

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 46

**52nd Legislature, 2nd Session, 2016**

**Tracking Number:** .202402.2

**Short Title:** School Transportation Boundary Agreements

**Sponsor(s):** Senator George K. Munoz

**Analyst:** David Craig

**Date:** February 3, 2016

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**FOR THE INIDAN AFFAIRS COMMITTEE**

**Bill Summary:**

SB 46 adds new sections to provisions of the *Public School Code* related to transportation of students to provide for temporary transportation boundary agreements between school districts.

**Fiscal Impact:**

SB 46 does not carry an appropriation. The public school funding formula is a distribution model based partly on student membership. SB 46 indicates that students transported under transportation boundary agreements are not eligible for transportation funding, but school districts receiving these children would receive increased operational funds.

**At a Glance:**

- School districts would be allowed to transport students across school district geographic boundaries if both school districts agree.
- Some school districts may see student membership, and therefore operational funding, transfer to another school district.

**Detailed Bill Provisions:**

Effective July 1, 2016, SB 46 adds new sections to the *Public School Code* related to transportation of students to:

- provide for temporary transportation boundary agreements between and among adjoining school districts to transport students living within a specified area to a school within the adjoining school district;
- establish procedures and criteria for temporary transportation boundary agreements;
- exclude students who attend out-of-district schools by choice from calculation of the transportation distribution;
- create a resolution process for transportation boundary disputes;
- require that, if transportation boundary disputes between local school boards cannot be resolved within 30 days, the school boards must request their respective local governments to examine the issues and to provide written recommendation for resolving the dispute within 30 days;

- if those boards have not agreed on the government entities' recommendations, require the Public Education Department (PED), upon request from one or more school boards, to review the boundary dispute issues and to render an opinion in writing within 10 days.

### **Substantive Issues:**

SB 46 places into law many provisions related to transportation boundary agreements that exist in PED's administrative rule, and also clarifies or expands certain provisions. For example, in current PED rule, transportation boundary agreements are limited to situations where geographic conditions would otherwise make it impractical to transport students to school within the district where they live; and in the provisions of SB 46, temporary transportation boundary agreements are expanded to allow the transportation of students living within a specified area to a school within an adjoining school district.

Among the other provisions of SB 416 that differ from current rule are provisions that:

- clarify that, if no changes to an existing agreement are made, the agreement may be continued for an additional year;
- indicate transportation funding shall not be provided for students attending an out-of-district school as a matter of choice, whereas current rule indicates students who receive services shall be counted for transportation funding; and
- indicate that the transportation boundary dispute resolution process requires local school boards to first request that their local government entities, including counties, municipalities or chapter houses conduct an examination of the issues relating to the transportation boundary dispute and provide written recommendations for resolving the dispute, whereas in current rule, local school boards first request PED to study the issues relating to the dispute and provide written recommendations.

### **Technical Issues:**

Provisions in Section 22-8-29 NMSA 1978 require school districts and charter schools to report data necessary for the purposes of calculating the transportation distribution on the second reporting date and the third reporting date of each year. The sponsor may wish to consider amending the reference to "the first reporting date" on page 4, line 5 to "the second reporting date and the third reporting date".

### **Background:**

#### ***Provisions in Current Law***

Provisions of the *Public School Code* regarding school district boundaries indicate 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. Provisions also 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 kindergarten through 12 attending public school within the school district or to a state-chartered charter school.

### ***Provisions in Current PED Administrative Rule***

Current PED administrative rules provide for transportation services to students who attend school in a district other than the district in which they live, the resolution of boundary disputes between local school districts, and the creation of transportation boundary agreements.

However, while rules authorize 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, PED administrative 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.

### ***Transportation Provisions and School District Boundaries in Laws of Neighbor States***

In Arizona, school boards must adopt and implement policies to allow non-resident 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:**

SB 74 *Education Reporting for Transportation*

SB 198 *School Transportation Distribution*