

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 319a

52nd Legislature, 1st Session, 2015

Tracking Number: .198998.2

Short Title: School Transportation Boundary Agreements

Sponsor(s): Representative D. Wonda Johnson

Analyst: David Craig

Date: March 17, 2015

AS AMENDED

The House Education Committee amendments:

- **remove the specifications for climatic conditions;**
- **remove language that specified how the added area would be calculated for the purposes of funding;**
- **specify that transportation boundary agreements are authorized only for issues related to geographic boundaries and safety concerns and unauthorized for transportation of students as a matter of choice;**
- **require that, if transportation boundary disputes between local school boards cannot be resolved within 30 days, the school boards must request their respective local governments to examine the issues and to provide written recommendation for resolving the dispute, also within 30 days; and**
- **if those boards have not agreed on the government entities' recommendations, require the Public Education Department (PED), upon request from one or more school boards, to review the boundary dispute issues and to render an opinion in writing within 10 days.**

Original Bill Summary:

HB 319 adds new sections to provisions of the *Public School Code* related to transportation of students to:

- provide for temporary transportation boundary agreements between and among adjoining school districts where geographic or climatic conditions make it unsafe to transport students within a school district;
- establish procedures and criteria for temporary transportation boundary agreements;
- exclude students who attend out-of-district schools by choice from the transportation distribution; and
- create a resolution process for transportation boundary disputes.

Fiscal Impact:

HB 319 does not carry an appropriation.

Substantive Issues:

The provisions of HB 319 places many provisions related to transportation boundary agreements that exist in PED's administrative rules (see "**Background,**" below) into law, and clarifies or expands certain provisions. For example:

- in current PED rule, transportation boundary agreements are limited to situations where geographic conditions would otherwise make it impractical to transport such students to school within the district where they live; and
- in the provisions of HB 319, temporary transportation boundary agreements are limited to situations in which geographical or climatic conditions would make it unsafe to transport students to a school within the school district in which the student resides.

Among the other provisions of HB 319 that differ from provisions of current PED rule are provisions that:

- clarify if no changes to an existing agreement are made, it may be continued for an additional year;
- indicate transportation funding shall be provided by the school district in which the students attend school (whereas current rule indicates students who receive services shall be counted for transportation funding); and
- indicate that the transportation boundary dispute resolution process requires local school boards to first request their local government entities, including counties, municipalities, or chapter houses conduct an examination of the issues relating to the transportation boundary dispute and provide written recommendations for resolving the dispute (whereas in current PED rule local school boards first request PED to study the issues relating to the dispute and provide written recommendations).

Background:

LESC Transportation Subcommittee

During the 2013 interim, the Legislative Education Study Committee (LESC) 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:

- a dispute between Gallup-McKinley County 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.

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. As a result, the LESL endorsed a joint memorial that was enacted to:

- 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; and

- provide recommendations for expanding opportunities and establishing rules for boundary agreements based upon school choice between and among school districts in the state.

Provisions in 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.

Provisions in Current 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.

Committee Referrals:

HGEIC/HEC

Related Bills:

HB 73 *School Bus Security & GPS Systems*

HB 164a *School Transportation Info Reporting*

HB 166 *Charter School Transportation Agreements*

SB 129 *School District Liens on Some School Buses*

SB 201 *School Bus Fuel Gross Receipts*

SB 416a *School Transportation Boundary Agreements (Identical)*