

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 178

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING A HIGH SCHOOL STUDENT  
PUBLIC TRANSPORTATION PASS PILOT PROJECT; ALLOWING SCHOOL  
DISTRICTS AND CHARTER SCHOOLS TO USE A PORTION OF THEIR  
RESPECTIVE STATE TRANSPORTATION DISTRIBUTIONS FOR THAT PILOT  
PROJECT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-8-29 NMSA 1978 (being Laws 1967,  
Chapter 16, Section 78, as amended) is amended to read:

"22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--  
PAYMENTS.--

A. On the second reporting date and the third  
reporting date of each year, each local school board of a  
school district and governing body of a state-chartered charter  
school shall report to the state transportation director, upon

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underscored material = new  
[bracketed material] = delete

1 forms furnished by the state transportation director, the  
2 following information concerning the school district's or  
3 state-chartered charter school's operation on each respective  
4 reporting date of the current year:

5 (1) the number and designation of school bus  
6 routes in operation in the school district;

7 (2) the number of miles traveled by each  
8 school bus on each school bus route, showing the route mileage  
9 in accordance with the type of road surface traveled;

10 (3) the number of students, including special  
11 education students, transported on each reporting date of the  
12 current year and adjusted for special education students on  
13 December 1;

14 (4) the projected number of students to be  
15 transported in the next school year;

16 (5) the seating capacity, age and mileage of  
17 each bus used in the school district for student  
18 transportation; and

19 (6) the number of total miles traveled for  
20 each school district's or state-chartered charter school's per  
21 capita feeder routes.

22 B. Each local school board of a school district and  
23 governing body of a state-chartered charter school maintaining  
24 a school bus route shall make further reports to the state  
25 transportation director at other times specified by the state

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1 transportation director.

2 C. The state transportation director shall certify  
3 to the secretary that the allocations from the transportation  
4 distributions to each school district and state-chartered  
5 charter school are based upon the transportation distribution  
6 formula established in the Public School Code, calculated and  
7 distributed for the entire school year using an average of the  
8 amounts reported on the second reporting date and third  
9 reporting date of the prior school year, and are subject to  
10 audit and verification.

11 D. The department shall make periodic installment  
12 payments to school districts and state-chartered charter  
13 schools during the school year from the transportation  
14 distributions, based upon the allocations certified by the  
15 state transportation director.

16 E. Notwithstanding any other section of the Public  
17 School Code, a participating school district or state-chartered  
18 charter school may use funding from its state transportation  
19 distribution in the 2017-2018 and 2018-2019 school years to  
20 conduct the high school student public transportation pass  
21 pilot project pursuant to the Public School Code."

22 SECTION 2. A new section of the Public School Code is  
23 enacted to read:

24 "[NEW MATERIAL] HIGH SCHOOL STUDENT PUBLIC TRANSPORTATION  
25 PASS PILOT PROJECT.--

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1           A. The "high school student public transportation  
2 pass pilot project" is created as a two-year study that allows  
3 the Albuquerque public school district, the Los Alamos public  
4 school district or state-chartered charter schools in those  
5 districts to use a portion of their respective state  
6 transportation distributions to provide monthly or annual  
7 passes for high school students in the respective districts to  
8 use to purchase public transportation passes to be transported  
9 to and from school during the school year. The purpose of the  
10 pilot project is to demonstrate cost savings and flexibility  
11 for school districts in transporting high school students to  
12 and from school.

13           B. The pilot project shall be administered by the  
14 participating school districts and charter schools. The school  
15 districts and charter schools shall use a portion of their  
16 respective state transportation distributions to fund the pilot  
17 project. Students electing to participate in the program shall  
18 be included in state transportation distribution calculations  
19 pursuant to Section 22-8-29 NMSA 1978. School districts and  
20 charter schools shall ensure that students participating in the  
21 pilot project are counted only once for purposes of calculating  
22 the state transportation distribution.

23           C. The pilot project shall begin at the beginning  
24 of the 2017-2018 school year and shall conclude at the end of  
25 the 2018-2019 school year.

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1           D. Students enrolled in participating school  
2 districts and charter schools may elect to participate in the  
3 pilot project for either one or two years and shall elect to  
4 participate in the project within the first fifteen school days  
5 of the beginning of the school year.

6           E. Each participating school district and charter  
7 school shall require, as a condition of a student's  
8 participation in the pilot project, the student's release of  
9 the school district from any and all liability for bodily  
10 injury or emotional harm, distress, trauma or loss or damage to  
11 personal property that may result from the student's use of the  
12 public transportation pass for transportation to and from the  
13 school that the student attends.

14           F. For the duration of the pilot project,  
15 participating school districts and charter schools shall, at a  
16 minimum, collect the following data:

17                   (1) the total number of students participating  
18 in the pilot project;

19                   (2) the frequency of participating students'  
20 use of public transportation to get to and from school; and

21                   (3) the pilot project's impact on the school  
22 district's or charter school's budget.

23           G. Participating school districts and charter  
24 schools shall report to the department and the legislative  
25 education study committee on the progress of the pilot project

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1 by July 1, 2018. The participating school districts and  
2 charter schools shall prepare a final report to be presented to  
3 the department and the legislative education study committee by  
4 July 1, 2019."