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FISCAL IMPACT REPORT

ORIGINAL DATE 10/20/09

SPONSOR Espinoza LAST UPDATED _____ HB 5

SHORT TITLE School Employees Driving School Buses SB _____

ANALYST Aguilar

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None Indicated		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Education Department

SUMMARY

Synopsis of Bill

House Bill 5 provides for licensed school employees to drive school buses used for transporting students to school-sponsored or sanctioned activities.

FISCAL IMPLICATIONS

School districts would be responsible to cover additional costs for pre-service and in-service training requirements to operate school buses, physical examinations to meet federal requirements and pre-employment and random testing for alcohol and substance use to meet federal requirements.

Pre-service requires 36 hours of training; training costs would vary depending on a district's ability to have qualified trainers. (New Mexico has a cadre of qualified trainers.) The cost for practical training for operating a school bus is estimated at \$100 per employee. In-service requires 16 hours of training annually; this training may be absorbed into other school bus driver training. The physical examination cost is approximately equal to the insurance co-pay fee paid by the employee.

Alcohol and substance initial testing would cost approximately \$40 per employee and an additional \$40 per for each random test.

PED notes that it is indeterminate as to any cost savings associated with having school certified employees operate school buses instead of the current pool of school bus drivers. There are too many unknowns. For example, will these employees drive for free or will they be paid a lesser amount than the regular driver pool?

SIGNIFICANT ISSUES

PED notes that school districts now have the ability to qualify certified employees to operate school buses. The enactment of this legislation may increase the available school bus driver pool.

The local school districts shall adhere to all applicable federal regulations and state employment requirements when employing, re-employing or retaining a school bus driver, including meeting the requirements of the Controlled Substances and Alcohol Use and Testing acts in accordance with 49 CFR Part 38 and requirements for physical examinations in accordance with 49 CFR Part 391.

It appears that any driver properly licensed to drive a school bus and meeting any specific school district requirements, including any school staff, is eligible to transport students to and from school-sponsored or school sanctioned activities under current statutes.

It appears the term “licensed school employees” could apply to any position in a district that requires licensing from the public education department, including business staff, educational assistants or even principals and the superintendent and it is unclear why this restriction is included.

TECHNICAL ISSUES

The bill refers to any driver qualification required by the local school board but does not refer to state school bus licensing requirements, which are very prescriptive.

It appears the intent of House Bill 5 pertains to operating school buses. The language in the body of House Bill 5 does not specify the type of vehicle used to transport students to school-sponsored or sanctioned activities. This may allow districts to use other vehicles to transport students than those authorized by Department Rule, 6.41.4 NMAC.

It also appears that all provisions contained in this bill are already covered in current statute.

PA/svb