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AN ACT
RELATING TO PUBLIC SCHOOLS; ADDRESSING TRANSPORTATION
BOUNDARY ISSUES OF SCHOOL DISTRICTS WITH A HIGH CONCENTRATION
OF NATIVE AMERICAN STUDENTS; PROVIDING FOR TRANSPORTATION
BOUNDARY AGREEMENTS; PROVIDING A RESOLUTION PROCESS FOR
TRANSPORTATION BOUNDARY DISPUTES.

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

SECTION 1. Section 22-16-4 NMSA 1978 (being Laws 1967,
Chapter 16, Section 222, as amended) is amended to read:

"22-16-4. SCHOOL BUS ROUTES--LIMITATIONS--EXCEPTIONS--
MINIMUM REQUIREMENTS.--

A. Bus routes shall be established by the school
district.

B. Except as provided in Subsections C, D and E of
this section, no school bus route shall be maintained for
distances less than:

(1) one mile one way for students in grades
kindergarten through six;

(2) one and one-half miles one way for
students in grades seven through nine; and

(3) two miles one way for students in grades
ten through twelve.

C. In school districts having hazardous walking
conditions as determined by the local school board and
confirmed by the state transportation director, students of
any grade may be transported a lesser distance than that
provided in Subsection B of this section. General standards
for determining hazardous walking conditions shall be
established by the state transportation division of the

1 department with the approval of the department, but the
2 standards shall be flexibly and not rigidly applied by the
3 local school board and the state transportation director to
4 prevent accidents and help ensure student safety.

5 D. Exceptional children whose handicaps require
6 transportation and three- and four-year-old children who meet
7 the department-approved criteria and definition of
8 developmentally disabled may be transported a lesser distance
9 than that provided in Subsection B of this section.

10 E. School districts reporting a minimum of
11 seventy-five percent of the school districts' student
12 membership as Native Americans shall consult with tribal
13 leaders regarding concerns and issues related to public
14 school transportation services, transportation boundaries and
15 resolution of transportation boundary disputes."

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

18 "SCHOOL BUS ROUTES FOR CERTAIN SCHOOL DISTRICTS--
19 TRANSPORTATION BOUNDARY AGREEMENTS--RESOLUTION OF
20 TRANSPORTATION BOUNDARY DISPUTES.--

21 A. For purposes of this section, "school district"
22 means a school district reporting a minimum of seventy-five
23 percent of the district's student membership as Native
24 American.

25 B. A school district is authorized to enter into a
transportation boundary agreement with an adjoining school
district for students the affected local school boards agree
need transportation because of conditions that make it
impractical or unsafe to transport such students to schools
within the district in which they reside.

1 C. Transportation boundary agreements shall
2 provide for efficient and economic use of resources.

3 D. No transportation boundary agreement shall be
4 valid unless approved by the local school board representing
5 the district in which the student resides and the local
6 school board of the district the student proposes to attend.

7 E. A transportation boundary agreement shall
8 include a legal description of the adjoining area outside
9 each school district's boundaries for which transportation
10 services will be provided under the terms of the agreement.

11 F. The proposed transportation boundary lines and
12 the school district boundary lines shall be shown and
13 highlighted on United States geological survey maps, or their
14 equivalent, that are attached to the agreement.

15 G. Upon review and findings that the requirements
16 of applicable state and federal laws have been met, the state
17 transportation director and the secretary of public education
18 shall approve the agreement.

19 H. The participating local school boards shall
20 review the agreement annually. Any revisions in the terms of
21 the agreement shall be approved by both local school boards.
22 The revised agreement shall be submitted to the department
23 for approval prior to continuation of service. If no changes
24 occur, the existing agreement may be continued.

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

J. Students who receive transportation services
within the area approved through the transportation boundary

1 agreement shall be counted for transportation funding by the
2 school district in which they attend school.

3 K. The transportation boundary agreement may be
4 terminated by either district with a thirty-day notice. The
5 department shall be notified by both school districts when
6 the agreement is terminated.

7 L. When a transportation boundary dispute occurs
8 between local school boards, a local school board may file a
9 written complaint with the department. The department shall:

10 (1) within thirty days of receipt of the
11 complaint, in consultation with tribal leaders whose students
12 are affected by the proposed boundary change, conduct a study
13 of the issues relating to the dispute; and

14 (2) within fifteen days of completion of the
15 study, in consultation with tribal leaders whose students are
16 affected by the proposed boundary change, the department,
17 together with tribal leaders, shall provide a written report
18 to all parties involved in the dispute that sets forth a
19 permanent or temporary transportation boundary agreement.

20 M. The department shall annually review the
21 transportation boundary agreement and:

22 (1) if the conditions necessitating the
23 agreement are no longer in place, restore the former
24 boundary;

25 (2) if the conditions necessitating the
agreement continue to be in place, make the temporary
boundary agreement permanent; or

(3) after consultation with the local school
boards and affected tribal leaders, establish an alternative
boundary." _____