

Chapter No. 483

10/HR40/R742SG

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## ***HOUSE BILL NO. 630***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 630

AN ACT TO AMEND SECTIONS 37-41-1, 37-41-7 AND 37-41-21, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTHORITY AND RESPONSIBILITY OF THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION TO REGULATE PLANS FOR SCHOOL BUS TRANSPORTATION ROUTES IN LOCAL SCHOOL DISTRICTS; TO AMEND SECTIONS 37-41-29 AND 37-41-31, MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN STANDARDS FOR CONTRACTS FOR THE PRIVATE TRANSPORTATION OF STUDENTS AND TO DELETE THE AUTHORITY AND RESPONSIBILITY OF THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION TO REGULATE SUCH CONTRACTS; TO AMEND SECTION 37-41-89, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTHORITY AND THE RESPONSIBILITY OF THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION TO APPROVE SCHOOL TRANSPORTATION NOTES; TO AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT SCHOOL DISTRICTS SHALL PROVIDE ACCESS TO SCHOOL BUS ROUTE INFORMATION TO THE STATE DEPARTMENT OF EDUCATION IN APPEALS OF CERTAIN STUDENT TRANSFER CASES; TO REPEAL SECTIONS 37-41-17 AND 37-41-19, MISSISSIPPI CODE OF 1972, WHICH PROVIDE STANDARDS FOR SCHOOL DISTRICT TRANSPORTATION PLANS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 37-41-1, Mississippi Code of 1972, is amended as follows:

37-41-1. The State Board of Education is authorized, empowered and directed to promulgate rules and regulations for:

(a) Setting standards for public school bus routes;

\* \* \*

(b) Setting standards for public school buses;

(c) Setting standards for public school bus drivers;

(d) Formulating procedure for selecting public school bus drivers;

(e) Formulating courses of training for public school bus drivers and mechanics, and assist in administering and financing such courses;

(f) Providing operation procedure for public school buses to insure safety of pupils;

\* \* \*

(g) Formulating specifications for use in purchasing public school buses; getting bids on public school buses; equipment and supplies; and fixing prices based upon said bids which school districts may not exceed in purchasing said equipment;

(h) Formulating specifications for use by school districts in purchasing used school buses; and

(i) Providing a system of records and reports for the purpose of carrying out the provisions of Sections 37-41-1 through 37-41-51, and providing the superintendent of schools with a sufficient supply of report forms.

\* \* \*

All rules and regulations adopted and promulgated by the State Board of Education relating to school bus drivers shall also be applicable to drivers of privately owned buses transporting public school children.

All rules and regulations adopted and promulgated by the State Board of Education pursuant to the authority conferred by this section shall be spread at large upon the minutes of the State Board of Education and copies thereof shall be furnished to all school boards not less than thirty (30) days prior to the effective date of such rules and regulations.

**SECTION 2.** Section 37-41-7, Mississippi Code of 1972, is amended as follows:

37-41-7. The local school board is hereby authorized, empowered and directed \* \* \* to lay out all transportation routes and provide transportation for all school children who are entitled to transportation within their respective counties and school districts.

Any school district may, in the discretion of the school board, expend funds from any funds available to the school district other than minimum education program funds, including the amounts derived from district tax levies, sixteenth section funds, and all other available funds, for the purpose of supplementing funds available to the school board for paying transportation costs, not covered by minimum education program funds.

**SECTION 3.** Section 37-41-21, Mississippi Code of 1972, is amended as follows:

37-41-21. \* \* \* It shall be unlawful \* \* \* to transport pupils who are not entitled to such transportation, or to transport pupils from one (1) district to another if their grade or grades are taught in a school within the district wherein they reside, unless the transfer of such children from the district in which they reside to such districts shall have been approved in the manner provided by law. It shall be further unlawful for the school board to expend funds from any source whatsoever for the transportation of pupils from one (1) district to another district if their grade or grades are taught in a school within the district wherein they reside, unless the transfer of such children from the district in which they reside to such other district shall have been approved in the manner provided by law.

**SECTION 4.** Section 37-41-29, Mississippi Code of 1972, is amended as follows:

37-41-29. It shall be the duty of the school boards, as existing private contracts providing for transportation of school pupils expire, to replace such private transportation with publicly owned transportation unless publicly owned transportation is deemed impractical. The school boards may acquire, when so requested by holders of private transportation contracts, from such holders of private transportation contracts, all buses which, in the opinion of the school boards, can be practicably operated as units of the public transportation system. The actual market

all school bus drivers employed by such contractor shall be trained and certified by the State Department of Education.

Local school boards are not required to file a copy of any private contract for the transportation of exceptional children or the transportation of children under extraordinary circumstances with the State Board of Education.

**SECTION 5.** Section 37-41-31, Mississippi Code of 1972, is amended as follows:

37-41-31. In each case where pupils are transported to and from the public schools in this state in privately owned vehicles, the contract for such transportation shall be let to the lowest responsible bidder who is able to furnish a solvent bond for the faithful performance of his contract. This shall be done after each route over which such pupils are to be transported has been laid out and established as provided in this chapter. Such contracts shall be awarded upon receipt of sealed bids or proposals after the time and place of letting such contracts and the manner of bidding have been duly advertised in some newspaper published in the county in accordance with the procedures provided in Section 31-7-13(c). If no newspaper is published in the county, then the advertisement shall be made by publication for the required time in some newspaper having a general circulation therein, and, in addition, by posting a copy thereof for that time in at least three (3) public places in the county, one (1) of which shall be at the county courthouse in each judicial district of the county. The awarding of all such contracts shall, however, in all respects be subject to the provisions of Section 37-41-29.

Private contracts for the transportation of exceptional children, as defined in Section 37-23-3, may be negotiated by the local school board without the necessity of the advertising for or taking of bids. The same may apply under extraordinary circumstances where regular transportation is considered to be impractical \* \* \*. The local school board may negotiate and

contract for the transportation described in this paragraph so long as the local school board complies with the school transportation regulations promulgated by the State Board of Education.

Contracts shall be made for four (4) years, at the discretion of the local school board. Any and all bids may be rejected. At the expiration of any transportation contract, if the school board believes a route should remain substantially as established and finds that the carrier thereon has rendered efficient and satisfactory services it may \* \* \* extend the contract for not more than four (4) years, subject, however, to the provisions of Section 37-41-29.

**SECTION 6.** Section 37-41-89, Mississippi Code of 1972, is amended as follows:

37-41-89. The school board of any school district \* \* \* may borrow money for the purchase of school transportation equipment or to establish, erect and equip school bus shops or garages, and purchase land therefor, and issue the negotiable notes or bonds of the school district as evidence of the indebtedness so incurred.

**SECTION 7.** Sections 37-41-17 and 37-41-19, Mississippi Code of 1972, which provide standards for school district transportation plans, are hereby repealed.

**SECTION 8.** Section 37-15-29, Mississippi Code of 1972, is amended as follows:

37-15-29. (1) Except as provided in subsections (2), (3) and (4) of this section, no minor child may enroll in or attend any school except in the school district of his residence, unless such child be lawfully transferred from the school district of his residence to a school in another school district in accord with the statutes of this state now in effect or which may be hereafter enacted.

(2) Those children whose parent(s) or legal guardian(s) are instructional personnel or certificated employees of a school

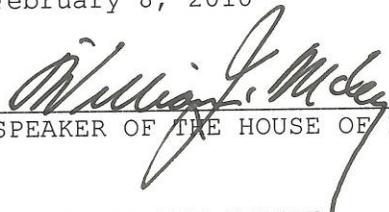
district may at such employee's discretion enroll and attend the school or schools of their parent's or legal guardian's employment regardless of the residence of the child.

(3) No child shall be required to be transported in excess of thirty (30) miles on a school bus from his or her home to school, or in excess of thirty (30) miles from school to his or her home, if there is another school in an adjacent school district located on a shorter school bus transportation route by the nearest traveled road. Those children residing in such geographical situations may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the nearer school, regardless of the residence of the child. In the event the parent or legal guardian of such child and the school board are unable to agree on the school bus mileage required to transport the child from his or her home to school, an appeal shall lie to the State Board of Education, or its designee, whose decision shall be final. The school districts involved in the appeal shall provide the Mississippi Department of Education with any school bus route information requested, including riding the buses as necessary, in order to measure the bus routes in question, as needed by the State Board of Education in considering the appeal.

(4) Those children lawfully transferred from the school district of his residence to a school in another school district prior to July 1, 1992, may, at the discretion of their parent(s) or legal guardian(s), continue to enroll and attend school in the transferee school district. Provided further, that the brother(s) and sister(s) of said children lawfully transferred prior to July 1, 1992, may also, at the discretion of their parent(s) or legal guardian(s), enroll and attend school in the transferee school district.

**SECTION 9.** This act shall take effect and be in force from  
and after July 1, 2010.

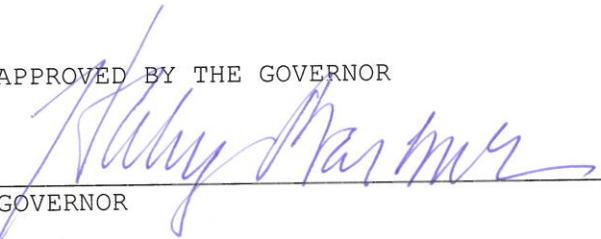
PASSED BY THE HOUSE OF REPRESENTATIVES  
February 8, 2010

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 3, 2010

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

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