

1 SENATE BILL 320

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 George K. Munoz

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9  
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; ADDRESSING TRANSPORTATION BOUNDARY  
12 ISSUES OF SCHOOL DISTRICTS WITH A HIGH CONCENTRATION OF NATIVE  
13 AMERICAN STUDENTS; PROVIDING FOR TRANSPORTATION BOUNDARY  
14 AGREEMENTS; PROVIDING A RESOLUTION PROCESS FOR TRANSPORTATION  
15 BOUNDARY DISPUTES.

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

18 SECTION 1. Section 22-16-4 NMSA 1978 (being Laws 1967,  
19 Chapter 16, Section 222, as amended) is amended to read:

20 "22-16-4. SCHOOL BUS ROUTES--LIMITATIONS--EXCEPTIONS--  
21 MINIMUM REQUIREMENTS.--

22 A. Bus routes shall be established by the [~~local~~]  
23 school district.

24 B. Except as provided in Subsections C, [~~and~~] D and  
25 E of this section, no school bus route shall be maintained for

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1 distances less than:

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

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

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

8 C. In school districts having hazardous walking  
9 conditions as determined by the local school board and  
10 confirmed by the state transportation director, students of any  
11 grade may be transported a lesser distance than that provided  
12 in Subsection B of this section. General standards for  
13 determining hazardous walking conditions shall be established  
14 by the state transportation division of the department [~~of~~  
15 ~~education~~] with the approval of the [~~state board~~] department,  
16 but the standards shall be flexibly and not rigidly applied by  
17 the local school board and the state transportation director to  
18 prevent accidents and help ensure student safety.

19 D. Exceptional children whose handicaps require  
20 transportation and three- and four-year-old children who meet  
21 the [~~state board approved~~] department-approved criteria and  
22 definition of developmentally disabled may be transported a  
23 lesser distance than that provided in Subsection B of this  
24 section.

25 E. School districts reporting a minimum of seventy-

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1 five percent of the school districts' student membership as  
2 Native Americans shall consult with tribal leaders regarding  
3 concerns and issues related to public school transportation  
4 services, transportation boundaries and resolution of  
5 transportation boundary disputes."

6 SECTION 2. A new section of Chapter 22, Article 16 NMSA  
7 1978 is enacted to read:

8 "[NEW MATERIAL] SCHOOL BUS ROUTES FOR CERTAIN SCHOOL  
9 DISTRICTS--TRANSPORTATION BOUNDARY AGREEMENTS--RESOLUTION OF  
10 TRANSPORTATION BOUNDARY DISPUTES.--

11 A. For purposes of this section, "school district"  
12 means a school district reporting a minimum of seventy-five  
13 percent of the district's student membership as Native  
14 American.

15 B. A school district is authorized to enter into a  
16 transportation boundary agreement with an adjoining school  
17 district for students the affected local school boards agree  
18 need transportation because of conditions that make it  
19 impractical or unsafe to transport such students to schools  
20 within the district in which they reside.

21 C. Transportation boundary agreements shall provide  
22 for efficient and economic use of resources.

23 D. No transportation boundary agreement shall be  
24 valid unless approved by the local school board representing  
25 the district in which the student resides and the local school

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1 board of the district the student proposes to attend.

2 E. A transportation boundary agreement shall  
3 include a legal description of the adjoining area outside each  
4 school district's boundaries for which transportation services  
5 will be provided under the terms of the agreement.

6 F. The proposed transportation boundary lines and  
7 the school district boundary lines shall be shown and  
8 highlighted on United States geological survey maps, or their  
9 equivalent, that are attached to the agreement.

10 G. Upon review and findings that the requirements  
11 of applicable state and federal laws have been met, the state  
12 transportation director and the secretary of public education  
13 shall approve the agreement.

14 H. The participating local school boards shall  
15 review the agreement annually. Any revisions in the terms of  
16 the agreement shall be approved by both local school boards.  
17 The revised agreement shall be submitted to the department for  
18 approval prior to continuation of service. If no changes  
19 occur, the existing agreement may be continued.

20 I. The extended area of transportation service  
21 added to a school district boundary through the transportation  
22 boundary agreement shall be counted in square miles per student  
23 for purposes of funding.

24 J. Students who receive transportation services  
25 within the area approved through the transportation boundary

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1 agreement shall be counted for transportation funding by the  
2 school district in which they attend school.

3 K. The transportation boundary agreement may be  
4 terminated by either district with a thirty-day notice. The  
5 department shall be notified by both school districts when the  
6 agreement is terminated.

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

10 (1) within thirty days of receipt of the  
11 complaint, in consultation with tribal leaders whose students  
12 are affected by the proposed boundary change, conduct a study  
13 of the issues relating to the dispute; and

14 (2) within fifteen days of completion of the  
15 study, in consultation with tribal leaders whose students are  
16 affected by the proposed boundary change, the department,  
17 together with tribal leaders, shall provide a written report to  
18 all parties involved in the dispute that sets forth a permanent  
19 or temporary transportation boundary agreement.

20 M. The department shall annually review the  
21 transportation boundary agreement and:

22 (1) if the conditions necessitating the  
23 agreement are no longer in place, restore the former boundary;

24 (2) if the conditions necessitating the  
25 agreement continue to be in place, make the temporary boundary

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1 agreement permanent; or  
2 (3) after consultation with the local school  
3 boards and affected tribal leaders, establish an alternative  
4 boundary."

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