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HOUSE BILL 169

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

INTRODUCED BY

Patricia A. Lundstrom

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR TRANSPORTATION
BOUNDARY AGREEMENTS; SETTING PROCEDURES AND CRITERIA FOR
TRANSPORTATION BOUNDARY AGREEMENTS; ADDRESSING THE
TRANSPORTATION OF STUDENTS RESIDING ON NATIVE AMERICAN
RESERVATIONS; CREATING A RESOLUTION PROCESS.

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

SECTION 1. A new section of Chapter 22, Article 16 NMSA
1978 is enacted to read:

"[NEW MATERIAL] TRANSPORTATION BOUNDARY AGREEMENTS.--

A. School districts are authorized to enter into
transportation boundary agreements with an adjoining school
district or adjoining school districts regarding students
living within a specified geographic area where geographical
conditions would otherwise make it impractical to transport

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1 such students to school within the school district where they
2 live.

3 B. Except as provided in Section 5 of this 2014
4 act, no transportation boundary agreement shall be valid unless
5 approved by both local school boards prior to a school district
6 crossing boundary lines to transport students.

7 C. A transportation boundary agreement shall not
8 duplicate transportation services that are not required to
9 effectuate the provisions of this statute. If duplicate
10 transportation services are so required, specific justification
11 shall be provided within the agreement that the requirements of
12 efficiency and economy are met.

13 D. Transportation boundary agreements are not
14 authorized to provide services to students who attend school
15 out of the school district as a matter of choice."

16 SECTION 2. A new section of Chapter 22, Article 16 NMSA
17 1978 is enacted to read:

18 "[NEW MATERIAL] PROCEDURES AND CRITERIA FOR TEMPORARY
19 TRANSPORTATION BOUNDARY AGREEMENTS.--

20 A. Except as provided in Section 5 of this 2014
21 act, no transportation boundary agreement shall be valid unless
22 approved by the local school board representing the school
23 district in which the student lives and the local school board
24 of the proposed attendance school district.

25 B. The transportation boundary agreement shall

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1 include a legal description of the adjoining area outside of
2 the school district's boundaries in which transportation
3 services will be provided under the terms of the agreement.

4 C. The temporary transportation boundary line and
5 the existing school district boundary line shall be shown and
6 highlighted on United States geological survey maps, or their
7 equivalent, that are attached to the agreement.

8 D. Except as provided in Section 5 of this 2014
9 act, no transportation boundary agreement shall be valid unless
10 both local school boards agree to the conditions that are
11 specified in the transportation boundary agreement.

12 E. The duration of the transportation boundary
13 agreement shall be determined by both local school boards based
14 on the length of time that the agreement is needed.

15 F. Except as provided in Section 5 of this 2014
16 act, no transportation boundary agreement shall be valid unless
17 both local school board presidents sign the initial
18 transportation boundary agreement and submit the original
19 agreement to the state transportation director for approval.

20 G. Upon review and findings that the conditions of
21 this rule and other applicable regulations and state and
22 federal laws have been complied with, the state transportation
23 director and the secretary shall approve the transportation
24 boundary agreement.

25 H. The local school boards shall review the

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1 transportation boundary agreement annually. Any revisions in
2 the terms of the agreement require approval by both local
3 school boards. The revised agreement shall be submitted to the
4 department for approval prior to the initiation of service. If
5 no changes occur, the existing agreement may be continued.

6 I. The extended area of transportation service
7 added to a school district boundary through the transportation
8 boundary agreement shall be counted in the square miles per
9 student for purposes of funding.

10 J. Students who receive transportation services
11 within the area approved through the transportation boundary
12 agreement shall be counted for transportation funding by the
13 school district in which they attend school.

14 K. One or both school districts can accomplish
15 termination of the transportation boundary agreement. The
16 department shall be notified by both school districts when the
17 agreement is terminated."

18 SECTION 3. A new section of Chapter 22, Article 16 NMSA
19 1978 is enacted to read:

20 "[NEW MATERIAL] NON-REIMBURSABLE TRANSPORTATION
21 SERVICES.--

22 A. Students who attend an out-of-district school as
23 a matter of choice are ineligible to be counted for the
24 transportation distribution of the public school fund. Such
25 students shall be counted on the fortieth day as ineligible

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1 student riders.

2 B. School districts shall establish local policies
3 governing the transportation of ineligible students who live
4 outside of the school district boundaries. Any such policies
5 shall be in accordance with applicable state and federal law
6 and regulations.

7 C. School districts that, by local policy, elect to
8 provide transportation services to ineligible students who live
9 outside of the school district's boundaries shall do so at no
10 additional cost to the school's transportation fund. Such
11 students may board the bus at the last legal stop on an
12 approved route if space is available. Additional services or
13 equipment shall not be added to accommodate ineligible
14 students. Ineligible students shall not generate funding
15 through the transportation formula."

16 SECTION 4. A new section of Chapter 22, Article 16 NMSA
17 1978 is enacted to read:

18 "[NEW MATERIAL] TRANSPORTATION OF STUDENTS RESIDING ON
19 NATIVE AMERICAN RESERVATIONS.--

20 A. School district administrators shall communicate
21 with tribal leaders relative to transportation services on
22 Native American reservations.

23 B. Before the local school boards enter into a
24 transportation boundary agreement involving Native American
25 students, school district administrators shall consult with

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1 tribal representatives and shall review concerns or issues
2 raised by representatives of the tribe when negotiating the
3 terms of the agreement."

4 SECTION 5. A new section of Chapter 22, Article 16 NMSA
5 1978 is enacted to read:

6 "[NEW MATERIAL] TRANSPORTATION BOUNDARY DISPUTES--
7 RESOLUTION PROCESS.--

8 A. When transportation boundary disputes arise
9 between local school boards that cannot be resolved, a
10 resolution process is available through the department.

11 B. Local school boards may request that the
12 department conduct a study of the issues relating to the
13 transportation boundary dispute and provide written
14 recommendations for resolving the dispute.

15 C. A local school board may file a written
16 complaint with the department after all efforts to negotiate a
17 resolution to a transportation boundary dispute have failed.

18 D. The department, following a complete review of
19 the issues related to a transportation boundary complaint,
20 shall render an opinion in writing to the local school boards.
21 The opinion shall specify whether conditions exist that require
22 a transportation boundary agreement based on the criteria set
23 forth in this rule.

24 E. If the local school boards are unwilling or
25 unable to negotiate a transportation boundary agreement

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1 consistent with the opinion of the department, the department
2 shall develop a temporary transportation boundary amendment.
3 The local school boards shall comply with the requirements set
4 forth in the temporary transportation boundary amendment. The
5 temporary transportation boundary amendment shall be reviewed
6 annually by the department. The temporary transportation
7 boundary amendment shall be rescinded when the department
8 determines that the conditions requiring the amendment no
9 longer exist.

10 F. The decision of the department shall be final."

11 SECTION 6. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2014.