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SENATE BILL 278

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

INTRODUCED BY

George K. Munoz

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

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

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

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1 American.

2 B. A school district is authorized to enter into a
3 transportation boundary agreement with an adjoining school
4 district for students the affected local school boards agree
5 need transportation because of conditions that make it
6 impractical or unsafe to transport such students to schools
7 within the district in which they reside.

8 C. Transportation boundary agreements shall provide
9 for efficient and economic use of resources.

10 D. No transportation boundary agreement shall be
11 valid unless approved by the local school board representing
12 the district in which the student resides and the local school
13 board of the district the student proposes to attend.

14 E. A transportation boundary agreement shall
15 include a legal description of the adjoining area outside each
16 school district's boundaries for which transportation services
17 will be provided under the terms of the agreement.

18 F. The proposed transportation boundary lines and
19 the school district boundary lines shall be shown and
20 highlighted on United States geological survey maps, or their
21 equivalent, that are attached to the agreement.

22 G. Upon review and findings that the requirements
23 of applicable state and federal laws have been met, the state
24 transportation director and the secretary of public education
25 shall approve the agreement.

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1 H. The participating local school boards shall
2 review the agreement annually. Any revisions in the terms of
3 the agreement shall be approved by both local school boards.
4 The revised agreement shall be submitted to the department for
5 approval prior to continuation of service. If no changes
6 occur, the existing agreement may be continued.

7 I. The extended area of transportation service
8 added to a school district boundary through the transportation
9 boundary agreement shall be counted in square miles per student
10 for purposes of funding.

11 J. Students who receive transportation services
12 within the area approved through the transportation boundary
13 agreement shall be counted for transportation funding by the
14 school district in which they attend school.

15 K. The transportation boundary agreement may be
16 terminated by either district with a thirty-day notice. The
17 department shall be notified by both school districts when the
18 agreement is terminated.

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

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

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

7 M. The department shall annually review the
8 transportation boundary agreement and:

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

11 (2) if the conditions necessitating the
12 agreement continue to be in place, make the temporary boundary
13 agreement permanent; or

14 (3) after consultation with the local school
15 boards and affected tribal leaders, establish an alternative
16 boundary."