

**STORAGE NAME:** h1347a.tr.doc  
**DATE:** April 11, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** HB 1347  
**RELATING TO:** School Transportation Act 2001  
**SPONSOR(S):** Representative(s) Johnson  
**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION INNOVATION YEAS 13 NAYS 0
  - (2) TRANSPORTATION YEAS 12 NAYS 1
  - (3) EDUCATION APPROPRIATIONS
  - (4) COUNCIL FOR LIFELONG LEARNING
  - (5)
- 

I. SUMMARY:

Section 234.01, F.S., specifies circumstances under which local school boards provide students with transportation to and from school.

HB 1347 creates the "School Transportation Act of 2001" and amends current law by expanding the grade levels of students who must receive transportation and state funding for the transportation. This bill expands the pool of students that must receive transportation and state funding from students whose grade level "does not exceed grade 6" to students whose grade level "does not exceed grade 8," if the students live less than two miles from school and are subjected to hazardous walking conditions.

This bill also amends current law by reducing the grade level range of students that may receive transportation. The bill reduces the pool of students that may receive transportation from students in grades "7 through 12" to students in grades "9 through 12," for students who live less than two miles from school and are subjected to hazardous walking conditions.

According to the Department of Education (DOE), the estimated annual cost to transport the additional required students is: \$36,579,298 for the first year, \$38,806,977 for the second year, and \$39,971,186 for the third year. A DOE analysis of the bill indicates it is uncertain what portion of these costs would be funded by the state.

This bill provides for an effective date of July 1, 2002.

**(The Transportation Committee on April 11, 2001, adopted one amendment to HB 1347 that significantly changes HB 1347, then passed the bill. The amendment is traveling with the bill, and is explained in the "VI. Amendment or Committee Substitute Changes:" section below. )**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |  |   |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |

Since the bill requires additional government responsibility for transporting students, it does not appear to support the principle of less government or the principle of personal responsibility.

B. PRESENT SITUATION:

**Transportation of Public School Students**

Section 234.01, Florida Statutes, lists the categories of students and others who must, or may be, provided with transportation. Current law provides that after considering the recommendations of the superintendent, school boards

- “must” provide transportation for prekindergarten handicapped students and kindergarten through grade 12 students in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities that would not be available otherwise and for students who live more than a reasonable walking distance from the nearest school;
- “may” provide transportation for public-school migrant, exceptional, nursery, and other public school students in pre-kindergarten programs; kindergarten through grade 12 students in a public school; adult students in adult vocational, basic, and high school graduation programs in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities that would not be available otherwise.
- “must” provide necessary transportation to pregnant students or student parents, and the children of those students, as part of a teenage parent program;
- “may” provide transportation for other persons to events or activities in which the school district or school has agreed to participate or cosponsor;
- “may” provide transportation for welfare transition program participants;
- “may” provide transportation for those students defined as having a transportation disadvantage; and
- “must” provide transportation for public elementary students whose grade level does not exceed grade 6 and “may” provide transportation for public school students in grades 7 through 12, if the students are subjected to hazardous walking conditions while walking to and from school.

**Hazardous Walking Conditions**

Section 234.021, Florida Statutes, provides the criteria for determining whether walking conditions are hazardous for students in grades kindergarten through 6 who walk to school and who live within

the 2-mile limit of school. Certain walkways are considered hazardous if they do not meet the specific requirements listed below.

#### WALKWAYS PARALLEL TO THE ROAD

Any road where students must walk to and from school must have an area adjacent to the road that is at least four feet wide with a surface for walking that does not require walking on the road.

#### UNCURBED WALKWAYS PARALLEL TO A ROAD WITH A POSTED SPEED LIMIT OF 55 MILES PER HOUR

Any road where students must walk to and from school that is uncurbed and has a posted speed limit of 55 miles per hour must have an area that is at least three feet from the edge of the road, is at least four feet wide, and has a walking surface that does not require walking on the road.

This section of law provides certain exceptions for “walkways parallel to the road” and “uncurbed walkways parallel to the road with a posted speed limit of 55 miles per hour.” The following exceptions apply in both cases for hazardous walking conditions:

- The road is located in a residential area that has little or no transient traffic;
- The road has a volume of traffic that is less than 180 vehicles per hour, per direction, during the time students walk to and from school; or
- The road is located in a residential area and has a posted speed limit of 30 miles per hour or less.

#### WALKWAYS PERPENDICULAR TO THE ROAD

Certain walkways that are perpendicular to the road that students must cross are considered hazardous if they meet the criteria below.

- The traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students are walking to and from school, and if the crossing site is uncontrolled; or
- The traffic volume on the road exceeds 4,000 vehicles per hour through an intersection or other crossing controlled by a stop sign or other traffic control signal, unless crossing guards or other traffic enforcement officers are also present during the times students are walking to and from school.

#### **Allocation of Transportation Funds**

Section 236.083, Florida Statutes, provides for the allocation of funds to each school district for the transportation of students in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program.

Subject to the rules of the Commissioner of Education, each district must determine the number of students that are to be transported because the students:

- live 2 miles or more from school;
- are students with disabilities or enrolled in a teenage parent program, regardless of the distance from school;
- are in a state prekindergarten program, regardless of the distance from school;
- are in a vocational or dual enrollment program, or have disabilities and are transported from one school center to another to participate in an instructional program or service;

- are pregnant students or student parents, and the children of a student parent, regardless of the distance from school; and
- are elementary school students whose grade level does not exceed grade 6, and are subjected to hazardous walking conditions to and from school.

**C. EFFECT OF PROPOSED CHANGES:**

HB 1347 creates the "School Transportation Act of 2001" and amends current law by expanding the grade levels of students that must receive transportation and state funding for the transportation. This bill expands the pool of students that must receive transportation and state funding from students whose grade level "does not exceed grade 6" to students whose grade level "does not exceed grade 8," if the students live less than two miles from school and are subjected to hazardous walking conditions.

Current law requires school boards to provide public school transportation to "elementary" students whose grade level does not exceed grade 6, and since most elementary schools only contain grades kindergarten through grade 5, the majority of 6th grade students who live less than 2 miles from school and must walk to and from school in hazardous walking conditions are not eligible for public school transportation. Thus, this bill essentially expands the pool of students to grades 6, 7, and 8. Therefore, students in grades 6, 7, and 8, who are currently living less than two miles from school and are using unsafe means of transportation would be afforded a significantly higher level of safety as a result of riding on school buses in order to go to and from school.

According to DOE, expanding the grade levels of students from grade 6 to grade 8 that would be eligible for required transportation would result in an estimated 42,237 additional transported students requiring an estimated 803 additional buses and drivers, along with a proportionate increase in other transportation and support personnel, facilities, and resources.

This bill also amends current law by reducing the grade level range of students that may receive transportation. The bill reduces the pool of students that may receive transportation from students in grades "7 through 12" to students in grades "9 through 12," if the students live less than two miles from school and are subjected to hazardous walking conditions. DOE has no estimates on the impact of this change because the provision is discretionary. A school district could decide, as a matter of policy, to continue to transport all secondary school students who are subjected to hazardous walking conditions.

The Department of Education further states that it would require close to a year to implement the bill's provisions due to lead-time for manufacturing and delivering buses, securing additional drivers, and building additional bus maintenance facilities. Since the effective date of the bill is not until July 1, 2002, the department would have a year's lead-time to implement the provisions of the bill.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1:** Amends Section 234.01, Florida Statutes, relating to school transportation to create and provide a title for the "School Transportation Act of 2001."

**Section 2:** Amends Section 234.01, Florida Statutes, relating to hazardous walking conditions to require the provision of public transportation for students subjected to hazardous walking conditions whose grade level does not exceed grade 8, rather than grade 6. Provides that school boards may provide transportation to students in grades 9-12, rather than 7-12, in cases of hazardous walking conditions.

**Section 3:** Amends Section. 236.083, Florida Statutes, relating to hazardous walking conditions to revise determinations of student membership for purposes of funds for student transportation to include students subjected to hazardous walking conditions whose grade level does not exceed grade 8, rather than grade six 6.

**Section 4:** Provides an effective date of July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

According to DOE, expanding the grade levels of students from grade 6 to grade 8 that would be eligible for required transportation would result in an estimated 42,237 additional transported students requiring an estimated 803 additional buses and drivers, along with a proportionate increase in other transportation and support personnel, facilities, and resources. The estimated annual cost to transport the additional students is: \$36,579,298 for the first year, \$38,806,977 for the second year, and \$39,971,186 for the third year.

A DOE bill analysis states that, "It is uncertain what portion, if any, of these expenses would be funded by the Legislature, since no specific funding provisions are included in the bill." A DOE staff person said, generally, the state appropriation for school transportation covers 61 percent of the cost.

House Appropriations Committee staff said there is additional money in the FY 01-02 budget for school transportation, primarily to handle increased enrollment. School boards that want to spend more than their allocation for transportation can use funds from other categories.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 1347 does not require counties or municipalities to expend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 1347 does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 1347 does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

HB 1347 does not appear to violate any constitutional issues.

B. RULE-MAKING AUTHORITY:

HB 1347 does not necessitate additional rulemaking authority.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 11, 2001, the Transportation Committee adopted one strike-everything-after-the-enacting-clause amendment that eliminated the bill's estimated fiscal impact of \$36.5 million in FY 2001-2002. The amendment:

- Reinstated existing law, which the underlying bill had proposed changing, that requires school districts to transport elementary school students, up to grade 6, who are subject to hazardous walking conditions.
- Clarified that school districts may provide transportation, on a space-available basis, to middle school and high school students in grades 6 through 12, who encounter hazardous walking conditions. Current law says school districts may provide such transportation to students in grades 7-12.

After many questions, the committee adopted the amendment on a voice vote. Many of the questions were related to the confusing situation where some school districts include their sixth-graders in elementary school, while others place sixth-graders in middle schools with seventh- and eighth-graders. Eventually, the committee reported HB 1347 favorably by a vote of 12-1. The amendment is traveling with the bill.

**STORAGE NAME:** h1347a.tr.doc

**DATE:** April 11, 2001

**PAGE:** 7

VII. SIGNATURES:

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