



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address	h. Adoption Date	
i. Program		

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:
Emergency rules are necessary in order to comply with requirements added to W.S. 21-13-320, which are effective July 1, 2019. The statute requires the WDE to define procedures for and conditions under which school districts may procure student transportation vehicles, establish a mileage and age replacement schedule for student transportation vehicles, and establish a competitive bid process for student transportation vehicle procurement. Regular rules will be promulgated at the same time, giving the public an opportunity to provide comment.

5. Final Filing of Rules


a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature:

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office:

c. The Statement of Reasons is attached to this certification. NO

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Jillian Balow
Signatory Title	State Superintendent of Public Instruction
Date of Signature	 6/19/19

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

TO: Honorable Mark Gordon, Governor
State of Wyoming

FROM: Trent Carroll, Chief Operations Officer

SUBJECT: *Emergency Rules: Chapter 20 - Rules for the Student Transportation Component Within the Education Resource Block Grant Model*

DATE: June 24, 2019

PRIORITY: **HIGH**

SUMMARY: The Wyoming Department of Education is proposing emergency rules for the student transportation component of the school finance model in response to new legislation. The specific rationale for the emergency rules is described in the attached Certification Page. The regular rules will open for public comment on July 3, 2019. There is no difference between the content of the regular rules and emergency rules.

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CHAPTER 20
RULES FOR THE STUDENT TRANSPORTATION COMPONENT WITHIN THE
EDUCATION RESOURCE BLOCK GRANT MODEL

Emergency rules are in effect no longer than 120 days after filing with the Registrar of Rules.

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 1.0 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. The specifications, pursuant to Chapter 2, for each type and size of vehicle will be used in a public procurement of student transportation vehicles. 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 or 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.

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CHAPTER 20
RULES FOR THE PUPIL STUDENT TRANSPORTATION COMPONENT
WITHIN THE EDUCATION RESOURCE BLOCK GRANT MODEL

Emergency rules are in effect no longer than 120 days after filing with the Registrar of rules.

Section 1. Authority. The State Superintendent of Public Instruction, pursuant to the authority granted by ~~Wyoming Statute Wyo. Stat. 31-5-118(a), W.S. Wyo. Stat. 21-13-320(f), and W.S. 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”- means Travel inside the state of Wyoming for athletic and non-athletic activities sanctioned by the Wyoming High School Activities Association (WHSAA), and/or school sponsored athletic and non-athletic activities in grades preceding high-middle/junior high school-sponsored activities that which directly correspond to these high school activities sanctioned by the WHSAA. 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”- means The activities of personnel and services directly concerned with transporting the conveyance of students.~~

(c) ~~“Advertising”- means expenses Cost associated with employment ads, advertising surplus student transportation vehicle sales, of school buses ads and bid notifications for equipment and supplies, beginning of year route announcements, route changes-notifications, school bus safety week awareness activities, supplies for the pupil transportation program and any other advertising directly related to student 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": means A amounts paid by the school district system on behalf of pupil for student transportation employees –including but not limited to the employer's share of insurance (~~health~~), retirement programs, social security programs, and workers' 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.~~

~~_____ (e+) "Communications Sservices and equipment": means Sservices and equipment provided by non-district employees to assist in transmitting and receiving pupil 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.~~

~~(fm) "Computer expenses": means Hhardware, software, and training for: GPS systems, routing, activity trips, field trips, fuel maintenance systems, maintenance records and student tracking/management systems.~~

(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.

~~(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.~~

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

(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.

~~(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.~~

~~(h‡) “Indirect Cost”- means Aa cost that typically incurred as part of the general operating activities of the school district and is not directly identifiable with providing transportation services alone but rather is incurred as a consequence of the general, overall~~

operating activities of the school district.

~~(iw)~~ “Insurance”; means costs paid ~~Premium payments~~ to insure the school system against loss or damage to a bus garage or school district transportation facilities or vehicles used primarily for student transportation against loss or damage.

~~(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.

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

~~(kbb)~~ “Non-conforming vehicle”; means A vehicle that does not comply with Chapter 2, the Department of Education Rules for Minimum Standards for Wyoming ~~School Buses~~ Student Transportation Vehicles.

~~(lcc)~~ “Operation”; means ~~T~~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).~~

~~(mff)~~ “Purchased services”; means Sservices, ~~which~~ that are professional and technical in nature and not provided by school personnel; Examples ~~which would include but not be limited to:~~ (first aid training, defensive driving courses, CPR training, transportation workshops presenters, computer programming support for school transportation software, and drug and alcohol testing, etc).

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

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

~~(hh)~~ 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.

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

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

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

(gkk) "Supplies": means expendable 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

(rH) "Trade-in value": means the value of the student transportation vehicle applied during 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 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.

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

~~(nn) 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.~~

~~(uoo) "Travel Costs": means expenditures related to Cost of transportation, meals, hotel, and other expenses associated with traveling on-pupil student transportation business for the school district, including which include but are not limited to: (workshops, meetings, and picking up school buses—student transportation vehicles if not included in the bid price, parts running, route checking, chase vehicle for service, and taking vehicles to vendor facilities 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.~~

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

~~(pp) 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.~~

~~(qq) 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 53. Reimbursable Expenses.

(a) Reimbursable Transportation expenses costs within the Education Resource Block Grant Model are those amounts actually expended the previous year for the operation and maintenance of vehicles school buses for the transportation of students 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 (may include the driver's room and meal costs, but do not include student and/or sponsor's expenses);

(ii) Advertising expenses;

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

~~_____ (v) Bus garage utilities;~~

(vi) Communication services and equipment;

(vii) Computer expenses;

(viii) ~~Contract services~~ 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)~~ (ix) Field trip expenses;

~~(x) Global positioning systems (GPS)~~

(ix) Insurance for student transportation vehicles, transportation service trucks and transportation facility—school buses and school bus garage;

(xii) ~~Isolation and Maintenance~~ Lease fees, if applicable, shall be reimbursed over a period of no more than five years;

~~(xiii) Periodicals;~~

~~_____ (xiv) Physical examinations for school bus drivers;~~

(xiv) Purchased services;

(xvii) ~~School bus r~~ Repairs and maintenance;

~~(xviii) School bus driver's~~ Salaries 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;

~~(xviii)~~ Supplies;

~~(xix)~~ Training expenses/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)~~ Video cameras U.S. Department of Transportation driver testing and examinations.

Section 64. Non-reimbursable Expenses. Non-reimbursable expenses include:

(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 (ADM);~~

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

(c)

~~_____ (iv) 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.

~~(v) Reclining school bus seats and related repair costs;~~

~~_____ (vi) Bus garage and site repairs and maintenance.~~

Section 75. School Bus Purchase Vehicles.

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

~~(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.~~

(b)

~~_____ (iii) A 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 must accompany all claims for reimbursement from the selling dealer listing each item installed on or delivered with the vehicle and its value. 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. 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) ~~Districts shall file a *WDE Vehicle Form, Part I and II Bus Disposal* with the Department of Education before disposing of a vehicle. 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 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 96. School Bus 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. 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 school district's Average Daily Membership (ADM) changes decreases by five fifteen percent (15%) 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.

~~(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)~~ 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 school buses (years/miles):

<u>Bus Type</u>	<u>Years</u>	<u>Miles</u>
<u>A</u>	<u>15</u>	<u>215,000</u>
<u>C</u>	<u>17</u>	<u>240,000</u>
<u>D</u>	<u>17</u>	<u>240,000</u>
<u>MPV</u>	<u>15</u>	<u>200,000</u>

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.~~

(gc) School D districts may replace a vehicle bus before the replacement minimum life cycle in Section 9(d) if:

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

(ii) The vehicle bus is considered 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.~~

(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.

(hd) 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 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.~~

(ie) Vehicles shall be replaced with a like type or smaller type and size of bus. A school district may file a request a different type or size of vehicle and options to be considered during the approval process letter with the Department to purchase a larger bus, with rationale for the bigger bus provided.

Section 107. Operations.

(a) ~~All student transportation shall be in vehicles meeting the standards specified in the Minimum Standards for Wyoming School Buses~~ 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 1.0 mile radius from school for elementary students and 2.0 miles from school for secondary students, as determined by the school district. ~~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) (i) A school board local district may, by official board action each year, transport students within the no transportation zone walking distance if it finds that there is a physical barrier that would prevent a student from walking to school or a safety hazard exists that could harm 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.~~

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

~~(d) School buses Vehicles shall travel only on city, county, state, and federally~~

maintained streets and roads. County roads shall be designated as high priority maintained roads as designated by the county. The local school board may take official action each year to allow for travel on other roads or to not operate on unsafe roads.

~~_____ (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.~~

(ed) ~~School bus r~~Routing shall be developed by each school district taking into consideration student safety and efficiency with an awareness of cost effectiveness. Multiple tier 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.~~

(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.

~~(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.~~

~~(hf) Non-school use. Any non-school district group using a student transportation~~

~~vehicle school bus shall be charged-reimburse the school district for the cost of driver's wages and benefits, fuel, and a cost per mile fee, as determined by the Department. 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.~~

(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.

~~(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 118. State Vehicle Bid Process/~~District Buy~~Procurement.

~~(a) The specifications, pursuant to Chapter 2, for each type and size of vehicle will be used in a public procurement of student transportation vehicles. The bids received will be analyzed to determine which bids meet the specifications at the lowest responsible price. 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 ~~129~~. Isolation and Maintenance Payments.

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

~~(b) All applicants for isolation or and maintenance payments shall be a resident of the school district. ~~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 applicant pupil is eligible for isolation or maintenance payments as isolated unless they the pupil's parents or legal guardians demonstrate to the local school board that their the family's residing residence in the isolated location is necessary for their the family's financial well-being. Documents that may be used for this purpose include federal income tax returns or other income verification, property tax receipts, or profit and loss statements. The final decision shall be made by the local school board and for properly documented for eligibility, ~~shall be made by the district board of trustees.~~~~