## A JOINT MEMORIAL

REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO STUDY HOW SCHOOL TRANSPORTATION FUNDING FOR SALARIES AND BENEFITS IS BEING SPENT.

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WHEREAS, each year, the legislature appropriates money to the public education department to fund to- and from-school bus transportation in public school districts statewide; and

10 WHEREAS, current law allows school districts to provide 11 school bus transportation to students through the use of 12 school bus service contracts, either with individual 13 owner-operators or private school bus contractors or both; 14 and

WHEREAS, by public education department rule, a person who owns only one bus and who drives the bus on a full-time basis is, as a driver, considered an employee of the school district, while a person who owns more than one bus is considered a self-employed private school bus contractor who hires the contractor's own employees; and

21 WHEREAS, since 1994, the money distributed through 22 school bus service contracts by the public education 23 department to private school bus contractors has included a 24 thirty-five percent reimbursement rate for employee benefits 25 paid by a private school bus contractor to employees; and

SJM 12 Page 1 WHEREAS, private school bus contractors may provide up to thirty-five percent employee benefits for their employees; and

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WHEREAS, the public education department reports that fewer than ten percent of the current private school bus contractors provide any form of employee benefits for their employees;

8 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE 9 STATE OF NEW MEXICO that the public education department, the 10 legislative education study committee and the legislative 11 finance committee, in collaboration with public school 12 district administrators and representatives of private school 13 bus contractors, be requested to examine the funding of 14 school transportation contracts to ensure that the employees 15 of private school bus contractors have full access to the 16 wages and benefits available to the contractor; and

BE IT FURTHER RESOLVED that the public education department report its findings and recommendations to the legislative education study committee by October 1, 2008; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretary of public education and the directors of the legislative education study committee and the legislative finance committee for appropriate distribution.\_\_\_\_

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