

Utah Pupil Transportation Advisory Committee

June 22, 2016 – 9:00 – 12:00 p.m.

Utah State Board of Education - Room 156

250 East 500 South - Salt Lake City, Utah

Those in attendance: Kris Hadlock- Wasatch, Wynn Porter – Tooele, Brent Bills – Washington, Brian Larsen – representing Davis, Superintendent Joel Coleman – Utah Schools for the Deaf and Blind, Superintendent David Brotherson – Duchesne, Natalie Grange – Utah State Board of Education (USBE), Matt White – USBE, Murrell Martin – USBE.

As the facilitator, Murrell Martin welcomed the committee and others who might be joining. Introductions of committee members and organizations they represent were given and there was a brief discussion of Roberts Rules of Order applicable to the committee.

The meeting is being broadcast and recorded. The link to the recording is:

<http://uvc.uen.net/videos/video/12162/?live=true>

Last meeting minute's approval motion by Wynn P. with a second by Natalie G. Motion passed.

14:30 - As the first item of discussion Natalie reviewed 53A-17a-127 (5) and reported that a process had been started to provide additional clarification about the role of the advisory committee. Also more clarification about how the committee members are assigned and how the committee functions. Natalie asked for input from the committee members present. Kris expressed that there should be a clear understanding of attendance requirements for committee members. Wynn expressed that if the advisory committee needs input from the three associations that it does take some time for the representatives to go back to their members and get the input. While it may take time, it is important.

24:00 – The second item of discussion was a report on the Standards for Utah School Buses and Operations process and anticipated timeframe. Murrell provided the following brief history of Utah standards:

The Utah State Board of Education (USBE) first adopted regulations for the design and operation of public education school buses in 1976. These regulations were updated in 1987 and approved by the USBE. The next update was completed and approved by the USBE in 1999. Prior to an update in 2010, a decision was made to reference the National School Transportation Specifications and Procedures (NSTSP) within the update. Committees were formed to review all focus areas and an updated Standards for Utah School Buses and Operations incorporated NSTSP into Utah standards. This update was approved by the USBE in June of 2010.

The 2015 Utah delegate team and other pupil transportation professionals are supportive of the Utah Standards for School Buses and Operations being updated and approved by the USBE in 2016. The delegate team and other professionals believe Utah standards should be updated every five years in the year following the work done by NCST.

The process developed by Natalie and Murrell will have all of the meetings facilitated at the USBE with all meetings available to the general public and all interested parties. The first meetings are scheduled to begin on July 12th with a full schedule provided to the committee, also at the regional director/supervisor meetings and to all other interested parties. This involves five separate sub-committees meeting multiple times. The plan is to have the Routing, Reporting, Finance and Statistics sub-committee meetings broadcast on July 20th and on future dates.

Murrell identified that with good representation on the advisory committee, this meeting could be considered input for the steering committee process and asked for input. Kris expressed that if there was a way to speed up the process it

would be helpful. She also expressed that if we could combine the two books into one document it would be helpful as well.

Natalie stated that if there was a way to separate how's between standards and procedures it would be helpful. This will be passed on to committees. Natalie emphasized that the objective is to have the process open to parents, LEAs, and even state board members if they desire able to attend. Murrell responded to Kris that the focus is on reducing the process from 10-11 years to six years with what has been designed. In addition, this time we have the national document in digital format and can also create our Utah document in digital format. It was agreed that this will be more user friendly and a much better document than what we have had to date. Murrell thanked the committee for the input into steering the process.

43:40 - The third item of discussion was the Drug and Alcohol Testing Policy review and recommendation. Murrell addressed an earlier question about why he felt we could not just adopt a position to follow federal language precisely and let it update as federal updated. The first reason identified was that the USBE has always taken a stricter position of "zero tolerance" in testing, and failed alcohol tests at the lowest rate available on testing equipment. In addition, with the latest update to the policy approved by the USBE, the board asked the committee to develop a policy for reasonable suspicion testing for over-the-counter and prescription drugs. This included a Dr. and driver verification form as well.

Natalie asked if we had a program that included all of the charter schools in the testing program. Murrell explained that the charter schools were included in a combined consortium testing pool. This group and smaller school districts are tested quarterly rather than monthly due to limited numbers.

Brent identified that chartered buses for activities such as out of state travel, are not on the higher testing standard for school bus drivers. They are on a testing standard and are part of the national registry of commercial carriers. There is sometimes a use preference since they have seating that is more comfortable and rest rooms. Additional discussion concerning a parent group that takes it upon themselves to contract with a private carrier, the USBE has no jurisdiction over them since they are not on contract with a public education entity. Joel identified that there is a need to provide additional clarification out to LEAs. This will be provided.

Brian reported that they put out an RFP and then carefully evaluate each private carrier prior to approval. This was identified as a best practice for LEAs. Natalie asked for input on the expected cost saving for reducing from 50% to 25% like federal changes. For the random testing, this is about 1500 tested at about \$50 per test or \$75,000. Identified that this would not change the other testing requirements and with the stricter Utah requirements, we would still be stricter than federal requirements. Would be good if we could somehow show statistics of those kept out of program. Federal requires that the random program only test for the "five-panel" of drugs, but the Utah reasonable suspicion for over-the-counter and prescription drugs can include a seven or greater panel of testing. Training of drivers was identified as a way of preventing abuse and positive test results.

1hr 34:00 - Matt and Murrell provided two references to requirements for use of qualified private carriers. The first is found on page one of the standards, and the second is referenced in Title 41-6a-1304 of Utah Code.

1hr 38 – The fourth item of discussion was the minimum reimbursement \$30,000 base. Natalie identified that the USBE had requested more time to study the base, and that other bases are also being looked at. Does this base work? What are the expectations? Should the base apply to charter schools as a base for meeting the minimum requirements of buses and drivers? Presently charters are prohibited from transportation funding. Joel offered the perspective that charter schools are clearly a school of choice. As such he recommended that the committee consider taking a clear position that school of choice funding was not the intent of the "to and from school" funding. He expressed that this

would give our state board something to go on as their advisory committee for transportation. Natalie reported that we have engaged in an evaluation process of what school of choice options districts are providing and potential impacts of transportation.

Joel expressed that we also need to remember special education is another factor and FAPE clarifies that there is a school of choice limit even in special education students. He expressed that a position from the advisory committee would help provide the state board with a better understanding where they can provide rules to benefit the LEAs. David expressed that he agreed with the perspective Joel provided. In addition, that if you look up open enrollment laws a child can choose to attend another school, but they are required to provide their own transportation. Just like open enrollment, school of choice should be required to provide their own transportation. Attempting to fund choice would change the whole order of what we do in pupil transportation and there is not enough funding to do that. Brent commented that Washington has been looking at their own routes carefully, and that if school of choice were an option, they would have requests all over their district. He stated that he does not see the legislature going in that direction. Brent provided the history of the base being put in place for small operations to have enough for minimum supervision staff and overhead that would not be provided in the miles and minutes allowances for a small number of routes. Discussion about the fact that with the guarantee program added to the base and miles/minutes some get over 100% of funding. Factors to consider include if costs of administration have been included in financial reports by percentage, bus purchases not included but part of expenses. In addition, activity and field trips not included with "to and from" expenses. The base will likely need to be a declining scale.

2 hrs. - The final item of discussion was HB 301 School Bus Route Grant Program. Clarified that the funding is nonlapsing ongoing funding. USBE must create an application process and also review and award the grants. Both Natalie and Brent provided perspective about the original intent of the bill. Original intent was for short-term situations where the safety issues such as lacking sidewalks have not yet been addressed. Discussion that we really need to move forward on creating the application with a lot of information required, while at the same time move forward with drafting of administrative rule to be approved by the state board as soon as possible, but realistically not until this fall. It is a given that local districts will need to prioritize their lists.

Discussion about mandate to use funding efficiently and to have a way of verification follow-up. Matt presented that the rural model for efficiency would be a sub-route that is off of an existing rural route with space available. He also presented that an urban model for efficiency would be to bring a load of students in from larger distances of eligible students a little early and loop back out to very short distances to pick up the hazardous route areas for grant proposals. Murrell also added that without these efficiency models districts may well need to add additional buses and drivers at a much greater cost. In many cases, it would be very difficult to hire drivers for a couple of hours a day. Kris expressed concern that some districts already have the expense of making a choice to transport kids in hazardous areas, and they should not be penalized.

Natalie asked for input on creating the application form. Must address a way to access if it is short-term, and that will be difficult to determine. Must be applied for each year as identified in HB 301. Letters must come from all three entities listed, and we must have specified who can sign. Will need to identify the requirement of follow-up "proof of performance." Discussion about if it would include the possibility of in-lieu-of, but it was determined to not be defined as routes. Review to determine if the proposal can be accommodated within the existing "courtesy" stop options already available to districts with two and from school funding.

Wynn expressed concern over the fact that small districts with existing hazards have struggled to fund it themselves, but did so because there are no local funds for sidewalks. This approach cuts them out when they still have safety concerns. Murrell verified that some of the directors and supervisors who attended the recent regional meetings expressed the

same concerns. They have already studied the new law and it has no reference to short-term solutions with an anticipated resolve in the near future. Even though it was the original intent, it did not end up in the final language. Kris verified that it is the existing belief that it is not limited to short term situations where a solution is in the near future. She raised the question, how would the committee even determine what is short-term with a community planning to address it? No one identified an answer.

Natalie identified some of the questions that will need to be answered. Should every qualified route be funded, and the amount prorated down? Should we fund every highest priority request, and then prorate the remainder down?

The existing unaddressed hazardous routes seem to be the biggest existing risk to kids more than covering expenses for those districts have already addresses. This was agreed, but Kris identified that this would penalize districts who have already found ways to do so at their own expense. Some rural districts have struggled to find the funds to do so because of poverty issues where parents did not have vehicles available to transport students. Some areas of the state may never have sidewalks, and without safe transportation may not be able to attend school without transportation. Whatever the process is, it will need to be clear to districts.

Natalie summarized that we will want to make sure we gather enough information on our application for the committee and state board to make informed decisions. The more specific we have it, the better we will be. Would not be good to have to ask for additional information later.

Murrell expressed that he felt the districts wanted additional information as soon as possible as they are already considering what to do this fall.

Action Items:

1. We will move forward with anticipating two phases
 - a. Supplying information and providing the application as soon as possible.
 - b. Also, start moving forward with proposed administrative rule draft for state board consideration. Request to put the draft out to LEAs and include superintendents, business administrators, and transportation directors as soon as possible. Input can be directed back to the three associations or directly to USBE representatives on the committee.

The next meeting was set for July 20th from 1-4 p.m. in the South Board Room.