, 2017~~ unless it first ~~applies~~ demonstrates
6 to the department and the department determines that ~~an~~
7 ~~emergency exists necessitating the purchase or lease of the~~
8 ~~bus, except that, beginning July 1, 2018, a district may~~ the
9 school district has in good faith attempted to purchase or
10 lease a bus that will be fully or partially paid for or
11 rebated under the Diesel Emissions Reduction Act, 42 U.S.C.
12 16131 et seq., or other similar program. ~~as confirmed by a~~
13 ~~letter of assurance from the state or federal government. No~~
14 ~~district shall enter into a new lease for a school bus on or~~
15 ~~after July 1, 2018.~~

16
17 **Section 2.** W.S. 21-13-320(c), (g)(iii)(A) through (C),
18 (iv), (j) and (k) is repealed.

19
20 **Section 3.** Amendments made to W.S. 21-13-320, as
21 contained in this act, shall apply prospectively. School
22 district purchases and leases of school buses and other
23 student transportation vehicles made or entered into before

1 the effective date of this act shall be governed by W.S.
2 21-13-320 as it existed at the time the school district
3 purchased or leased the applicable school bus or other student
4 transportation vehicle.

5

6 **Section 4.** By July 1, 2019, the department of education
7 shall promulgate necessary rules to implement W.S. 21-13-320,
8 as amended by this act.

9

10 **Section 5.**

11

12 (a) Except as provided in subsection (b) of this
13 section, this act is effective July 1, 2019.

14

15 (b) Sections 4 and 5 of this act are effective
16 immediately upon completion of all acts necessary for a bill
17 to become law as provided by Article 4, Section 8 of the
18 Wyoming Constitution.

19

20

(END)