

House Bill 42

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

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19 of a motor vehicle; to provide for definitions; to provide for related matters; to repeal  
20 conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Part 5 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
24 relating to program weights and funding requirements under Quality Basic Education, is  
25 amended by revising Code Section 20-2-188, relating to student transportation, as follows:  
26 "20-2-188.

27 (a)(1) As used in this Code section, the term 'school vehicle,' or 'vehicle,' means vehicles,  
28 including, but not limited to school buses, that are designated and used by a local unit of  
29 administration for the transportation of students as part of its transportation program;  
30 provided, however, that vehicles owned by school personnel, students, or student family  
31 members shall not be included even when used for the purpose of transporting students.

32 (2) As used in this chapter, the term:

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

38 (B) 'School bus driver' shall mean a person who is assigned by a local unit of  
39 administration to drive vehicles, including, but not limited to school buses, that are  
40 designated and used by such local unit of administration for the transportation of  
41 students as part of its transportation program.

42 (C) 'School bus stop' means a place designated by a local unit of administration or  
43 other proper authority for the pickup and drop off of students using vehicles, including,

44 but not limited to school buses, designated and used by such local unit of administration  
45 for the transportation of students as part of its student transportation program.  
46 (a)(b)(1) ~~The~~ Twice each school year, the amount of funds needed by a local unit of  
47 administration to pay ~~expenses~~ the projected costs of student transportation shall be  
48 calculated and distributed by the State Board of Education in accordance with a schedule  
49 of standard transportation costs to be incurred by local units of administration in the  
50 operation of economical and efficient student transportation programs and a schedule of  
51 variable transportation costs or variable cost factors dependent upon current and  
52 prevailing circumstances which affect, in varying ways, the cost of student transportation  
53 authorized by this Code section; provided, however, that the amount of funds to be  
54 ~~actually~~ distributed to any local unit of administration under this Code section during any  
55 school year shall equal the lesser of 100 percent of the projected costs calculated under  
56 this Code section for such local unit of administration or not exceed the actual costs  
57 incurred by the local unit of administration in transporting students to and from public  
58 schools, including costs for transportation for disabled or limited-English-proficient  
59 students who must travel across local school system lines or away from the school to  
60 which they would normally be assigned if they did not have such special needs. ~~It is~~  
61 ~~further provided that the costs of the regular student transportation program receive full~~  
62 ~~funding before funds are provided for transportation of students to and from places for~~  
63 ~~the purpose of work experiences, training in instructional laboratories outside the~~  
64 ~~assigned schools, and in other such field trips required of or integral to the various~~  
65 ~~instructional components of the educational program.~~ In establishing the schedule of  
66 standards and variable student transportation costs or cost factors, the ~~state board~~ State  
67 Board of Education shall collaborate with local units of administration throughout the  
68 state and is, without limiting the generality of the foregoing, authorized to consider  
69 factors and circumstances such as the number and density of students transported in the  
70 local unit of administration and the areas therein served by ~~school buses~~ school vehicles;

71 the suitability of ~~school bus~~ school vehicle transportation routes in the local unit of  
 72 administration; the suitability of the type and number of ~~buses~~ school vehicles used by  
 73 the local unit of administration; the number of miles traveled by ~~school buses~~ such school  
 74 vehicles in the local unit of administration; minimum ~~bus~~ school vehicle loads;  
 75 transportation surveys, cost of transportation equipment, and depreciation schedules; the  
 76 schedule of minimum salaries for school ~~bus~~ vehicle drivers established in accordance  
 77 with subsection ~~(b)~~(d) of this Code section; the number of school ~~bus~~ vehicle drivers  
 78 allotted to the local unit of administration; maintenance, repair, and operating costs of  
 79 transportation equipment; climate and terrain; condition of roads used for the purpose of  
 80 transporting students in the local unit of administration; cost of health and liability  
 81 insurance; cost of safety instruction and training for both ~~bus~~ drivers and students; and  
 82 such other factors and circumstances as the ~~state board~~ State Board of Education may find  
 83 relevant for the purpose of establishing such schedules and cost factors. The State Board  
 84 of Education shall provide for process by which local units of administration shall be  
 85 permitted to submit for review by the Department of Education information which such  
 86 local unit of administration deems to be relevant to the calculation of the projected cost  
 87 of student transportation programs. The ~~state board~~ State Board of Education shall have  
 88 authority to establish minimum requirements and standards respecting use of funds  
 89 allotted under this Code section.

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

95 ~~(a.1)~~(c) Any funds that the State Board of Education allocates for school ~~bus~~ vehicle  
 96 replacement may be used by ~~local boards of education~~ local units of administration to  
 97 refurbish existing school ~~buses~~; provided, however, that school. ~~Bus~~ vehicle replacement

98 funds may not be restricted by the ~~state board~~ State Board of Education for use only in  
99 purchasing new or replacement school ~~buses~~ vehicles. Any school ~~bus~~ vehicle that is  
100 refurbished shall be subject to all safety and maintenance inspection requirements provided  
101 for by law. Refurbishment of a ~~school bus~~ such school vehicle shall be done by a ~~school~~  
102 ~~bus~~ manufacturer or by a dealer of a manufacturer. Each ~~local board of education~~ local unit  
103 of administration that refurbishes a school ~~bus~~ vehicle pursuant to this subsection is  
104 strongly encouraged to apply for federal funds to retrofit the engine. The State Board of  
105 Education shall notify the Environmental Protection Division when a local ~~board of~~  
106 ~~education~~ local unit of administration receives state funds to refurbish a school ~~bus~~ vehicle  
107 so that the division may provide information to such local ~~board~~ unit of administration  
108 regarding the availability of federal funds for such purposes.

109 ~~(b)~~(d) The State Board of Education shall establish a schedule of uniform minimum  
110 salaries that shall be paid by local units of administration to drivers of school ~~buses~~  
111 vehicles provided by local units of administration for student transportation, regardless of  
112 type of ownership, which shall be not less than the amount appropriated by the General  
113 Assembly each year but not less than ~~\$500.00~~ \$2,000.00 per month for 12 months. ~~The~~  
114 ~~minimum salary schedule shall not apply to drivers of cars and other vehicles not~~  
115 ~~designated as school buses~~. Local units of administration shall not pay to any ~~bus~~ such  
116 driver in their employment salaries less than those prescribed by the uniform minimum  
117 salary schedule but shall have the authority to supplement such salaries. The expense of  
118 purchasing, maintaining, and operating ~~such buses~~ school vehicles regardless of type of  
119 ownership, shall not be considered in establishing the schedule of uniform minimum  
120 salaries for ~~school bus~~ such drivers. The schedule of uniform minimum salaries shall be  
121 used as a standard cost item for the purpose of calculating the expense of student  
122 transportation under subsection ~~(a)~~(b) of this Code section. This subsection shall not apply  
123 to student or teacher drivers.

124 ~~(e)~~(e) To the extent that the State Board of Education obtains a state-bid price under  
125 subsection (b) of Code Section 20-2-168 on any standard item of equipment, supply, or  
126 service used or obtained by local units of administration in connection with or as a result  
127 of providing transportation services to students attending the public schools of such local  
128 units of administration or on any other standard expense incurred by local units of  
129 administration, the standard transportation cost or allowance to be attributed to such item  
130 or expense under subsection ~~(a)~~(b) of this Code section shall be based upon an amount not  
131 in excess of the state-bid price on such item or expense.

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

145 ~~(e)~~(g) The State Board of Education shall establish and require adherence to minimum  
146 specifications for school vehicles used or contracted to be used by local units of  
147 administration for transporting students, including a motor vehicle with a capacity of eight  
148 persons or less operated and marked for the transportation of school children to and from  
149 school and school related activities, taking into account the factors and circumstances set  
150 forth in subsection ~~(a)~~(b) of this Code section, and shall establish and require adherence to

151 minimum standards and requirements respecting maintenance, repair, inspection, and use  
152 of such vehicles and minimum qualifications for the drivers of such vehicles. The ~~state~~  
153 ~~board~~ State Board of Education shall require, monitor, and fund a program of safety  
154 instruction in the practices of safe riding and emergency ~~bus~~ vehicle evacuation drills for  
155 both ~~school bus~~ drivers and students riding school ~~buses~~ vehicles.

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

159 ~~(g)~~(i) The State Board of Education shall adopt policies, procedures, regulations, and other  
160 such requirements for transportation and for payment of all transportation costs pursuant  
161 to subsections (a) through ~~(e)~~(g) of this Code section for all students with special needs  
162 identified by the various local units of administration. Further, the ~~state board~~ State Board  
163 of Education shall allot funds to local units of administration for transportation costs for  
164 those students authorized by such local units of administration to attend schools and  
165 programs of other local units of administration.

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

168 ~~(i)~~(k) Notwithstanding the provisions of subsections (a) through ~~(h)~~(j) of this Code section,  
169 funds to pay the expenses of student transportation shall be paid to an independent school  
170 system only when requested by the board of education of such independent school system.  
171 Any funds for student transportation costs shall be specified by the board of education of  
172 the independent school system in its budget prepared pursuant to subsection (c) of Code  
173 Section 20-2-167 and, if not budgeted therein, no expenses for student transportation shall  
174 be payable to the independent school system for the fiscal year covered by such budget.  
175 No provision of this article shall be construed to require the board of education of any  
176 independent school system to furnish student transportation services within such school  
177 system.

178 (j)(1) The amount of funds needed by a local unit of administration during a fiscal year for  
179 sick and personal leave expenses of drivers of school bus drivers vehicles shall be  
180 determined by multiplying the number of school ~~buses~~ vehicles allotted to a local unit of  
181 administration pursuant to this Code section by a sum of money not less than \$75.00. The  
182 State Board of Education shall have the authority to prescribe minimum requirements and  
183 standards for the distribution, use, and expenditure of funds allotted under this subsection."

184

**SECTION 2.**

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