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SENATE BILL 46

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

George K. Munoz

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR TEMPORARY
TRANSPORTATION BOUNDARY AGREEMENTS BETWEEN AND AMONG ADJOINING
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 area to a school within the adjoining

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1 school district.

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

7 SECTION 2. A new section of Chapter 22, Article 16 NMSA
8 1978 is enacted to read:

9 "[NEW MATERIAL] TEMPORARY TRANSPORTATION BOUNDARY
10 AGREEMENTS--PROCEDURES AND CRITERIA.--

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

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

21 C. The agreed-upon temporary transportation
22 boundary line and the existing school district boundary line
23 shall be shown and highlighted on United States geological
24 survey maps, or their equivalent, that are attached to the
25 agreement.

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

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

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

16 G. Transportation funding for students who receive
17 transportation services within the area approved through the
18 temporary transportation boundary agreement shall be provided
19 by the school district in which the students attend school.

20 H. Termination of a temporary transportation
21 boundary agreement may be accomplished by one or both school
22 districts through notification to the department and school
23 districts that the agreement has been terminated."

24 **SECTION 3.** A new section of Chapter 22, Article 16 NMSA
25 1978 is enacted to read:

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

2 A. Students who attend an out-of-district school as
3 a matter of choice are ineligible to be counted for the
4 transportation distribution from the department. Such students
5 shall be counted on the first reporting date as ineligible
6 student riders.

7 B. School districts shall establish local policies
8 that shall be in accordance with applicable state and federal
9 laws and rules governing the transportation of ineligible
10 students who live outside of the school district boundaries.

11 C. School districts that, by local policy, choose
12 to provide transportation services to ineligible students shall
13 do so at no additional cost to the school's transportation
14 fund. Such students may board the bus at the last legal stop
15 on an approved route if space is available. School districts
16 shall not add additional services or equipment to accommodate
17 ineligible students. Ineligible students shall not generate
18 funding through the transportation formula."

19 SECTION 4. A new section of Chapter 22, Article 16 NMSA
20 1978 is enacted to read:

21 "[NEW MATERIAL] TRANSPORTATION BOUNDARY DISPUTES--
22 RESOLUTION PROCESS.--

23 A. When transportation boundary disputes arise
24 between local school boards that cannot be resolved within
25 thirty days, the local school boards shall use the following

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1 resolution process:

2 (1) local school boards shall first request
3 their respective local government entities, including counties,
4 municipalities or chapter houses, to conduct an examination of
5 the issues relating to the transportation boundary dispute and
6 provide written recommendations for resolving the dispute
7 within thirty days;

8 (2) if the local school boards cannot agree on
9 the local government entities' recommendations, one or more of
10 the local school boards may file a written complaint with the
11 department after all efforts to negotiate a resolution to a
12 transportation boundary dispute have failed;

13 (3) the department shall establish criteria to
14 resolve transportation boundary disputes; and

15 (4) upon request from one or more school
16 boards, the department shall conduct a complete review of the
17 issues related to a transportation boundary dispute and shall
18 render an opinion in writing to the requesting local school
19 boards within ten days. The opinion shall specify whether
20 conditions exist that require a temporary transportation
21 boundary agreement based upon department criteria.

22 B. If the local school boards are unwilling or
23 unable to negotiate a temporary transportation boundary
24 agreement consistent with department criteria, the department
25 shall develop a temporary transportation boundary agreement.

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1 The local school boards shall comply with the requirements set
2 forth in the temporary transportation boundary agreement. The
3 temporary transportation boundary agreement shall be reviewed
4 annually by the department. The department shall rescind the
5 temporary transportation boundary agreement when the conditions
6 requiring the agreement no longer exist.

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

8 SECTION 5. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2016.

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