

By: Representative Brown

To: Education;  
Appropriations

HOUSE BILL NO. 1177

1 AN ACT TO AMEND SECTION 37-151-85, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE STATE BOARD OF EDUCATION MAY COMPENSATE SCHOOL  
3 BUS DRIVERS WHO PROVIDE DRIVING SERVICES TO CERTAIN STATE OPERATED  
4 SCHOOLS FOR ACTUAL EXPENSES INCURRED WHEN ACQUIRING AN INITIAL OR  
5 THE RENEWAL OF A COMMERCIAL LICENSE IN ORDER TO DRIVE A SCHOOL  
6 BUS; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 37-151-85, Mississippi Code of 1972, is  
9 amended as follows:

10 37-151-85. (1) The amount to be allotted by the State Board  
11 of Education for transportation shall be determined as follows:

12 The State Department of Education shall calculate the cost of  
13 transportation in school districts by ascertaining the average  
14 cost per pupil in average daily attendance of transported pupils  
15 in school districts classified in different density groups as  
16 determined by the State Department of Education. Based on these  
17 calculations, the State Department of Education shall develop a  
18 scale for determining the allowable cost per pupil in different  
19 density groups, which scale shall provide greatest allowance per  
20 pupil transported in school districts with lowest densities and  
21 smallest allowance per pupil in school districts with highest  
22 densities. The total allowance in the adequate education program  
23 for transported children for any school district for the current  
24 year shall be the average daily attendance of the transported  
25 children for the nine (9) months of the prior year, multiplied by  
26 the allowance per transported pupil as provided herein. However,  
27 the State Department of Education is hereby authorized and  
28 empowered to make proper adjustments in allotments, under rules  
29 and regulations of the State Board of Education, in cases where

30 major changes in the number of children in average daily  
31 attendance transported occur from one year to another as a result  
32 of changes or alterations in the boundaries of school districts, a  
33 change in or relocation of attendance centers, or for other  
34 reasons which would result in major decrease or increase in the  
35 number of children in average daily attendance transported during  
36 the current school year as compared with the preceding year.  
37 Moreover, the State Board of Education is hereby authorized and  
38 empowered to make such payments to all districts and/or  
39 university-based programs as deemed necessary in connection with  
40 transporting exceptional children as defined in Section 37-23-3.  
41 The State Board of Education shall establish and implement all  
42 necessary rules and regulations to allot transportation payments  
43 to university-based programs. In developing density  
44 classifications under the provisions hereof, the State Department  
45 of Education may give consideration to the length of the route,  
46 the sparsity of the population, the lack of adequate roads,  
47 highways and bridges, and the presence of large streams or other  
48 geographic obstacles. In addition to funds allotted under the  
49 above provisions, funds shall be allotted to each school district  
50 that transports students from their assigned school or attendance  
51 center to classes in an approved vocational-technical center at a  
52 rate per mile not to exceed the average statewide cost per mile of  
53 school bus transportation during the preceding year exclusive of  
54 bus replacement. All such transportation must have prior approval  
55 by the State Department of Education.

56 (2) The average daily attendance of transported children  
57 shall be reported by the school district in which such children  
58 attend school. If children living in a school district are  
59 transported at the expense of such school district to another  
60 school district, the average daily attendance of such transported  
61 children shall be deducted by the State Department of Education  
62 from the aggregate average daily attendance of transported

63 children in the school district in which they attend school and  
64 shall be added to the aggregate average daily attendance of  
65 transported children of the school district from which they come  
66 for the purpose of calculating transportation allotments.

67 However, such deduction shall not be made for the purpose of  
68 calculating adequate education program pupil-based funding.

69 (3) The State Department of Education shall include in the  
70 allowance for transportation for each school district an amount  
71 for the replacement of school buses or the purchase of new buses,  
72 which amount shall be calculated upon the estimated useful life of  
73 all school buses being used for the transportation of children in  
74 such school district, whether such buses be publicly or privately  
75 owned.

76 (4) The school boards of all districts operating school bus  
77 transportation are authorized and directed to establish a salary  
78 schedule for school bus drivers. No school district shall be  
79 entitled to receive the funds herein allotted for transportation  
80 unless it pays each of its nonstudent adult school bus drivers  
81 paid from such transportation allotments a minimum of One Hundred  
82 Ninety Dollars (\$190.00) per month. In addition, local school  
83 boards may compensate school bus drivers for actual expenses  
84 incurred when acquiring an initial commercial license or any  
85 renewal of a commercial license in order to drive a school bus.

86 (5) The State Board of Education shall be authorized and  
87 empowered to use such part of the funds appropriated for  
88 transportation in the adequate education fund as may be necessary  
89 to finance driver training courses as provided for in Section  
90 37-41-1, Mississippi Code of 1972.

91 (6) The State Board of Education, acting through the  
92 Department of Education, may compensate school bus drivers, who  
93 are providing driving services to the various state operated  
94 schools, such as the Mississippi School for the Deaf, the  
95 Mississippi School for the Blind, the Mississippi School of the

96 Arts, the Mississippi School for Math and Science and any other  
97 similar state operated schools, for actual expenses incurred when  
98 acquiring an initial commercial license or any renewal of a  
99 commercial license in order to drive a school bus.

100       **SECTION 2.** This act shall take effect and be in force from  
101 and after July 1, 2004.