

1 HOUSE BILL 178

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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6
7

8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE
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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO
12 ALLOW SCHOOL DISTRICTS AND CHARTER SCHOOLS TO USE A PORTION OF
13 THEIR RESPECTIVE STATE TRANSPORTATION DISTRIBUTIONS TO PROVIDE
14 LONG-TERM PASSES FOR HIGH SCHOOL STUDENTS TO USE ON PUBLIC
15 TRANSPORTATION FOR TRANSPORT TO AND FROM SCHOOL DURING THE
16 SCHOOL YEAR.

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

19 SECTION 1. Section 22-8-29 NMSA 1978 (being Laws 1967,
20 Chapter 16, Section 78, as amended) is amended to read:

21 "22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--
22 PAYMENTS.--

23 A. On the second reporting date and the third
24 reporting date of each year, each local school board of a
25 school district and governing body of a state-chartered charter

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1 school shall report to the state transportation director, upon
2 forms furnished by the state transportation director, the
3 following information concerning the school district's or
4 state-chartered charter school's operation on each respective
5 reporting date of the current year:

6 (1) the number and designation of school bus
7 routes in operation in the school district;

8 (2) the number of miles traveled by each
9 school bus on each school bus route, showing the route mileage
10 in accordance with the type of road surface traveled;

11 (3) the number of students, including special
12 education students, transported on each reporting date of the
13 current year and adjusted for special education students on
14 December 1;

15 (4) the projected number of students to be
16 transported in the next school year;

17 (5) the seating capacity, age and mileage of
18 each bus used in the school district for student
19 transportation; and

20 (6) the number of total miles traveled for
21 each school district's or state-chartered charter school's per
22 capita feeder routes.

23 B. Each local school board of a school district and
24 governing body of a state-chartered charter school maintaining
25 a school bus route shall make further reports to the state

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1 transportation director at other times specified by the state
2 transportation director.

3 C. The state transportation director shall certify
4 to the secretary that the allocations from the transportation
5 distributions to each school district and state-chartered
6 charter school are based upon the transportation distribution
7 formula established in the Public School Code, calculated and
8 distributed for the entire school year using an average of the
9 amounts reported on the second reporting date and third
10 reporting date of the prior school year, and are subject to
11 audit and verification.

12 D. The department shall make periodic installment
13 payments to school districts and state-chartered charter
14 schools during the school year from the transportation
15 distributions, based upon the allocations certified by the
16 state transportation director.

17 E. Notwithstanding any other section of the Public
18 School Code, a school district may use funding from its state
19 transportation distribution to provide high school students
20 with long-term passes for use on public transportation for
21 transport to and from school during the school year; provided
22 that:

23 (1) the department shall promulgate rules to
24 account for the calculation of a funding factor to account for
25 school districts that elect to use funds from their respective

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1 transportation distributions to purchase long-term public
2 transportation passes; and
3 (2) a student who chooses to use a public
4 transportation pass for transportation to and from the school
5 that the student attends releases the school district or
6 charter school from any and all liability for bodily injury or
7 emotional harm, distress, trauma or loss or damage to personal
8 property that may result from the student's use of the public
9 transportation pass for transportation to and from the school
10 that the student attends."