

House Bill 1094

By: Representatives Davis of the 87<sup>th</sup>, Scott of the 76<sup>th</sup>, and Schofield of the 63<sup>rd</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to revise provisions for the calculation and  
3 distribution of funds by the State Board of Education to local units of administration for  
4 student transportation programs; to require the State Board of Education to distribute to each  
5 local unit of administration up to 100 percent of projected costs of such local unit of  
6 administration's student transportation program, subject to exception; to remove requirements  
7 that regular transportation services shall be fully funded before other transportation services  
8 are funded; to require the State Board of Education to collaborate with and receive relevant  
9 information from local units of administration regarding the calculation of projected costs  
10 of student transportation programs; to include the cost of health insurance in the factors  
11 considered in calculating the costs of student transportation programs; to provide for  
12 processes; to require the Department of Education to update the schedule of standards and  
13 variable student transportation costs or cost factors twice each year and to publish such  
14 updated schedules on its public website; to provide for the use of vehicles in addition to  
15 school buses in student transportation programs; to provide for an increase in the schedule  
16 of uniform minimum salaries for drivers; to provide for the inclusion in transportation cost  
17 calculations of students who live within one and one-half miles from school but who cannot  
18 safely walk or otherwise travel to school without the use of a motor vehicle; to provide for

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19 the establishment of a school vehicle data base; to provide for establishment of a school  
20 vehicle replacement schedule; to provide for a grant program to reimburse for expenses  
21 related to school vehicles; to provide for priorities for such grants; to provide for a short title;  
22 to provide for legislative findings; to provide for definitions; to provide for related matters;  
23 to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

26 This Act shall be known and may be cited as the "Georgia School Bus Safety and  
27 Modernization Act."

28 **SECTION 2.**

29 The General Assembly finds:

- 30 (1) Georgia's current school transportation formula does not adequately support the safe,  
31 efficient, and equitable operation of school buses;
- 32 (2) Many districts continue to use school buses older than 15-20 years, posing safety  
33 risks and high maintenance;
- 34 (3) There is a critical shortage of bus drivers state wide due to low pay and lack of  
35 benefits;
- 36 (4) Rural and high-density districts face disproportionate costs that are not reflected in  
37 state reimbursement formulas; and
- 38 (5) The state must act to modernize its school transportation infrastructure to improve  
39 student safety, access, and educational equity.

**SECTION 3.**

40

41 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
42 secondary education, is amended by revising Code Section 20-2-188, relating to student  
43 transportation, as follows:

44 "20-2-188.

45 (a)(1) As used in this chapter, the term:

46 (A) 'Bus' or 'school bus' means vehicles, including, but not limited to, school buses,  
47 that are designated and used by a local unit of administration for the transportation of  
48 students as part of its transportation program; provided, however, that vehicles owned  
49 by school personnel, students, or student family members shall not be included even  
50 when used for the purpose of transporting students.

51 (B) 'School bus driver' means a person who is assigned by a local unit of administration  
52 to drive vehicles, including, but not limited to, school buses, that are designated and  
53 used by such local unit of administration for the transportation of students as part of its  
54 transportation program.

55 (C) 'School bus stop' means a place designated by a local unit of administration or  
56 other proper authority for the pickup and drop off of students using vehicles, including,  
57 but not limited to, school buses, designated and used by such local unit of  
58 administration for the transportation of students as part of its student transportation  
59 program.

60 (2) As used in this Code section, the term 'school vehicle' or 'vehicle' means vehicles,  
61 including, but not limited to, school buses, that are designated and used by a local unit  
62 of administration for the transportation of students as part of its transportation program;  
63 provided, however, that vehicles owned by school personnel, students, or student family  
64 members shall not be included even when used for the purpose of transporting students.

65 (a)(b)(1) Twice each school year, the ~~The~~ amount of funds needed by a local unit of  
66 administration to pay expenses ~~the projected costs~~ of student transportation shall be

67 calculated and distributed by the State Board of Education in accordance with a schedule  
68 of standard transportation costs to be incurred by local units of administration in the  
69 operation of economical and efficient student transportation programs and a schedule of  
70 variable transportation costs or variable cost factors dependent upon current and  
71 prevailing circumstances which affect, in varying ways, the cost of student transportation  
72 authorized by this Code section; provided, however, that the amount of funds to be  
73 ~~actually~~ distributed to any local unit of administration under this Code section during any  
74 school year shall ~~not exceed~~ equal the lesser of 100 percent of the projected costs  
75 calculated under this Code section for such local unit of administration or the actual costs  
76 incurred by the local unit of administration in transporting students to and from public  
77 schools, including costs for transportation for disabled or limited-English-proficient  
78 students who must travel across local school system lines or away from the school to  
79 which they would normally be assigned if they did not have such special needs. ~~It is~~  
80 ~~further provided that the costs of the regular student transportation program receive full~~  
81 ~~funding before funds are provided for transportation of students to and from places for~~  
82 ~~the purpose of work experiences, training in instructional laboratories outside the~~  
83 ~~assigned schools, and in other such field trips required of or integral to the various~~  
84 ~~instructional components of the educational program.~~ In establishing the schedule of  
85 standards and variable student transportation costs or cost factors, the ~~state board~~ State  
86 Board of Education shall collaborate with local units of administration throughout the  
87 state and is, without limiting the generality of the foregoing, authorized to consider  
88 factors and circumstances such as the number and density of students transported in the  
89 local unit of administration and the areas therein served by school ~~buses~~ vehicles; the  
90 suitability of school ~~bus~~ vehicle transportation routes in the local unit of administration;  
91 the suitability of the type and number of ~~buses~~ school vehicles used by the local unit of  
92 administration; the number of miles traveled by ~~school buses~~ such school vehicles in the  
93 local unit of administration; minimum ~~bus~~ school vehicle loads; transportation surveys,

94 cost of transportation equipment, and depreciation schedules; the schedule of minimum  
 95 salaries for school ~~bus~~ vehicle drivers established in accordance with subsection ~~(b)~~(d)  
 96 of this Code section; the number of school ~~bus~~ vehicle drivers allotted to the local unit  
 97 of administration; maintenance, repair, and operating costs of transportation equipment;  
 98 climate and terrain; condition of roads used for the purpose of transporting students in the  
 99 local unit of administration; cost of health and liability insurance; cost of safety  
 100 instruction and training for both ~~bus~~ drivers and students; and such other factors and  
 101 circumstances as the ~~state board~~ State Board of Education may find relevant for the  
 102 purpose of establishing such schedules and cost factors. The State Board of Education  
 103 shall provide for process by which local units of administration shall be permitted to  
 104 submit for review by the Department of Education information which such local unit of  
 105 administration deems to be relevant to the calculation of the projected cost of student  
 106 transportation programs. The ~~state board~~ State Board of Education shall have authority  
 107 to establish minimum requirements and standards respecting use of funds allotted under  
 108 this Code section.

109 (2) The schedule of standards and variable student transportation costs or cost factors  
 110 provided for in paragraph (1) of this subsection shall be updated by the Department of  
 111 Education twice each year no later than March 1 and November 1 to accurately reflect  
 112 current and actual conditions and published on the Department of Education's public  
 113 website.

114 ~~(a.1)~~(c) Any funds that the State Board of Education allocates for school ~~bus~~ vehicle  
 115 replacement may be used by ~~local boards of education~~ local units of administration to  
 116 refurbish existing school ~~buses~~ vehicles; provided, however, that school vehicle. ~~Bus~~  
 117 replacement funds may not be restricted by the ~~state board~~ State Board of Education for use  
 118 only in purchasing new or replacement school ~~buses~~ vehicles. Any school ~~bus~~ vehicle that  
 119 is refurbished shall be subject to all safety and maintenance inspection requirements  
 120 provided for by law. Refurbishment of a ~~school bus~~ such school vehicle shall be done by

121 a ~~school bus~~ manufacturer or by a dealer of a manufacturer. Each local ~~board of education~~  
122 unit of administration that refurbishes a school ~~bus~~ vehicle pursuant to this subsection is  
123 strongly encouraged to apply for federal funds to retrofit the engine. The State Board of  
124 Education shall notify the Environmental Protection Division when a local ~~board of~~  
125 education unit of administration receives state funds to refurbish a school ~~bus~~ vehicle so  
126 that the division may provide information to such local ~~board~~ unit of administration  
127 regarding the availability of federal funds for such purposes.

128 ~~(b)~~(d) The State Board of Education shall establish, and annually update, a schedule of  
129 uniform minimum salaries that shall be paid by local units of administration to drivers of  
130 school ~~buses~~ vehicles provided by local units of administration for student transportation,  
131 regardless of type of ownership, which shall be not less than the amount appropriated by  
132 the General Assembly each year but not less than ~~\$500.00~~ \$2,000.00 per month for 12  
133 months. ~~The minimum salary schedule shall not apply to drivers of cars and other vehicles~~  
134 ~~not designated as school buses~~. Local units of administration shall not pay to any ~~bus~~ such  
135 driver in their employment salaries less than those prescribed by the uniform minimum  
136 salary schedule but shall have the authority to supplement such salaries. The expense of  
137 purchasing, maintaining, and operating ~~such buses~~ school vehicles, regardless of type of  
138 ownership, shall not be considered in establishing the schedule of uniform minimum  
139 salaries for ~~school bus~~ such drivers. The schedule of uniform minimum salaries shall be  
140 used as a standard cost item for the purpose of calculating the expense of student  
141 transportation under subsection ~~(a)~~(b) of this Code section. This subsection shall not apply  
142 to student or teacher drivers.

143 ~~(c)~~(e) To the extent that the State Board of Education obtains a state-bid price under  
144 subsection (b) of Code Section 20-2-168 on any standard item of equipment, supply, or  
145 service used or obtained by local units of administration in connection with or as a result  
146 of providing transportation services to students attending the public schools of such local  
147 units of administration or on any other standard expense incurred by local units of

148 administration, the standard transportation cost or allowance to be attributed to such item  
149 or expense under subsection ~~(a)~~(b) of this Code section shall be based upon an amount not  
150 in excess of the state-bid price on such item or expense.

151 ~~(d)~~(f) Students who live beyond one and one-half miles from the school to which they are  
152 assigned, according to the nearest practical route by school ~~bus~~, vehicle, and students who  
153 cannot readily walk to school or otherwise travel to school without the use of a motor  
154 vehicle due to safety concerns, including, but not limited to, a lack of safely traversable  
155 sidewalks and bike lanes, congested intersections, and otherwise unsafe conditions, shall  
156 be eligible to be counted as transported students for the purpose of calculating that portion  
157 of the expense of student transportation associated with transporting students from home  
158 to school and from school to home as authorized under subsection ~~(a)~~(b) of this Code  
159 section, provided such students are actually transported to such school by a school bus or  
160 other vehicle made available for this purpose by the local unit of administration. ~~Any~~  
161 Except as otherwise provided in this subsection, any student who resides within such  
162 mileage limitation shall not be eligible to be counted for school transportation state-aid  
163 purposes, with the exception of disabled students being transported.

164 ~~(e)~~(g) The State Board of Education shall establish and require adherence to minimum  
165 specifications for school vehicles used or contracted to be used by local units of  
166 administration for transporting students, including a motor vehicle with a capacity of eight  
167 persons or less operated and marked for the transportation of school children to and from  
168 school and school related activities, taking into account the factors and circumstances set  
169 forth in subsection ~~(a)~~(b) of this Code section, and shall establish and require adherence to  
170 minimum standards and requirements respecting maintenance, repair, inspection, and use  
171 of such vehicles and minimum qualifications for the drivers of such vehicles. The ~~state~~  
172 ~~board~~ State Board of Education shall require, monitor, and fund a program of safety  
173 instruction in the practices of safe riding and emergency ~~bus~~ vehicle evacuation drills for  
174 both school ~~bus~~ vehicle drivers and students riding ~~school buses~~ in such vehicles.

175 ~~(f)~~(h) The State Board of Education shall have the authority to allot funds for the  
176 transportation of all public school students residing on Sapelo Island to the mainland of the  
177 state for the purpose of attending school on the mainland.

178 ~~(g)~~(i) The State Board of Education shall adopt policies, procedures, regulations, and other  
179 such requirements for transportation and for payment of all transportation costs pursuant  
180 to subsections ~~(a)~~(b) through ~~(e)~~(g) of this Code section for all students with special needs  
181 identified by the various local units of administration. Further, the ~~state board~~ State Board  
182 of Education shall allot funds to local units of administration for transportation costs for  
183 those students authorized by such local units of administration to attend schools and  
184 programs of other local units of administration.

185 ~~(h)~~(j) The State Board of Education shall adopt policies and regulations relative to vehicles  
186 used for the transportation of students with special needs.

187 ~~(i)~~(k) Notwithstanding the provisions of subsections ~~(a)~~(b) through ~~(h)~~(j) of this Code  
188 section, funds to pay the expenses of student transportation shall be paid to an independent  
189 school system only when requested by the board of education of such independent school  
190 system. Any funds for student transportation costs shall be specified by the board of  
191 education of the independent school system in its budget prepared pursuant to subsection  
192 (c) of Code Section 20-2-167 and, if not budgeted therein, no expenses for student  
193 transportation shall be payable to the independent school system for the fiscal year covered  
194 by such budget. No provision of this article shall be construed to require the board of  
195 education of any independent school system to furnish student transportation services  
196 within such school system.

197 ~~(j)~~(l) The amount of funds needed by a local unit of administration during a fiscal year for  
198 sick and personal leave expenses of drivers of school bus ~~drivers~~ vehicles shall be  
199 determined by multiplying the number of school ~~buses~~ vehicles allotted to a local unit of  
200 administration pursuant to this Code section by a sum of money not less than \$75.00. The

201 State Board of Education shall have the authority to prescribe minimum requirements and  
202 standards for the distribution, use, and expenditure of funds allotted under this subsection."

203 **SECTION 4.**

204 Said chapter is further amended by adding a new Code section to read as follows:

205 "20-2-1129.

206 (a) The State Board of Education shall provide for the development and maintenance of  
207 a data base containing information related to school vehicles, as such term is defined in  
208 20-2-188, including, but not limited to, age, mileage, and fuel type.

209 (b) The State Board of Education shall establish a state-wide vehicle replacement schedule  
210 for the purpose of assisting local units of administration in the replacement of school  
211 vehicles over 12 years old and those over 200,000 miles.

212 (c) Subject to appropriations by the General Assembly, the State Board of Education shall  
213 provide grants to local units of administration for the purpose of reimbursing expenditures  
214 related to school vehicles, as such term is defined in 20-2-188. Such covered expenditures  
215 shall be:

216 (1) School vehicle purchase or lease;

217 (2) Acquisition of GPS and safety camera systems;

218 (3) Acquisition of ADA-compliant equipment; and

219 (4) School vehicle clean fuel conversions.

220 (d) The State Board of Education shall prioritize providing the grants pursuant to  
221 subsection (c) of this Code section to local units of administration:

222 (1) Operating school vehicles with an average age of 15 years or older;

223 (2) Serving the highest rates of students with special needs; and

224 (3) Serving students with the highest average distance to travel in school vehicles.

225 (e) The State Board of Education shall establish criteria, implement an application process,  
226 and award grants consistent with the provisions of this Code section.

227 (f) The State Board of Education shall be authorized to pursue federal funding  
228 opportunities and collaborations with private entities, nonprofit organizations, and  
229 philanthropic organizations to fund the grant program established pursuant to this Code  
230 section."

231

**SECTION 5.**

232 All laws and parts of laws in conflict with this Act are repealed.