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HOUSE BILL 319

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

D. Wonda Johnson

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR TEMPORARY
TRANSPORTATION BOUNDARY AGREEMENTS BETWEEN AND AMONG ADJACENT
SCHOOL DISTRICTS; ESTABLISHING PROCEDURES AND CRITERIA FOR
TEMPORARY TRANSPORTATION BOUNDARY AGREEMENTS; 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] TEMPORARY TRANSPORTATION BOUNDARY
AGREEMENTS.--

A. School districts may enter into temporary
transportation boundary agreements with an adjoining school
district or adjoining school districts to transport students
living within a specified geographic area in which geographical

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1 or climatic conditions would make it unsafe to transport the
2 students to a school within the school district in which the
3 student resides.

4 B. No temporary transportation boundary agreement
5 shall be valid unless it has been approved by both the local
6 school board representing the district in which the student
7 resides and the local school board of the proposed attendance
8 school district."

9 SECTION 2. A new section of Chapter 22, Article 16 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] TEMPORARY TRANSPORTATION BOUNDARY
12 AGREEMENTS--PROCEDURES AND CRITERIA.--

13 A. A temporary transportation boundary agreement
14 shall not duplicate transportation services that are not
15 required to implement the provisions of this section unless
16 specific justification for provision of duplicate
17 transportation services are provided within the agreement that
18 meet the requirements of efficiency and economy.

19 B. The temporary transportation boundary agreement
20 shall include a legal description of the adjoining area outside
21 of the school district's boundaries in which transportation
22 services shall be provided under terms of the agreement.

23 C. The agreed-upon temporary transportation
24 boundary line and the existing school district boundary line
25 shall be shown and highlighted on United States geological

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1 survey maps, or their equivalent, that are attached to the
2 agreement.

3 D. The duration of the temporary transportation
4 boundary agreement shall be determined by the local school
5 boards that are part of the agreement based upon the length of
6 time that the agreement shall be in effect.

7 E. Upon review and findings that conditions of the
8 temporary transportation boundary agreement and applicable
9 rules and state and federal laws have been complied with, the
10 state transportation director and the secretary shall approve
11 the temporary transportation boundary agreement.

12 F. All school boards participating in the temporary
13 transportation boundary agreement shall review the agreement
14 annually. Any revisions to the agreement shall be submitted to
15 the department for approval prior to the initiation of service.
16 If no changes are made in the agreement, it may be continued
17 for an additional year.

18 G. Temporary transportation boundary agreements
19 shall not be authorized to transport students who attend school
20 outside the boundary of the school district in which the
21 student resides as a matter of choice.

22 H. The extended area of transportation service
23 added to a school district boundary through a temporary
24 transportation boundary agreement shall be counted in the
25 square miles per student for purposes of funding.

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1 I. Transportation funding for students who receive
2 transportation services within the area approved through the
3 temporary transportation boundary agreement shall be provided
4 by the school district in which the students attend school.

5 J. Termination of a temporary transportation
6 boundary agreement may be accomplished by one or both school
7 districts through notification to the department and school
8 districts that the agreement has been terminated."

9 SECTION 3. A new section of Chapter 22, Article 16 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] NONREIMBURSABLE TRANSPORTATION SERVICES.--

12 A. Students who attend an out-of-district school as
13 a matter of choice are ineligible to be counted for the
14 transportation distribution from the department. Such students
15 shall be counted on the first reporting date as ineligible
16 student riders.

17 B. School districts shall establish local policies
18 that shall be in accordance with applicable state and federal
19 laws and rules governing the transportation of ineligible
20 students who live outside of the school district boundaries.

21 C. School districts that, by local policy, choose
22 to provide transportation services to ineligible students shall
23 do so at no additional cost to the school's transportation
24 fund. Such students may board the bus at the last legal stop
25 on an approved route if space is available. School districts

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1 shall not add additional services or equipment to accommodate
2 ineligible students. Ineligible students shall not generate
3 funding through the transportation formula."

4 SECTION 4. 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, the local
10 school boards shall use the following resolution process:

11 (1) local school boards shall first request
12 their respective local government entities, including counties,
13 municipalities or chapter houses, to conduct an examination of
14 the issues relating to the transportation boundary dispute and
15 provide written recommendations for resolving the dispute;

16 (2) if the local school boards cannot agree on
17 the local government entities' recommendations, one or more of
18 the local school boards may file a written complaint with the
19 department after all efforts to negotiate a resolution to a
20 transportation boundary dispute have failed;

21 (3) the department shall establish criteria to
22 resolve transportation boundary disputes; and

23 (4) upon request from one or more school
24 boards, the department shall conduct a complete review of the
25 issues related to a transportation boundary dispute and shall

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1 render an opinion in writing to the requesting local school
2 boards. The opinion shall specify whether conditions exist
3 that require a temporary transportation boundary agreement
4 based upon department criteria.

5 B. If the local school boards are unwilling or
6 unable to negotiate a temporary transportation boundary
7 agreement consistent with department criteria, the department
8 shall develop a temporary transportation boundary agreement.
9 The local school boards shall comply with the requirements set
10 forth in the temporary transportation boundary agreement. The
11 temporary transportation boundary agreement shall be reviewed
12 annually by the department. The department shall rescind the
13 temporary transportation boundary agreement when the conditions
14 requiring the agreement no longer exist.

15 C. The decision of the department shall be final."

16 SECTION 5. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2015.