

HOUSE JOINT MEMORIAL 77

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO STUDY THE
FEASIBILITY AND EFFECT OF USING STATE SCHOOL TRANSPORTATION
DISTRIBUTION FUNDS TO PROVIDE BUS TRANSPORTATION ALTERNATIVES
FOR STUDENTS WHO ARE PARTICIPATING IN VARIOUS PROGRAMS THAT ARE
CURRENTLY NOT ELIGIBLE FOR STATE FUNDING.

WHEREAS, school districts in New Mexico are mandated in
individualized education plans to provide students who have
special needs with opportunities to continue their education
programs during the summer, and school districts provide these
students with school bus transportation to extended school year
programs; and

WHEREAS, school districts in New Mexico offer after-school
academic programs as a means to improve student learning and
narrow the achievement gap and depend on the availability of

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1 school bus transportation to provide successful after-school
2 programs; and

3 WHEREAS, various summer school programs request the use of
4 school buses as a means of making meals available for students
5 who are eligible for free and reduced-fee lunch; and

6 WHEREAS, school districts in New Mexico desire to provide
7 their communities with meaningful choices among the schools
8 that students may attend, and the transportation alternatives
9 that are available to students to attend the schools of their
10 choice are limited; and

11 WHEREAS, school districts are only permitted to use state
12 transportation distribution funds for the purpose of to-and-
13 from school transportation costs of students in grades
14 kindergarten through twelve attending public school within the
15 school district and of three- and four-year-old developmentally
16 disabled children and for transportation of students to and
17 from their regular attendance centers and the places where
18 vocational education programs are being offered;

19 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
20 STATE OF NEW MEXICO that the public education department be
21 requested to study the feasibility and effect of permitting
22 school districts to use state transportation distribution funds
23 to provide bus transportation alternatives for students in
24 programs for which such funds currently may not be used; and

25 BE IT FURTHER RESOLVED that in the course of the study,

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1 the department consider the following:

2 A. the availability of federal funds that may be
3 used in transporting students;

4 B. the potential fiscal, student safety, tort
5 liability, logistical and other effects and constraints that
6 might weigh in the decision to expand the allowable uses of the
7 funds; and

8 C. the changes in law and rule that would be
9 required to expand the allowable uses of state and federal
10 transportation funds; and

11 BE IT FURTHER RESOLVED that the department include input
12 from interested parties, including school district
13 representatives, school bus contractors, municipal
14 transportation officials and families of students who
15 participate in the programs for which state transportation
16 distribution funds are currently not available, and that the
17 department make a report of its findings and recommendations to
18 the legislative education study committee by November 2006; and

19 BE IT FURTHER RESOLVED that copies of this memorial be
20 transmitted to the secretary of public education and the
21 director of the legislative education study committee.