

SENATE BILL No. 144

By Committee on Education

2-8

1 AN ACT concerning school districts; relating to transportation of pupils
2 residing within 2½ miles of the school building; amending K.S.A. 72-
3 6411 and K.S.A. 2010 Supp. 72-8302 and repealing the existing
4 sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 72-6411 is hereby amended to read as follows: 72-
8 6411. (a) The transportation weighting of each district shall be
9 determined by the state board as follows:

10 (1) Determine the total expenditures of the district during the
11 preceding school year from all funds for transporting pupils of public and
12 nonpublic schools on regular school routes;

13 (2) divide the amount determined under (1) by the total number of
14 pupils who were included in the enrollment of the district in the preceding
15 school year and for whom transportation was made available by the
16 district;

17 (3) multiply the quotient obtained under (2) by the total number of
18 pupils who were included in the enrollment of the district in the preceding
19 school year, were residing less than 2 ½ miles by the usually traveled
20 road from the school building they attended *and not subjected to*
21 *hazardous walking conditions as defined by K.S.A. 72-8302, and*
22 *amendments thereto*, and for whom transportation was made available by
23 the district;

24 (4) multiply the product obtained under (3) by 50%;

25 (5) subtract the product obtained under (4) from the amount
26 determined under (1);

27 (6) divide the remainder obtained under (5) by the total number of
28 pupils who were included in the enrollment of the district in the preceding
29 school year, were residing 2 ½ miles or more by the usually traveled road
30 from the school building they attended *or were subjected to hazardous*
31 *walking conditions as defined by K.S.A. 72-8302, and amendments*
32 *thereto*, and for whom transportation was made available by the district.
33 The quotient is the per-pupil cost of transportation;

34 (7) on a density-cost graph plot the per-pupil cost of transportation
35 for each district;

36 (8) construct a curve of best fit for the points so plotted;

1 (9) locate the index of density for the district on the base line of the
2 density-cost graph and from the point on the curve of best fit directly
3 above this point of index of density follow a line parallel to the base line
4 to the point of intersection with the vertical line, which point is the
5 formula per-pupil cost of transportation of the district;

6 (10) divide the formula per-pupil cost of transportation of the district
7 by base state aid per pupil;

8 (11) multiply the quotient obtained under (10) by the number of
9 pupils who are included in the enrollment of the district, are residing $2\frac{1}{2}$
10 miles or more by the usually traveled road to the school building they
11 attend *or were subjected to hazardous walking conditions as defined by*
12 *K.S.A. 72-8302, and amendments thereto*, and for whom transportation is
13 being made available by, and at the expense of, the district. The product is
14 the transportation weighting of the district.

15 (b) For the purpose of providing accurate and reliable data on pupil
16 transportation, the state board is authorized to adopt rules and regulations
17 prescribing procedures which districts shall follow in reporting pertinent
18 information relative thereto, including uniform reporting of expenditures
19 for transportation.

20 (c) "Index of density" means the number of pupils who are included
21 in the enrollment of a district in the current school year, are residing $2\frac{1}{2}$
22 miles or more by the usually traveled road from the school building they
23 attend *or were subjected to hazardous walking conditions as defined by*
24 *K.S.A. 72-8302, and amendments thereto*, and for whom transportation is
25 being made available on regular school routes by the district, divided by
26 the number of square miles of territory in the district.

27 (d) "Density-cost graph" means a drawing having: (1) A horizontal
28 or base line divided into equal intervals of density, beginning with zero
29 on the left; and (2) a scale for per-pupil cost of transportation to be shown
30 on a line perpendicular to the base line at the left end thereof, such scale
31 to begin with zero dollars at the base line ascending by equal per-pupil
32 cost intervals.

33 (e) "Curve of best fit" means the curve on a density-cost graph
34 drawn so the sum of the distances squared from such line to each of the
35 points plotted on the graph is the least possible.

36 (f) The provisions of this section shall take effect and be in force
37 from and after July 1, 1992.

38 Sec. 2. K.S.A. 2010 Supp. 72-8302 is hereby amended to read as
39 follows: 72-8302. (a) The board of education of a school district may
40 provide or furnish transportation for pupils who are enrolled in the school
41 district to or from any school of the school district or to or from any
42 school of another school district attended by such pupils in accordance
43 with the provisions of an agreement entered into under authority of

1 K.S.A. 72-8233, and amendments thereto.

2 (b) (1) When any or all of the conditions specified in this provision
3 exist, the board of education of a school district shall provide or furnish
4 transportation for pupils who reside in the school district and who attend
5 any school of the school district or who attend any school of another
6 school district in accordance with the provisions of an agreement entered
7 into under authority of K.S.A. 72-8233, and amendments thereto. The
8 conditions which apply to the requirements of this provision are as
9 follows:

10 (A) The residence of the pupil is inside or outside the corporate
11 limits of a city, the school building attended is outside the corporate limits
12 of a city and the school building attended is more than 2½ miles by the
13 usually traveled road from the residence of the pupil *or the pupil is*
14 *subjected to hazardous walking conditions, as established by the state*
15 *board of education in accordance with subsection (f), while en route to or*
16 *from the school; or*

17 (B) the residence of the pupil is outside the corporate limits of a city,
18 the school building attended is inside the corporate limits of a city and the
19 school building attended is more than 2½ miles by the usually traveled
20 road from the residence of the pupil *or the pupil is subjected to*
21 *hazardous walking conditions, as established by the state board of*
22 *education in accordance with subsection (f), while en route to or from the*
23 *school; or*

24 (C) the residence of the pupil is inside the corporate limits of one
25 city, the school building attended is inside the corporate limits of a
26 different city and the school building attended is more than 2½ miles by
27 the usually traveled road from the residence of the pupil *or the pupil is*
28 *subjected to hazardous walking conditions, as established by the state*
29 *board of education in accordance with subsection (f), while en route to or*
30 *from the school.*

31 (2) The provisions of this subsection are subject to the provisions of
32 subsections (c) and (d).

33 (c) The board of education of every school district is authorized to
34 adopt rules and regulations to govern the conduct, control and discipline
35 of all pupils while being transported in school buses. The board may
36 suspend or revoke the transportation privilege or entitlement of any pupil
37 who violates any rules and regulations adopted by the board under
38 authority of this subsection.

39 (d) The board of education of every school district may suspend or
40 revoke the transportation privilege or entitlement of any pupil who is
41 detained at school at the conclusion of the school day for violation of any
42 rules and regulations governing pupil conduct or for disobedience of an
43 order of a teacher or other school authority. Suspension or revocation of

1 the transportation privilege or entitlement of any pupil specified in this
2 subsection shall be limited to the school day or days on which the pupil is
3 detained at school. The provisions of this subsection do not apply to any
4 pupil who has been determined to be an exceptional child, except gifted
5 children, under the provisions of the special education for exceptional
6 children act.

7 (e) (1) Subject to the limitations specified in this subsection, the
8 board of education of any school district may prescribe and collect fees to
9 offset, totally or in part, the costs incurred for the provision or furnishing
10 of transportation for pupils. The limitations which apply to the
11 authorization granted by this subsection are as follows:

12 (A) Fees for the provision or furnishing of transportation for pupils
13 shall be prescribed and collected only to recover the costs incurred as a
14 result of and directly attributable to the provision or furnishing of
15 transportation for pupils and only to the extent that such costs are not
16 reimbursed from any other source provided by law;

17 (B) fees for the provision or furnishing of transportation may not be
18 assessed against or collected from any pupil who is counted in
19 determining the transportation weighting of the school district under the
20 provisions of the school district finance and quality performance act or
21 any pupil who is determined to be a child with disabilities under the
22 provisions of the special education for exceptional children act or any
23 pupil who is eligible for free or reduced price meals under the national
24 school lunch act or any pupil who is entitled to transportation under the
25 provisions of subsection (a) of K.S.A. 72-8306, and amendments thereto,
26 and who resides 2½ miles or more by the regular route of a school bus
27 from the school attended;

28 (C) fees for the provision or furnishing of transportation for pupils in
29 accordance with the provisions of an agreement entered into under
30 authority of K.S.A. 72-8233 or 72-8307, and amendments thereto, shall
31 be controlled by the provisions of the agreement.

32 (2) All moneys received by a school district from fees collected
33 under this subsection shall be deposited in the general fund of the district.

34 (f) (1) *A school board, on written petition of the parent or*
35 *guardian of a pupil for whom adequate transportation for the public is*
36 *alleged not to exist because the pupil is required to walk along normally*
37 *traveled roads or streets where walking is alleged to constitute a serious*
38 *safety hazard due to rail crossings or an intersection greater than 60 feet,*
39 *shall conduct a study and make findings to determine whether a serious*
40 *safety hazard exists as alleged in the petition. The state department of*
41 *education shall review the findings of the school board and shall approve*
42 *or disapprove the school board's determination that a serious safety*
43 *hazard exists within 30 days after the school board submits its findings to*

1 *the state department of education.*

2 *(2) Upon approval of the school board's determination that a*
3 *serious safety hazard exists, the state board of education shall provide*
4 *written notification to the district engineer and the district public affairs*
5 *manager of the Kansas department of transportation in the district in*
6 *which the school is located, of its findings for consideration of the safe*
7 *routes to school program for future projects.*

8 *(3) The school board or the superintendent of schools if authorized*
9 *by the school board shall biennially review the conditions and determine*
10 *whether or not the hazardous conditions remain unchanged.*

11 *(4) The school board and superintendent shall not be liable in any*
12 *cause of action arising out of any action or decision rendered pursuant to*
13 *this subsection.*

14 Sec. 3. K.S.A. 72-6411 and K.S.A. 2010 Supp. 72-8302 are hereby
15 repealed.

16 Sec. 4. This act shall take effect and be in force from and after its
17 publication in the statute book.
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