

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 169

51st Legislature, 2nd Session, 2014

Tracking Number: .194859.2

Short Title: School Transportation Boundary Agreements

Sponsor(s): Representatives Patricia A. Lundstrom, Sandra D. Jeff, and James Roger Madalena

Analyst: David Craig

Date: February 15, 2014

Bill Summary:

HB 169 amends provisions in the *Public School Code* relating to school bus routes to authorize school district to enter into transportation boundary agreements with adjoining school districts for:

- students whose geographical conditions may make it impractical to transport these students to a school within the district where they live; and
- students residing on Native American reservations.

Among its provisions, the bill requires that boundary agreements:

- not be valid unless approved by both local school boards;
- include a legal description of the adjoining area outside of the district's boundaries in which school transportation will be provided;
- describe, as an attachment, proposed boundary lines that are highlighted on US geological survey maps or their equivalent;
- be submitted and approved by the State Transportation Director and Secretary of Public Education;
- be reviewed and approved annually by the local boards if revisions occur; and
- be terminated by one or both districts.

For the transportation of students residing on Native American reservations, the bill requires that school district administrators:

- consult with tribal representatives prior to entering into a transportation boundary agreement; and
- review concerns or issues of tribal representatives when negotiating the terms of an agreement.

For purposes of funding, the bill requires that:

- the extended school district boundary be counted in the square miles per student;
- students be counted by the school district in which they attend school;

- students who attend an out-of-district school as a matter of choice be ineligible for transportation funding; and
- school districts establish local policies governing the transportation of ineligible students.

Finally, with regard to boundary disputes, HB 169 provides for a resolution process whereby:

- a local board may request that the Public Education Department (PED) conduct a study of the issues relating to the boundary dispute and provide written recommendations for resolving the dispute;
- a local board may file a written complaint with PED if efforts to negotiate a resolution fail;
- following a review of the complaint issues, PED is required to render an opinion in writing; and
- if the local boards are unwilling or unable to negotiate an agreement consistent with PED’s opinion, the department is required to develop a temporary transportation boundary agreement that can be rescinded when PED determines that the conditions no longer exist.

If enacted, HB 169 will become effective on July 1, 2014.

Fiscal Impact:

HB 169 does not contain an appropriation.

Substantive Issues:

During the 2013 interim, the Legislative Education Study Committee (LESC) convened the LESC Interim Subcommittee on School Bus Transportation. The subcommittee met several times during the interim to discuss issues related to school transportation including:

- a dispute between Gallup-McKinley County Public Schools (GMCS) and Central Consolidated Schools (CCS) regarding school district transportation boundaries; and
- concerns over the circumstances of transportation boundary agreements between districts as instituted in rule.

Background:

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;
- define school district as “an area of land established as a political subdivision of the state for the administration of public schools and segregated geographically for taxation and bonding purposes”;
- require the local school district to establish bus routes;

- 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 K-12 attending public school within the school district or state-chartered charter school.

PED Rule

Among its provisions, current PED rule provides 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 the rule authorizes 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, the PED rule indicates that:

- 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.

Provisions in Laws of Neighbor States

With regard to our neighbor states' provisions in law relating to school transportation between school districts:

- In Arizona, school boards must adopt and implement policies to allow nonresident 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:

HB 97 *School District Liens on Certain School Buses*

HB 98 *School Bus Fuel Gross Receipts*

HB 112 *School Transportation Info Reporting*

HB 156 *Fuel Prices a School Transportation Emergency*

HB 158 *School Bus Security & GPS*

HB 308 *School Transportation Boundary Agreements*

SB 258 *School Transportation & Tribal Leaders*

SB 320 *School Transportation Boundary Agreements*

CS/SB 330 *School Transportation Boundary Agreements (Identical)*

SJM 12a *Study Transporting School Student*