

CREATING
OPPORTUNITIES
FOR STUDENTS TO
KEEP WYOMING
STRONG



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To: Joint Education Interim Committee

From: Kari Eakins, Chief Policy Officer
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Subject: School Finance - Transportation

Following the passage of [House Bill 308](#) in 2019, the Wyoming Department of Education (WDE) continued an evaluation of the current student transportation system to identify potential efficiencies and opportunities to reduce costs. This memo will provide information on potential efficiencies resulting from proposed rule revision and considerations for alternative contracts.

Potential Efficiencies Resulting from Rule Revision

The WDE worked with student transportation stakeholders to review Chapter 2 and 20 rules, which are currently being promulgated. This effort resulted in the following proposed revisions to:

- Incorporate National School Transportation Specifications and Procedures by reference, providing improvements that maintain or further enhance the safety, security, and efficiency of student transportation.
- Clarify allowable reimbursements for student transportation operations and maintenance (O&M) expenses.
- Expand walking distances and 'no transportation zones' in close proximity to schools.
- Establish a more rigorous student transportation vehicle procurement method and reimbursement process.
- Extend vehicle replacement life cycles.

Proposed revisions to Chapter 20 provide clarity regarding allowable reimbursements and will facilitate the consistent application of rules for reimbursement. For example, under the proposed rules, only field trips during the regular school session are reimbursable. In the past, confusion regarding the definition of 'school session' resulted in the reimbursement of summer school field trips by the WDE. In the proposed rule, 'school session' has been better defined for clarity.

Current Chapter 20 rule establishes walking zones around schools in which transportation is not provided. For elementary schools, the zone was a one-mile radius from the school, 1.5-mile radius for junior high schools, and 2.0-mile radius for high school. The draft rule expands what is now called the 'No Transportation Zone' to a radius of 1.5 miles for elementary students and 2.0 miles for secondary students. Expanding the 'No Transportation Zones' will reduce the number of required bus stops and routes which can in turn, reduce the number of required buses.

The proposed state vehicle procurement process has been modified to rely on a competitive bid, rather than dealer quotes under the prior method, for establishing the amount the state will reimburse districts for student transportation vehicles. The WDE is collaborating with the Department of Administration and Information (A&I) to develop the process and hopes to partner with the Purchasing Section of A&I to administer the bid process for student transportation vehicles.

Previously, Wyoming statute and Chapter 20 rule specified three life cycle replacement schedules for student transportation vehicles – minimum, average, and optimal – that were less than the national average. The minimum and average life cycle replacement schedules were eliminated and the draft rule establishes a schedule that is more consistent with the national average. Extending the life cycle replacement schedule will reduce the capital outlay required for student transportation vehicles, but it will also cause an increase in maintenance expenses.

Expanded use of vehicle telematics for fleet management, ridership, and routing is being considered in order to develop standards to further determine efficient fleet sizes and replacement schedules. The WDE is continuing to research these areas and will provide more information and recommendations to the Legislature as these projects move forward.

Alternative Contracts

During the rules revision process, the WDE and other student transportation stakeholders considered methods for reducing the number of bus routes. One such method that was contemplated and discussed, is allowing districts to enter into a contract with a parent or legal guardian for student transportation expenses in lieu of school district-provided transportation. This provision would only apply to situations where cost savings could be realized through a mutually agreed upon alternative transportation arrangement. In addition to capital outlay costs, a single route can cost between \$35,000 - \$50,000 a year in operations and maintenance expenses, and is an area where districts could realize potential efficiencies.

Statutory changes may be necessary to authorize alternative transportation contracts, with attention given to potential conflict with W.S. 21-4-401 (Transportation of maintenance for isolated pupils), and the inclusion of any other measures or safeguards the Legislature deems necessary to ensure appropriate use of such a provision.

Attachments

Appendix A

CHAPTER 2

RULES FOR MINIMUM STANDARDS FOR WYOMING STUDENT TRANSPORTATION VEHICLES

Section 1. Authority. These rules are promulgated by the State Superintendent pursuant to the authority granted by Wyoming Statute 31-5-118(a).

Section 2. General.

(a) Standards for Wyoming student transportation vehicles are defined by the specifications found in the National School Transportation Specifications and Procedures (NSTSP) published by the National Congress on School Transportation, which are incorporated into this chapter by reference. In doing so, the Superintendent and Wyoming Department of Education find as follows:

(i) Incorporating the text of the NSTSP would be cumbersome and inefficient given the length and nature of the publication;

(ii) The referenced incorporation means the edition of the NSTSP adopted by the National Congress on School Transportation that is in effect at the time an order for a student transportation vehicle is placed; and

(iii) Furthermore, the incorporation is limited to the text of the NSTSP that applies to school bus equipment specifications; specially equipped school bus specifications; and alternative fuels.

(b) This document specifies Wyoming student transportation vehicle minimum standards which modify or supplement the NSTSP. In addition to these standards, all Wyoming student transportation vehicles shall comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and other state and federal standards applicable to school buses and multipurpose passenger vehicles (MPV) on the date of manufacture.

Section 3. Definitions:

(a) "School bus" means as defined in W.S. 31-5-102(a)(xlii).

(i) "Type 'A' school bus" means a conversion school bus with a cutaway front-section vehicle with a left side driver's door and with a gross vehicle weight rating (GVWR) of less than or equal to 21,500 pounds.

(ii) "Type 'C' school bus" means a school bus with a chassis with a hood and front fender assembly. The entrance door is behind the front wheels; also known as a conventional school bus. This type also includes cutaway truck chassis or truck chassis with cab with or without a left side door and a GVWR greater than 21,500 pounds.

(iii) "Type 'D' school bus" means a school bus with a stripped chassis. The entrance door is ahead of the front wheels; also known as rear or front engine transit style school bus.

(b) "Specially equipped" means a school bus designed, equipped or modified to accommodate students with special needs.

(c) "Multipurpose Passenger Vehicle" means a motor vehicle built on a truck chassis with seven to ten passenger positions (including the driver) that cannot be certified as a school bus pursuant to 49 CFR §571.

Section 4. School Bus Body and Chassis Specifications.

(a) All emergency exit doors shall be accessible by a 12-inch minimum aisle. The aisle shall be unobstructed at all times. The track of a track seating system is exempt from this requirement.

(b) All Type A school buses shall be equipped with hydraulic brakes.

(c) School bus body exterior trim shall be black.

(d) The following applies to school bus doors:

(i) The entrance door shall be equipped with a power opener under the driver's control.

(ii) There shall be no door to the left of the driver on Type C or D school buses. Type A school buses may be equipped with a chassis manufacturer's standard door to the driver's left.

(e) Type C school buses shall have three Group 31 maintenance-free batteries and Type D school buses shall have two 8D maintenance-free batteries.

(f) In addition to the fire extinguisher located in the driver's compartment, school buses with capacity greater than 56 passengers shall be equipped with a second fire extinguisher mounted in the rear of the bus and readily accessible to the driver and passengers.

(g) School buses shall have removable, moisture-proof and dust-proof first aid kits in a sealed metal box in an accessible place in the driver's compartment. They shall be mounted and identified as first aid kits. A first aid kit's location shall be marked.

(h) Each school bus shall have a removable and moisture-proof body fluid clean-up kit in a sealed metal box accessible to the driver.

(i) In addition to the emergency door and push-out rear window requirements of FMVSS 217, all school buses shall be equipped with emergency exits as follows for the indicated school bus capacities:

(i) One through 45 passengers: one emergency exit per side and one roof hatch.

(ii) 46 to 78 passengers: two emergency exits per side and two roof hatches.

(j) All diesel fuel systems shall be equipped with a fuel heater or heated fuel-water separator.

(k) Floor insulation shall be treated, five-ply softwood plywood, nominal 5/8-inch thickness, and shall be equal to or exceed properties of the exterior-type, C-D Grade, as specified in the standard issued by U.S. Department of Commerce.

(l) The interior of the school bus shall be free of all unnecessary projections. All school buses shall be equipped with inner lining on ceilings and walls. If the ceiling is constructed with lap joints, the forward panel shall be lapped by rear panel and exposed edges shall be beaded, hemmed, flanged, or otherwise treated to minimize sharp edges. School buses may be equipped with an external storage compartment for tools or tire chains.

(m) Interior parcel racks may be provided above side windows within range from front seat to rear seat and be free of projections; shall have a padded perimeter at emergency exit doors; and may be tubular or solid bottom.

(n) School buses shall be equipped with two alternately flashing red warning lamps at the rear of the vehicle and two at the front of the vehicle. The alternately flashing red warning lamps shall be visible at five hundred (500) feet in normal sunlight.

(o) Four alternately flashing amber warning lamps shall be installed so that one is located near each alternately flashing red warning lamp, at the same level, but closer to the vertical centerline of the bus. The alternately flashing amber warning lamps shall be visible at five hundred (500) feet in normal sunlight.

(p) The background surrounding the alternately flashing warning lamps shall be black in color and extend outward approximately 3 inches.

(q) School buses shall not be equipped with hitch receivers or other equipment that enable towing.

(r) School buses shall not be equipped with flip seats.

(s) Dual rear tires shall be provided on all school buses.

(t) Sanders many not be installed on any school buses.

(u) Wheelhousing shall be equipped with molded fender extensions and rubber mud flaps.

(v) The driver's window, the first window on the left, the first window after the entrance door, and door windows shall be approved thermal-paned safety glass. The driver's window on Type A school buses may be the manufacturer's standard.

(w) Optional tinted and/or frost-free glazing may be installed in all doors or windows, consistent with federal and state regulations.

Section 5. Multipurpose Passenger Vehicles. The following shall apply to all multipurpose passenger vehicles:

(a) The body shall be a closed integral type.

(b) The wheelbase shall be one hundred (100) inches or more.

(c) The vehicle shall have the following equipment:

(i) At least one Underwriters' Laboratory (UL)-approved pressurized, dry chemical fire extinguisher.

(ii) A first aid kit meeting the same specifications as required for school buses.

(iii) A body fluid clean-up kit meeting the same specifications as required for school buses.

(f) The vehicle shall contain at least three (3) reflectorized triangle road-warning devices.

(g) The vehicle's color shall not be National School Bus Yellow.

(h) The vehicle may be equipped with the capability to tow, but shall not be used to tow while transporting students.

Appendix B

CHAPTER 20

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

Section 1. Authority. The State Superintendent of Public Instruction, pursuant to Wyoming Statute 31-5-118, W.S. 21-13-320, and W.S. 21-4-401, promulgates these rules.

Section 2. Definitions.

(a) “Activity trip” means travel for activities sanctioned by the Wyoming High School Activities Association (WHSAA) or middle/junior high school-sponsored activities that directly correspond to high school activities sanctioned by the WHSAA.

(b) “Administrative” means activities of personnel and services directly concerned with transporting students.

(c) “Advertising” means expenses associated with employment ads, advertising surplus student transportation vehicle sales, bid notifications for equipment and supplies, beginning of year route announcements, route change notifications, school bus safety week awareness activities, and any other advertising directly related to student transportation.

(d) “Benefits” mean amounts paid by the school district for student transportation employees including but not limited to the employer's share of insurance, retirement programs, social security programs, and workers’ compensation programs.

(e) “Communication Services and Equipment” means services and equipment to assist in transmitting and receiving student transportation messages or information including but not limited to telephone, communication radios and equipment, cell phones, wireless data plans, monthly internet service, and postage.

(f) “Computer Expenses” means hardware, software, and training for:

(i) Global Positioning System receivers;

(ii) Telematics;

(iii) Routing;

(iv) Activity trips;

(v) Field trips;

(vi) Fuel maintenance systems;

- (vii) Maintenance records; and
- (viii) Student tracking/management systems.

(g) “Field trip” means a school district-approved student activity outside the classroom during the school session.

- (i) The trip must be an extension of classroom instruction.
- (ii) The trip must be tied to curriculum.
- (iii) Travel must be in a transportation fleet vehicle.

(h) “Indirect cost” means a cost typically incurred as part of the general operating activities of the school district and is not directly identifiable with providing transportation services alone.

(i) “Insurance” means costs paid to insure transportation facilities or vehicles used primarily for student transportation against loss or damage.

(j) “Low-bid base price” means a baseline amount for each vehicle type established through a competitive bid process, excluding options.

(k) “Non-conforming vehicle” means a vehicle that does not comply with Chapter 2, Department of Education Rules for Minimum Standards for Wyoming Student Transportation Vehicles.

(l) “Operation” means the daily activities involved in directing, managing, and supervising the transportation system.

(m) “Purchased services” means services that are professional and technical in nature and not provided by school personnel. Examples include first aid training, defensive driving courses, CPR training, transportation workshops, support for school transportation software, and drug and alcohol testing.

(n) “Repair and maintenance” means the upkeep and repair services provided for student transportation vehicles and equipment.

(o) “Route” means the path followed by a vehicle for student transportation to and from school from the time the vehicle leaves the point of storage until it returns to the point of storage.

(p) "School session" means the official school calendar defining student-teacher contact days as required by W.S. 21-4-301.

(q) "Supplies" means expendable material items 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.

(r) "Trade-in value" means the value of the student transportation vehicle applied during the purchase of a new vehicle.

(s) "Transportation facility" means permanent structure owned by the school district for the purpose of operating and maintaining student transportation vehicles.

(t) "Transportation staff" means employees of the school district who work primarily in the transportation of students. Examples include:

(i) Bus aides;

(ii) Clerical support;

(iii) Crossing guards that assist students crossing streets at key locations or walking to and from school as determined by each school district;

(iv) Bus drivers;

(v) Loading zone aides;

(vi) Mechanics who maintain student transportation-related vehicles and equipment; and

(vii) Supervisor.

(u) "Travel costs" means expenditures related to transportation, meals, hotel, and expenses associated with traveling on student transportation business for the school district, including workshops, meetings, picking up student transportation vehicles if not included in the bid price, parts running, route checking, and taking vehicles to vendor facilities for service.

(v) "Vehicle" means any school bus or multipurpose vehicle (MPV) that complies with the requirements set forth in Chapter 2.

Section 3. Reimbursable Expenses.

(a) Reimbursable transportation expenses are those amounts for the operation and maintenance of vehicles for the transportation of students to and from school, field trips, and activity trips.

(b) Reimbursable transportation expenses include:

(i) Activity trip expenses (may include the driver's room and meal costs, but do not include student and/or sponsor's expenses);

(ii) Advertising;

(iii) Administrative costs;

(iv) Allowable reimbursement for vehicle purchases that meet the requirements in Chapter 2 and Section 5 below;

(v) Communication services and equipment;

(vi) Computer expenses;

(vii) Equipment. Equipment shall be kept in the transportation facility and used to support student transportation. Examples include:

(A) A service truck with a Gross Vehicle Weight Rating under 19,500 pounds and a minimum life cycle of fifteen (15) years or 200,000 miles;

(B) A snowplow mounted on the service truck;

(C) Tire changing equipment;

(D) Brake repair equipment; and

(E) Diagnostic equipment.

(viii) Field trip expenses;

(ix) Insurance for student transportation vehicles, transportation service trucks and transportation facility;

(x) Lease fees, if applicable, shall be reimbursed over a period of no more than five years;

- (xi) Purchased services;
- (xii) Repair and maintenance;
- (xiii) Salary and benefits for transportation staff;

(A) Pro rata reimbursement for personnel not devoting one hundred percent (100%) of their time to student transportation issues and operations shall be supported by clear and continuous documentation.

(B) Personnel dealing with student transportation issues and operations on a full-time basis shall be subject to one hundred percent (100%) reimbursement provided that an appropriate position description exists and an affidavit specific to the year for which reimbursement is expected, signed by the employee and the school district superintendent or school district superintendent designee, attesting to full-time involvement, is on file at the school district office. The affidavit shall be renewed annually and clearly reference the school year for which reimbursement is claimed.

(xiv) Student transportation-related memberships and subscriptions;

(xv) Supplies;

(xvi) Training or professional development expenses - food is only reimbursable when used during full-day transportation training sessions or exercises;

(xvii) Transportation facility utilities;

(xviii) Travel Costs; and

(xix) U.S. Department of Transportation driver testing and examinations.

Section 4. Non-reimbursable Expenses. Non-reimbursable expenses include:

(a) 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 (ADM);

(b) High school activities that do not align with the WHSAA calendar/schedule of events;

(c) Indirect costs;

(d) Maintenance of the transportation facility or site repairs;

(e) Purchase, maintenance, repair, and supplies of non-student transportation and non-conforming vehicles, and non-approved options; and

(f) Transportation expenses for activity trips or field trips in excess of one hundred fifty (150) miles from the Wyoming border into another state.

Section 5. Vehicles.

(a) School districts shall submit a student transportation vehicle form and receive approval from the Department before disposing of or purchasing a vehicle.

(b) No later than two weeks after the new vehicle is delivered, school districts shall submit a student transportation vehicle form along with a notarized statement from the selling dealer listing each item installed on or delivered with the vehicle and its value.

(c) For vehicles purchased outright or purchased via a lease-purchase option, the Department shall reimburse the low bid base price minus the trade-in value.

(d) When a vehicle is replaced it shall be immediately removed from the student transportation fleet. The vehicle shall be traded in or sold at fair market value.

Section 6. Transportation Fleet Requirements.

(a) The number of student transportation vehicles in a school district's fleet shall not be increased above the fleet size existing as of February 1, 2019. The size of a school district's fleet shall be reviewed and adjusted if necessary, if the school district's ADM changes by five percent (5%) or more over a three-year period or a special circumstance necessitates a change. Justification for a change must be provided to the department for consideration.

(b) School district fleet vehicles reaching the replacement life cycle in years or miles, shall be subject to replacement. The following life cycles shall apply to all student transportation vehicles:

Bus Type	Years	Miles
A	15	215,000
C	17	240,000
D	17	240,000
MPV	15	200,000

(c) School districts may replace a vehicle before the replacement life cycle if:

(i) The vehicle is a total loss as a result of an accident; or

(ii) The vehicle is considered in severe service and is not cost effective to keep in the fleet.

(A) Severe service is determined by appropriate documentation showing estimated repairs or actual repairs during a three-year period total more than 30% of the base price of a replacement vehicle.

(B) The condition must substantially impair the vehicle's use or produce a serious safety hazard.

(C) Routine maintenance, warranty work, and school district labor costs shall not be included in the cost of repairs.

(d) A school district may keep a vehicle in the fleet and continue to claim reimbursement after its replacement life cycle use limit if it is still considered safe, cost effective, and in adequate condition to transport students.

(e) Vehicles shall be replaced with a like type and size. A school district may request a different type or size of vehicle and options to be considered during the approval process.

Section 7. Operations.

(a) Each school district shall report the actual number of fleet miles traveled.

(b) Transportation expenses shall not be reimbursed within the no transportation zone. The no transportation zone is the area encompassed by a 1.5 mile radius from school for elementary students and 2.0 miles from school for secondary students, as determined by the school district.

(i) A school board may, by official action each year, transport students within the no transportation zone if there is a barrier that prevents a student from walking to school or a safety hazard exists that could harm the student.

(ii) Examples include: rivers, railroad tracks, multi-lane roads with inadequate pedestrian crossings, or the lack of adequate walkways or pathways.

(c) Vehicles shall travel on city, county, state, and federally maintained streets and roads. County roads shall be designated as high priority maintained roads. The local school board may take official action each year to allow for travel on other roads or to not operate on unsafe roads.

(d) Routing shall be developed by each school district taking into consideration student safety and efficiency. Multiple tier routing shall be considered the norm, rather than the exception.

(e) If an MPV is used for dual purposes (student and staff travel), the school district shall declare the percentage of anticipated use for student transportation. The vehicle purchase price shall be reimbursed at that percentage of student use only.

(i) Mileage shall be recorded for the vehicle each year. A complete mileage log showing the use and number of students transported along with the beginning and ending mileage for every trip must be kept.

(ii) At the end of each year for a period of five years, a school district shall make necessary adjustments in the data submitted to the Department to reflect the actual percentage used for student transportation of the vehicle.

(f) Any non-school district group using a student transportation vehicle shall reimburse the school district for the cost of driver wages and benefits, fuel, and a cost per mile fee, as determined by the Department.

(g) Special transportation accommodations that modify Section 7(a) - (g) of these rules may be designed to meet the unique needs of a child and must be documented. Examples include: documentation in an Individualized Education Plan or a 504 plan.

Section 8. State Vehicle Bid Process.

(a) The specifications, pursuant to Chapter 2, for each type and size of vehicle will be sent to the Administration and Information General Services Division to prepare a bid document in accordance with the State's Purchasing Policies and Procedures Manual.

(b) The bids received will be analyzed to determine which bids meet the specifications at the lowest responsible price.

Section 9. Isolation and Maintenance Payments (W.S. 21-4-401).

(a) All applicants for isolation or maintenance payments shall be a resident of the school district.

(b) No applicant is eligible for isolation and maintenance payments unless they demonstrate to the local school board that their residence in the isolated location is necessary for their financial well-being. Documents that may be used for this purpose include federal income tax returns or other income verification. The final decision shall be made by the local school board and properly documented for eligibility.