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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/22/07

SPONSOR Sanchez, M. LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE School Children Unattended at Bus Stops SB 1151

ANALYST Hanika Ortiz

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$.1 see narrative			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
Public Education Department (PED)  
Corrections Department (CD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 1151 amends Section 22-16-11 NMSA 1978 to require the PED to adopt rules requiring school districts to implement a policy that prohibits a driver of a school bus from leaving a student eight years of age or younger unattended at a school bus stop, unless the student's parent or legal guardian has provided the school district with written consent that the student may be left unattended. Existing law will result in school bus drivers in violation of this rule to be guilty of a misdemeanor.

### FISCAL IMPLICATIONS

It is likely that school districts may have unsubsidized day-care imposed upon them if a student does not have consent to be left unattended at a school bus stop; and, subjected to additional personnel and facilities costs should the student need to be returned to school or another safe location until a parent or guardian can be contacted.

### SIGNIFICANT ISSUES

PED reports there are approximately 127,521 school children ages eight and younger that will be required to have a parent or guardian's written consent to be left unattended at a school bus stop.

Each school bus driver will need to keep the consent forms on file since they will be held responsible for knowing the child's age and if permission has been granted.

Schools will also be required to temporarily house these children in situations where a parent or guardian has not submitted a consent form and is not present at a school bus stop. There will be additional costs for keeping facilities open and staff redirected for the supervision of these children.

The bill will require additional duties of licensed school staff relative to watching these children until released to their parents or guardians. Children will need to be provided food, water and other comforts since they will have spent a lengthy time completing a bus route.

### **PERFORMANCE IMPLICATIONS**

The AGO notes that assuming certain parents will not provide written consent, the bill is silent as to whether its intent is to require that the school bus wait at the bus stop until the child is picked up, thereby delaying the transportation of other students to their homes, or whether the unattended children will remain on the bus while other students are transported home and either be delivered at the end of the run or picked up from another location.

Either construction places the burden of determining whether a child is unattended on the school bus driver. This could result in additional liability to the bus drivers, bus companies, and school districts.

### **ADMINISTRATIVE IMPLICATIONS**

The PED will develop rules to require school districts to adopt a policy that prohibits a school bus driver from leaving a student eight years of age or younger unattended at a school bus stop, unless written consent is provided. Likewise, school districts will have to enact policies to carry out the requirements of this bill. This could be accomplished with existing PED staff. Costs to prepare the rule would be minimal.

### **TECHNICAL ISSUES**

Will the bus driver need to rely on the child's response when questioning age?

The word "unattended"...what age is required to pick up the child?

### **ALTERNATIVES**

Enacting rules either through statute or PED policies for a school bus driver to report to the authorities any child under the age of eight dropped off at a school bus stop without a waiting parent or guardian present. Child Protective Services or local law enforcement agencies are located in each community and can determine whether the incident meets the legal definition of abuse or neglect; or, if there is a parent or guardian injured or in danger which is why they are absent.

There are some that feel sanctions should be against the parent or guardian, not against the bus driver or school districts, in the case of willful neglect.

**POSSIBLE QUESTIONS**

Do the school bus drivers have cell phones on school buses, and parent or guardian contact numbers for children?

What is the current school policy for children not picked up from other school property? Is there a fine imposed on the parent/guardian such as occurs with private caregivers? How long before the authorities are notified in the case of an abandoned child?

How will enforcement of the law commence with the bus driver being guilty of a misdemeanor?

AHO/nt