

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SJM 12a

51st Legislature, 2nd Session, 2014

Tracking Number: .194961.3

Short Title: Study Transporting School Students

Sponsor(s): Senator John Patrick Woods

Analyst: David Craig

Date: February 12, 2014

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

The Senate Education Committee amendment changes the definition of the term “school district” to reflect the definition in the *Public School Code* (see “Technical Issues,” below).

Original Bill Summary:

SJM 12 requests that the Public Education Department (PED):

- develop and implement a two-year pilot program to allow two interested school districts to transport students who wish to participate to and from schools of choice outside their respective school districts;
- work with school districts participating in the pilot program to provide a report to the Legislative Education Study Committee (LESC) and the Legislative Finance Committee (LFC) before the beginning of the 2017 legislative session; and
- include in the report recommendations for expanding opportunities and establishing rules for boundary agreements based upon school choice between and among school districts in the state.

Fiscal Impact:

Legislative memorials do not carry appropriations.

Substantive Issues:

During the 2013 interim, the LESL convened the LESL Interim Subcommittee on School Bus Transportation. The subcommittee met several times during the interim to discuss issues related to school transportation including:

- reviewing the LESL-endorsed legislation that did not pass during the 2013 legislative session and amending as necessary;
- the application of the transportation funding formula to state-chartered charter schools; and
- concerns among school districts that the transportation cost differentials applied to small districts with fewer than 1,000 students do not appear to offset the decreases in student membership.

During the September and October 2013 interim meetings, members of the subcommittee discussed transportation issues and options related to transportation of public students between different school districts, including:

- a dispute between Gallup-McKinley County Public Schools (GMCS) and Central Consolidated Schools (CCS) regarding school district transportation boundaries, in which GMCS is sending buses to pick up students at locations within the boundaries of CCS, which is prohibited by statute;
- the possibility that PED boundary rules create one standard for school districts and another for state-chartered charter schools; and
- concerns over the circumstances of transportation boundary agreements between districts as instituted in rule.

In addition, representatives from school districts in the eastern portion of the state provided testimony expressing interest in participating in a pilot program to provide transportation to and from schools of choice outside their respective districts. The provisions of SJM 12 are the result of the subcommittee's deliberations, and the proposed memorial was unanimously endorsed on December 12, 2013.

Technical Issues:

On page 1, line 19, the sponsor may wish to consider replacing “of public schools” with “and bonding purposes” to better reflect the definition in the *Public School Code*.

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 between local school districts engaged in school district boundary disputes; 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:

- 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.

Current provisions in law and rule indicate that, even if local school boards adopt and promulgate local school district rules that allow enrollment between districts and transportation between districts were made permissible under PED rules then, under current PED rules, funding would be provided only for transportation of students within district boundaries.

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.

Committee Referrals:

SRC/SEC

Related Bills (as of 1/27/2014):

HB 97 *School District Liens on Certain School Buses*

HB 98 *School Bus Fuel Gross Receipts*

HB 112 *School Transportation Info Reporting*