

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 308

51st Legislature, 1st Session, 2013

Tracking Number: .196315.2

Short Title: School Transportation Boundary Agreements

Sponsor(s): Representative Sandra Jeff and Others

Analyst: David Craig

Date: February 12, 2014

Bill Summary:

HB 308 amends provisions in the *Public School Code* relating to school bus routes to require school districts with 75 percent or more Native American students residing within their boundaries to consult with tribal leaders on issues related to public school transportation services, including transportation boundary disputes.

Among its provisions, the bill:

- defines “school district” as a school district with 75 percent or more of Native American students residing within their boundaries; and
- authorizes a school district to enter into a transportation boundary agreement with an adjoining school district if both local school boards agree it is impractical or unsafe to transport students to schools within the district they reside.

Other provisions require:

- boundary agreements to provide for efficient and economic use of resources;
- approval of transportation boundary agreements by the two school boards;
- a legal description of the adjoining area outside of the school district’s boundaries for which transportation services will be provided under the terms of the agreements;
- proposed boundary lines to be shown and highlighted on United States geological survey maps, or their equivalent;
- the State Transportation Director at the Public Education Department (PED) and the Secretary of Public Education to approve such agreements;
- participating school boards to review and approve revisions, if any, to the agreement annually;
- revised agreements to be submitted to PED for approval; and
- for purposes of funding,
 - the extended school district boundary to be counted in the square miles per student and;
 - students to be counted by the school district in which they attend school.

Permissive language in HB 308 allows:

- the transportation boundary agreement to be terminated with a 30-day notice; and
- a school board to file a written complaint to PED in the instance of a transportation boundary dispute.

Upon receipt of a written complaint, HB 308 requires PED to, in consultation with tribal leaders and within:

- 30 days conduct a study of the issues relating to the dispute; and
- 15 days of completion of the study provide a written report to all parties involved in the dispute outlining a permanent or temporary transportation boundary agreement.

Finally, other provisions require PED to review the transportation boundary agreement on an annual basis and:

- to restore the former boundary if the conditions necessitating the agreement are no longer in place; and
- if the conditions are in place, either (1) make the temporary boundary agreement permanent, or (2) establish an alternative boundary after consultation with the school boards and affected tribal leaders.

HB 308 does not contain an effective date. If enacted, the provisions of the bill would become effective on May 21, 2014.

Fiscal Impact:

HB 308 does not contain an appropriation.

Substantive Issues:

During the 2013 interim, the LESC convened the LESC Interim Subcommittee on Public School Transportation. The subcommittee met several times during the interim to discuss issues related to school transportation including:

- a dispute between Gallup-McKinley County Schools (GMCS) and Central Consolidated Schools (CCS) regarding school district transportation boundaries; and
- concerns over the circumstances of transportation boundary agreements between districts as instituted in rule.

Background:

Current Law

Provisions of the *Public School Code* regarding school district boundaries:

- that geographical boundaries of a school district shall not coincide or overlap the geographical boundaries of another school district except as may be provided by law; and

- define school district as “an area of land established as a political subdivision of the state for the administration of public schools and segregated geographically for taxation and bonding purposes”;
- require the local school district to establish bus routes;
- require the establishment of procedures for the resolution of issues related to school district boundary disputes; and
- require money in the transportation distribution to be used only for the purpose of making payments for the to-and-from school transportation costs of students in grades K-12 attending public school within the school district or state-chartered charter school.

PED Rule

Among its provisions, current PED rule provides for:

- transportation services to students who attend school in a district other than the district in which they live;
- the resolution between local school districts engaged in school district boundary disputes; and
- and the creation of transportation boundary agreements.

However, while the rule authorizes a school district to enter into transportation boundary agreements with an adjoining district or adjoining districts, these agreements:

- address only students living within a specified geographic area where geographical conditions would otherwise make it impractical to transport such students to school within the district where they live;
- must be approved by both local boards of education prior to a district crossing boundary lines to transport students; and
- are not authorized to provide services to students who attend school out-of-district as a matter of choice.

Additionally, regarding transportation funding, the PED rule indicates:

- eligible students are those who live within the legal boundaries of the school district, who meet the statutory requirements for eligibility, and who utilize the transportation services on a regular basis; and
- only eligible students shall be counted for purposes of funding.

Provisions in Laws of Neighbor States

With regard to our neighbor states’ provisions in law relating to school transportation between school districts:

- In Arizona, school boards must adopt and implement policies to allow nonresident pupils to enroll in any school within the school district and school districts receiving students under open enrollment may provide transportation, subject to varying mileage restrictions based on socio-economic status.
- In Colorado, provisions in law do not address school transportation between districts.

- In Oklahoma, provisions of the *Education Open Transfer Act*, allow the transfer of a student between school districts if the transfer has the approval of the school board of the receiving district; school districts receiving transfer students may provide such transportation only within the boundaries of the receiving school district; and the receiving school district shall not cross school district boundaries to transport a kindergarten through eighth-grade student transferred pursuant to the *Education Open Transfer Act* unless by resolutions of agreement between the two school districts.
- In Texas, the school boards of two or more adjoining school districts may, by agreement, arrange for the transfer and assignment of any student from one district to that of another and school boards may establish and operate a public school transportation system outside the school district if the school district enters into an inter-local cooperation contract with the transferring school district.
- In Utah, local school boards provide educational services to the extent reasonably feasible for any student who resides in another district in the state and desires to attend a school in the district, and a local school board may provide for the transportation of students regardless of the distance from school, using operational funds of the district or a local property tax.

Related Bills:

HB 169 *School Transportation Boundary Agreements*

SB 258 *School Transportation & Tribal Leaders*

SB 278 *School Transportation Boundary Agreements*

SB 320 *School Transportation Boundary Agreements (Identical)*

SJM 12 *Study Transporting School Students*