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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 school
district.

B. Except as provided in Subsections C, D and E of
this section, no school bus route shall be maintained for
distances less than:

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

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

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

C. In school districts having hazardous walking
conditions as determined by the local school board and

1 confirmed by the state transportation director, students of
2 any grade may be transported a lesser distance than that
3 provided in Subsection B of this section. General standards
4 for determining hazardous walking conditions shall be
5 established by the state transportation division of the
6 department with the approval of the department, but the
7 standards shall be flexibly and not rigidly applied by the
8 local school board and the state transportation director to
9 prevent accidents and help ensure student safety.

10 D. Exceptional children whose handicaps require
11 transportation and three- and four-year-old children who meet
12 the department-approved criteria and definition of
13 developmentally disabled may be transported a lesser distance
14 than that provided in Subsection B of this section.

15 E. School districts reporting a minimum of
16 seventy-five percent of the school districts' student
17 membership as Native Americans shall consult with tribal
18 leaders regarding concerns and issues related to public
19 school transportation services, transportation boundaries and
20 resolution of transportation boundary disputes."

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

23 "SCHOOL BUS ROUTES FOR CERTAIN SCHOOL DISTRICTS--
24 TRANSPORTATION BOUNDARY AGREEMENTS--RESOLUTION OF
25 TRANSPORTATION BOUNDARY DISPUTES.--

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

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

11 C. Transportation boundary agreements shall
12 provide for efficient and economic use of resources.

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

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

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

25 G. Upon review and findings that the requirements

1 of applicable state and federal laws have been met, the state
2 transportation director and the secretary of public education
3 shall approve the agreement.

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

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

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

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

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

25 (1) within thirty days of receipt of the

1 complaint, in consultation with tribal leaders whose students
2 are affected by the proposed boundary change, conduct a study
3 of the issues relating to the dispute; and

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

10 M. The department shall annually review the
11 transportation boundary agreement and:

12 (1) if the conditions necessitating the
13 agreement are no longer in place, restore the former
14 boundary;

15 (2) if the conditions necessitating the
16 agreement continue to be in place, make the temporary
17 boundary agreement permanent; or

18 (3) after consultation with the local school
19 boards and affected tribal leaders, establish an alternative
20 boundary." _____

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