

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 1020

INTRODUCER: Senator Simmons

SUBJECT: Student Transportation Funding

DATE: April 1, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 1020 clarifies and delineates the eligibility criteria for determining student membership and the formula for calculating the annual student transportation funding allocation for each school district. The bill is technical and rewrites, but does not substantively revise, the eligibility for state student transportation funding.

The bill realigns s. 1011.68, F.S.,<sup>1</sup> with current practice and the criteria for existing, eligible student membership categories to include definitions and conditions that are prescribed in Department of Education rules and policies for transportation reporting and funding.<sup>2</sup>

The bill has no fiscal impact on state student transportation funding and will have no effect on a school district's student transportation allocation.

The bill provides for an effective date of July 1, 2015.

**II. Present Situation:**

**Public K-12 Student Transportation**

District school boards are required to provide transportation services for some students, and may provide additional transportation services. District school boards must use buses for regular transportation, but may use other motor vehicles in limited circumstances.

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<sup>1</sup> Department of Education, Division of Finance and Operations, 2015 Agency Legislative Bill Analysis, received March 17, 2015 (on file with the Senate Committee on Education Pre-K – 12).

<sup>2</sup> Rules 6A-1.0451, 6A-3.001, 6A-3.0171, and 6A-6.03026, F.A.C.; see also, Florida Department of Education, *Student Transportation General Instructions* (2014-2015) available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf>.

### ***Duties & Discretion of District School Boards to Provide Transportation***

Each district school board, after considering recommendations from the district school superintendent, is required to provide transportation for students to public schools or school-related activities that the students are required or expected to attend.<sup>3</sup> Specifically, a district school board must provide:<sup>4</sup>

- Transportation for each student in prekindergarten disability programs<sup>5</sup> and in kindergarten through grade 12 membership to a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities that are not otherwise available and to transport students whose homes are more than a reasonable walking distance<sup>6</sup> from the nearest appropriate school.
- Transportation for public elementary school students in membership whose grade level does not exceed grade 6, if such students are subjected to hazardous walking conditions while en route to or from school.<sup>7</sup>
- Necessary transportation to pregnant students or student parents, and the children of those students, when the district school board operates a teenage parent program (TAP).<sup>8</sup>

However, a district school board has the discretion, if it determines practical, to provide transportation for:<sup>9</sup>

- Public school students in membership in grades 7 through 12, if such students are subject to hazardous walking conditions while en route to or from school.
- Public school migrant, exceptional, nursery, and other public school students in membership below kindergarten; kindergarten through grade 12 students in membership in a public school; and adult students in membership in adult career, basic, and high school graduation programs in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available.
- Transportation disadvantaged<sup>10</sup> and for other school-age children.<sup>11</sup>
- Other persons to events or activities in which the school district has agreed to participate or cosponsor.

<sup>3</sup> Sections 1001.42(10) and 1006.21(2), F.S.

<sup>4</sup> Section 1006.21(3), F.S. A district school board must also provide transportation to a student who utilizes the public-school option in the McKay Scholarship Program and selects a public school consistent with the district's school choice plan. s. 1002.39(5)(a)3., F.S.

<sup>5</sup> *Id.* (e.g., the Voluntary Prekindergarten Education Program or School Readiness Program)

<sup>6</sup> Defined by the State Board of Education in Rule 6A-3.001(3), F.A.C., as 2 miles between the home and school.

<sup>7</sup> The district school board *may* provide transportation to students enrolled in grades 7 through 12 who are subjected to hazardous walking conditions. s. 1006.21(3)(b), F.S.

<sup>8</sup> Section 1003.54(2), F.S.

<sup>9</sup> Section 1006.21(3)(c), (d), (f), and (g) and (4), F.S. A district school board may provide transportation for charter schools. s. 1002.33(20)(c), F.S.

<sup>10</sup> "Transportation disadvantaged" means "persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk [...]" s. 427.011(1), F.S.,

<sup>11</sup> Each district school board may enter into agreements with: counties or municipalities in the school district or any state agency identified to assist the transportation disadvantaged; regional workforce boards for providing transportation services to welfare transition program participants; or nonprofit corporations and civic association and groups to use schools buses to transport school-age children for activities (e.g., the Girl Scouts, 4-H Clubs, or the Y.M.C.A.). s. 1006.261(1), F.S.

- Welfare transition program participants.<sup>12</sup>

### ***Motor Vehicles Used for Student Transportation***

District school boards must use school buses<sup>13</sup> for regular transportation, which is the scheduled, routine transportation of students<sup>14</sup> to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location.<sup>15</sup>

However, district school boards may use motor vehicles, other than school buses, if transportation is provided:<sup>16</sup>

- For physically handicapped or isolated students.
- For students who attend a specialized educational program.
- Through a public transit system.
- For trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions.

### **Student Transportation Funding**

The Legislature annually allocates funds to each school district for transportation to public school programs of students in membership in kindergarten through grade 12, and in migrant and exceptional student programs below kindergarten based on eligibility criteria and the calculation of the transportation funding allocation.<sup>17</sup>

### ***Eligible Student Membership***

Each school district must determine and report the membership<sup>18</sup> count of students who are transported for the following reasons:<sup>19</sup>

- Lives 2 miles or more from school.
- Has a disability or is enrolled in TAP.
- Enrolled in a state prekindergarten program.<sup>20</sup>

<sup>12</sup> A welfare transition participant is an individual who is receiving temporary cash assistance. s. 414.0252(9), F.S.

<sup>13</sup> “School bus” means a “motor vehicle regularly used for the transportation of prekindergarten disability program and kindergarten through grade 12 students of the public schools to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any district school board [...]” s. 1006.25(1), F.S.

<sup>14</sup> “Students” means “[...] students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12.” s. 1006.22(1)(a), F.S.

<sup>15</sup> Section 1006.22(1)(a), F.S.

<sup>16</sup> Section 1006.22(1) and (2), F.S., (*e.g.*, a passenger car or multipurpose passenger vehicle or truck designed to transport fewer than 10 students or, a privately owned motor vehicle in limited circumstances).

<sup>17</sup> Section 1011.68, F.S. This annual allocation includes charter schools. *Id.*

<sup>18</sup> “Membership” means “any prekindergarten through grade 12 student enrolled in school during the survey week who is assigned to a bus, passenger car, multipurpose passenger vehicle, general purpose transportation (city bus or train) or privately owned motor vehicle or boat (for isolated or disabled students). See the Florida Department of Education’s *Student Transportation General Instructions* (2014-2015) available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf>.

<sup>19</sup> Section 1011.68(1), F.S.

<sup>20</sup> For purposes of student transportation funding, prekindergarten programs serving students with disabilities and receiving funding through the Individuals with Disabilities Education Act or serving children of a parent enrolled in a Teenage Parent Program. Rule 6A-6.03026, F.A.C. A student enrolled in the Voluntary Prekindergarten Education Program may not be reported for transportation funding. s. 1002.71(9), F.S. See also, the Florida Department of Education’s *Student*

- Is a career education student<sup>21</sup> or a dual enrollment student,<sup>22</sup> or a student with a disability, who is transported from one school center<sup>23</sup> to another to participate in an instructional program or service.
- Has a disability and is transported from one designation to another in the state, one of which is a school center, and whose IEP identifies the need for the instructional program or service and transportation provided by the school district.
- Is an elementary school student who is enrolled in kindergarten through grade 6 and is subjected to hazardous walking conditions en route to or from school.<sup>24</sup> State Board of Education rules must, when appropriate, provide for the determination of membership for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected.<sup>25</sup>
- Is a pregnant student, a student parent, or the child of a student parent.

### ***Funding Allocation***

The total allocation of funds for each district is calculated annually using the following formula:

$T = B + EX$ . The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by an average per student cost for transportation as determined by the Legislature. The adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.<sup>26</sup>

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*Transportation General Instructions* (2014-2015) available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf>.

<sup>21</sup> “Career education” relates to instruction through courses designed to introduce students to various occupations and job-preparatory instruction. s. 1003.01(4), F.S.

<sup>22</sup> A “dual enrollment student” is a full-time equivalent public school student enrolled in a public secondary school program and a Florida College System institution or state university program. s. 1011.68(1)(d), F.S.

<sup>23</sup> “School center” is defined as a “public school center, Florida College System institution, state university, or other facility rented, leased, or owned and operated by the school district or another public agency.” *Id.*

<sup>24</sup> Section 1011.68(1)(e), F.S. The criteria for identifying hazardous walking conditions are specified in s. 1006.23(4), F.S.

<sup>25</sup> Section 1011.68(1)(e), F.S.

<sup>26</sup> Section 1011.68(2), F.S.

The funds are available for the following limited purposes:<sup>27</sup>

- For transporting students to and from school using:
  - Local general purpose transportation systems;
  - Private passenger cars or boats when the transportation is for isolated students or students with disabilities;<sup>28</sup> and
- Purchasing transportation equipment and supplies.<sup>29</sup>

### III. Effect of Proposed Changes:

The bill substantively clarifies and delineates the eligibility criteria for determining student membership for the annual allocation to each school district for transportation to public school programs and the formula for calculating the allocation of transportation funds.

#### Student Membership Eligibility

The bill realigns s. 1011.68, F.S.,<sup>30</sup> with the existing criteria for eligible student membership categories to include definitions and conditions that are prescribed in Department of Education rules and policies for transportation reporting and funding.<sup>31</sup>

Specifically, the bill removes students in membership in migrant prekindergarten programs, who are funded through a separate funding stream, and clarifies definitions for other existing, eligible student membership categories to be:

- A student who lives 2 miles or more from school.
- A student enrolled in a prekindergarten program for students with disabilities, which generates full-time equivalent student membership.
- A student who is pregnant, a student parent, or the child of a student parent.
- A student with a disability whose individual educational plan (IEP) identifies a need for one or more of the following services:
  - Medical equipment, which includes wheelchairs, crutches, walkers, canes, tracheotomy equipment, and positioning or unique seating devices.
  - A special transportation environment as prescribed by a physician (*e.g.*, tinted windows, a dust-controlled atmosphere, or temperature control).
  - An attendant, aide, or monitor.
  - A shortened school day.
  - Transportation to a school center located in another school district.

<sup>27</sup> *Id.* at (4) and (5).

<sup>28</sup> The use of private passenger cars or boats may be authorized for students with disabilities or students living in isolated areas who require specialized transportation services because transportation by school bus would be impractical or is unavailable. Rules 6A-1.0451(5) and 6A-3.0171(11), F.A.C.

<sup>29</sup> The prices of the equipment and supplies may not exceed the lowest prices as determined by the Department of Education. ss. 1006.27(1) and 1011.68(4), F.S.

<sup>30</sup> Department of Education, Division of Finance and Operations, 2015 Agency Legislative Bill Analysis, received March 17, 2015 (on file with the Senate Committee on Education Pre-K – 12).

<sup>31</sup> Rules 6A-1.0451, 6A-3.001, 6A-3.0171, and 6A-6.03026, F.A.C.; *see also*, Florida Department of Education, *Student Transportation General Instructions* (2014-2015) available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf>.

- A student who is enrolled during the 180-day school year in a career education course or dual enrollment course in a Florida College System institution or a state university and transported from one school center to another.
- An elementary school student whose grade level does not exceed grade 6 and who is subjected to hazardous walking conditions en route to or from school as provided by law or State Board of Education rule. The bill removes the requirement for the rule to limit the determination to less than 1 year.
- A student with a disability whose IEP specifies the need for an extended school year (education during the summer) that requires transportation as a related service.
- A student who generates full-time equivalent membership during the summer through participation in a nonresidential Department of Juvenile Justice education program.

### **Motor Vehicles for Student Transportation**

The bill codifies and spells out the criteria for the eligibility category of students who may be transported to and from school using private passenger cars or boats by:

- Defining an isolated student as one who lives in a sparsely populated area when compared to other population areas within the district, or in a location that a school bus cannot traverse the road or route necessary to pick up the student.
- Adding a student who is in the custody of the Department of Children and Families.
- Adding a student who lacks a fixed, regular, and adequate nighttime residence, or whose primary nighttime residence is a public or private shelter designed to provide temporary residence or whose primary nighttime residence is a public or private place designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

### **Funding Formula**

The bill clarifies that the funding formula requires that the membership count of students with disabilities be calculated first to determine the transportation dollar allocation for such students, and that any remaining funds, prorated by an adjusted student membership count, constitute the base transportation dollar allocation.

The bill reenacts s. 1011.622, F.S., to incorporate additional school district reporting requirements.

The bill provides for an effective date of July 1, 2015.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 1020 has no fiscal impact. The bill codifies, clarifies, and delineates existing, eligible student membership categories as prescribed by current law, Department of Education rule and current practice for transportation reporting and funding.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1011.68 of the Florida Statutes.

The bill reenacts section 1011.622 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.