

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 290 Department or Agency State Department of Education
Chapter No. 290-2-1-.03
Chapter Title: Annual Apportionment of Transportation Funds
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

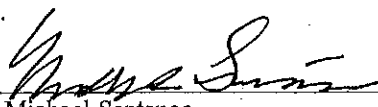
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Michael Sentance
State Superintendent of Education

Date 8-1-17

APA-2
11/96

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: 290-2-1-.01 Annual Apportionment of the Foundation
Program Funds
290-2-1-.03 Annual Apportionment of Transportation
Funds


INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: The amended chapter will provide the annual changes for the apportionment of funds to local boards of education.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m., October 12, 2017 Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-242-9700) no later than October 11, 2017, in order to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: October 12, 2017

CONTACT PERSON AT AGENCY: Mr. Andy Craig
Alabama State Department of Education
P.O. Box 302101
Montgomery, Alabama 36130-2101
(334-242-9755)



Michael Sentance

290-2-1-.03 Annual Apportionment of Transportation Funds.

(1) Calculations for the average daily number of transported pupils shall include only the transportation of children who live two miles or more from a school center; provided, however, that the transportation of disabled pupils living any distance from a school shall be included if transported at public expense.

(a) The State Superintendent shall have the authority to exclude the number of children transported to school centers which are unapproved by surveys conducted by the State Department of Education.

(b) The State Superintendent shall have the authority to exclude the number of children transported on dangerous vehicles.

(c) If a survey shows that the reported number of children transported by a local board exceeds the number of children living two miles or more from school centers approved by survey, the State Superintendent shall have the authority to reduce proportionately the number of transported pupils reported by that local board to the transportation saturation point as determined by survey.

(d) The State Superintendent shall have the authority to waive the two mile limit upon petition by the local board to protect the safety of the children.

(e) The count of transported pupils for any year shall be based upon reports of transported pupils for the previous year, subject to the provisions of these regulations.

(2) Calculation of Operating Allocation. The operating allocation for transportation shall be calculated as follows:

(a) Local boards must report transportation data to the State Department of Education on an annual basis. Data reported shall include route number, bus number, chassis model year, type route, number of students transported one way, loaded miles one way, and system number if transporting for another system.

(b) The operating cost per local board is determined from the financial statement non-salary operating cost, route reports for fuel calculations, eligible buses and staffing requirements; personnel reports for salaries and benefits, and full-time transportation counts for PEEHIP calculations.

(3) Calculation of Fleet Renewal Allocation. Fleet renewal allocations are based on a 10 year depreciation schedule. Buses used on daily routes qualify for fleet renewal. New buses ordered on bids awarded before November 1 will be counted towards the fleet renewal allocation.

(4) The Annual Transportation Allowance. The total transportation allocation for each local board is the sum of the operating allocation and the fleet renewal allocation. The amount of the annual transportation allowance resulting from the depreciation of school buses shall be set aside for fleet renewal for new bus purchases or for servicing a debt resulting from new bus purchases. Debt obligations for bus purchases must be approved by the State Superintendent if the school system does not have a one-month general fund balance. Fleet renewal funds may not be used for operating cost and may be carried over to future years.

Author: Ed Richardson.

Statutory Authority: Ala. Code §16-13-233.(1975).

History: Amended 8-12-93, effective 9-17-93; emergency rules 7-21-94, new rules 9-8-94, effective 10-13-94; emergency rules 9-14-95, effective 9-14-95; emergency rules 7-9-96, effective 7-9-96; emergency rules 10-10-97, effective 10-10-97; emergency rules 7-14-98, effective 8-7-98; amended 11-18-99, effective 12-23-99; amended 12-14-00, effective 1-18-01; amended 11-8-01, effective 12-13-01; amended 9-12-02, effective 10-17-02; amended 1-8-04, effective 2-12-04; amended 9-9-04, effective 10-14-04; amended 11-10-05, effective 12-15-05; amended 11-9-06, effective 12-14-06; amended 11-13-08, effective 12-18-08; amended 11-18-10, effective 12-23-10;

290-2-1-.04 Annual Apportionment of Public School Funds. The Public School Fund (PSF) shall be apportioned each year to provide funds for capital improvements of public school facilities as hereinafter provided:

(1) Capital Improvement Funds. The PSF shall be apportioned on the basis of a distribution method that uses the ability of the local board to raise local revenues, has a variable matching scale and guarantees each local board will receive the same amount per pupil (ADM) in matched funds.

(a) The ability of the local board shall be defined as the yield of one mill of district ad valorem tax per pupil based on the prior year's financial data and prior year's first 20 scholastic days following Labor Day ADM.

(b) The allotment of PSF funds for capital improvements shall be on the basis of a guaranteed tax yield calculation matched to 2 times the maximum yield per mill per ADM. The number of mills guaranteed will depend on the amount of PSF available after the set aside in (1) above.

1. If Z is the number of guaranteed mills, M is the maximum yield per mill over all local boards, Y is the yield per mill per ADM for a local board, and A is the prior year first 20 scholastic days following Labor Day ADM, the local board shall receive $(Z*(2M-Y)*A)$ state PSF funds and must match with $(Z*Y*A)$ local funds. The local matching funds may be used as debt service. PSF Capital Improvement Funds may be used to service a debt for capital improvements.

2. PSF Capital Improvement Funds must be for capital improvements as identified in Alabama Legislative Act No. 2011-163.

Author: Ed Richardson.

Statutory Authority: Ala. Code §§230 et. seq. (1975).

History: Amended 8-12-93, effective 9-17-93; emergency rules 7-21-94, new rules 9-8-94, effective 10-13-94; emergency rules 9-14-95, effective 9-14-95; emergency rules 7-9-96, effective 7-9-96; emergency rules 10-10-97, effective 10-10-97; emergency rules 7-14-98, effective 8-7-98; amended 11-18-99, effective 12-23-99; amended 12-14-00, effective 1-18-01; amended 11-8-01, effective 12-13-01; amended 9-12-02, effective 10-17-02; amended 1-8-04, effective 2-12-04; amended 9-9-04, effective 10-14-04; amended 11-10-05, effective 12-15-05; amended 11-9-06, effective 12-14-06; amended 9-13-07, effective 10-18-07; amended 11-13-08, effective 12-18-08; amended 9-10-09, effective 10-15-09; amended 11-18-10, effective 12-23-10; amended 12-8-11, effective 11-11-12; emergency rule 9-13-12; amended 11-8-12, effective 12-13-12; amended 9-12-13, effective 10-17-13; amended 9-10-14, effective 10-15-14.