

HOUSE BILL 308

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SCHOOLS; ADDRESSING TRANSPORTATION BOUNDARY
ISSUES OF SCHOOL DISTRICTS WITH A HIGH CONCENTRATION OF NATIVE
AMERICAN STUDENTS; PROVIDING FOR TRANSPORTATION BOUNDARY
AGREEMENTS; PROVIDING A RESOLUTION PROCESS FOR TRANSPORTATION
BOUNDARY DISPUTES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-16-4 NMSA 1978 (being Laws 1967,
Chapter 16, Section 222, as amended) is amended to read:

"22-16-4. SCHOOL BUS ROUTES--LIMITATIONS--EXCEPTIONS--
MINIMUM REQUIREMENTS.--

A. Bus routes shall be established by the [~~local~~]
school district.

B. Except as provided in Subsections C, [~~and~~] D and
E of this section, no school bus route shall be maintained for

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1 distances less than:

2 (1) one mile one way for students in grades
3 kindergarten through six;

4 (2) one and one-half miles one way for
5 students in grades seven through nine; and

6 (3) two miles one way for students in grades
7 ten through twelve.

8 C. In school districts having hazardous walking
9 conditions as determined by the local school board and
10 confirmed by the state transportation director, students of any
11 grade may be transported a lesser distance than that provided
12 in Subsection B of this section. General standards for
13 determining hazardous walking conditions shall be established
14 by the state transportation division of the department [~~of~~
15 ~~education~~] with the approval of the [~~state board~~] department,
16 but the standards shall be flexibly and not rigidly applied by
17 the local school board and the state transportation director to
18 prevent accidents and help ensure student safety.

19 D. Exceptional children whose handicaps require
20 transportation and three- and four-year-old children who meet
21 the [~~state board approved~~] department-approved criteria and
22 definition of developmentally disabled may be transported a
23 lesser distance than that provided in Subsection B of this
24 section.

25 E. School districts reporting a minimum of seventy-

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1 five percent of the school districts' student membership as
2 Native Americans shall consult with tribal leaders regarding
3 concerns and issues related to public school transportation
4 services, transportation boundaries and resolution of
5 transportation boundary disputes."

6 SECTION 2. A new section of Chapter 22, Article 16 NMSA
7 1978 is enacted to read:

8 "[~~NEW MATERIAL~~] SCHOOL BUS ROUTES FOR CERTAIN SCHOOL
9 DISTRICTS--TRANSPORTATION BOUNDARY AGREEMENTS--RESOLUTION OF
10 TRANSPORTATION BOUNDARY DISPUTES.--

11 A. For purposes of this section, "school district"
12 means a school district reporting a minimum of seventy-five
13 percent of the district's student membership as Native
14 American.

15 B. A school district is authorized to enter into a
16 transportation boundary agreement with an adjoining school
17 district for students the affected local school boards agree
18 need transportation because of conditions that make it
19 impractical or unsafe to transport such students to schools
20 within the district in which they reside.

21 C. Transportation boundary agreements shall provide
22 for efficient and economic use of resources.

23 D. No transportation boundary agreement shall be
24 valid unless approved by the local school board representing
25 the district in which the student resides and the local school

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1 board of the district the student proposes to attend.

2 E. A transportation boundary agreement shall
3 include a legal description of the adjoining area outside each
4 school district's boundaries for which transportation services
5 will be provided under the terms of the agreement.

6 F. The proposed transportation boundary lines and
7 the school district boundary lines shall be shown and
8 highlighted on United States geological survey maps, or their
9 equivalent, that are attached to the agreement.

10 G. Upon review and findings that the requirements
11 of applicable state and federal laws have been met, the state
12 transportation director and the secretary of public education
13 shall approve the agreement.

14 H. The participating local school boards shall
15 review the agreement annually. Any revisions in the terms of
16 the agreement shall be approved by both local school boards.
17 The revised agreement shall be submitted to the department for
18 approval prior to continuation of service. If no changes
19 occur, the existing agreement may be continued.

20 I. The extended area of transportation service
21 added to a school district boundary through the transportation
22 boundary agreement shall be counted in square miles per student
23 for purposes of funding.

24 J. Students who receive transportation services
25 within the area approved through the transportation boundary

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1 agreement shall be counted for transportation funding by the
2 school district in which they attend school.

3 K. The transportation boundary agreement may be
4 terminated by either district with a thirty-day notice. The
5 department shall be notified by both school districts when the
6 agreement is terminated.

7 L. When a transportation boundary dispute occurs
8 between local school boards, a local school board may file a
9 written complaint with the department. The department shall:

10 (1) within thirty days of receipt of the
11 complaint, in consultation with tribal leaders whose students
12 are affected by the proposed boundary change, conduct a study
13 of the issues relating to the dispute; and

14 (2) within fifteen days of completion of the
15 study, in consultation with tribal leaders whose students are
16 affected by the proposed boundary change, the department,
17 together with tribal leaders, shall provide a written report to
18 all parties involved in the dispute that sets forth a permanent
19 or temporary transportation boundary agreement.

20 M. The department shall annually review the
21 transportation boundary agreement and:

22 (1) if the conditions necessitating the
23 agreement are no longer in place, restore the former boundary;

24 (2) if the conditions necessitating the
25 agreement continue to be in place, make the temporary boundary

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1 agreement permanent; or
2 (3) after consultation with the local school
3 boards and affected tribal leaders, establish an alternative
4 boundary."

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