

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1572

Introduced by Assembly Member Campos

January 4, 2016

An act to *amend Section 39800 of, and to add Section 39800.1 to Sections 39800.1 and 39800.2 to*, the Education Code, relating to school transportation.

LEGISLATIVE COUNSEL’S DIGEST

AB 1572, as amended, Campos. School transportation.

Existing law authorizes the governing board of a school district to provide for the transportation of pupils to and from school whenever in the judgment of the board the transportation is advisable and good reasons exist to do so.

This bill would entitle a pupil who attends a *public, noncharter* school that is eligible for Title 1 federal funding to free transportation to and from school ~~provided by the local educational agency~~, *school* if certain conditions are met. The bill would require ~~the local educational agency to designate a liaison~~ *a school district not currently providing transportation to all pupils attending schools that are eligible for Title 1 federal funding* to implement a plan developed, in consultation with specified stakeholders, to ensure that all ~~entitled~~ pupils ~~receive~~ *entitled to free transportation in a timely manner*. *The bill would authorize school districts to contract with a municipally owned transit system to transport pupils if certain conditions are met. By requiring new duties on a local educational agency, the bill would impose a state-mandated local program.*

~~By requiring new duties on a local educational agency, the bill would impose a state-mandated local program.~~

This bill would create the Transportation and Access to Public School Fund and require the Superintendent of Public Instruction, upon appropriation to this fund by the Legislature, to allocate moneys from this fund to school districts, county offices of education, entities providing services under a school transportation joint powers agreement, or regional occupational centers or programs that provide pupil transportation an amount equal to the actual costs of the entitled transportation pursuant to this bill. The bill would provide that these provisions shall become operative only to the extent that funding is provided in the annual Budget Act or another statute.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) According to data released by the U.S. Census Bureau,
- 4 without a high school diploma, Americans are almost twice as
- 5 likely to live in poverty.
- 6 (2) Several independent academic studies indicate a marked
- 7 increase in school participation and graduation rates among
- 8 children who were guaranteed transportation to and from school.
- 9 (3) According to a recent report by California Attorney General
- 10 Kamala Harris, poverty and financial instability is the number one
- 11 cause of truancy in the state.
- 12 (4) *Research shows a strong relationship between access to*
- 13 *transportation and improved school attendance.*
- 14 (b) Based on the findings and declarations in subdivision (a), it
- 15 is the intent of the Legislature to enact legislation that would

1 support school participation and high school attainment among
2 low-income youth.

3 *SEC. 2. Section 39800 of the Education Code is amended to*
4 *read:*

5 39800. (a) ~~The~~*In addition to the requirement to provide*
6 *transportation pursuant to Section 39800.1, the governing board*
7 *of any school district may provide for the transportation of pupils*
8 *to and from school—*~~whenever~~ *whenever, in the judgment of the*
9 ~~board governing board,~~ *the transportation is advisable and good*
10 ~~reasons exist therefor.~~ *exist. The governing board of a school*
11 *district may purchase or rent and provide for the upkeep, care, and*
12 *operation of vehicles, or may contract and pay for the transportation*
13 *of middle school and high school pupils to and from school by*
14 ~~common carrier or a vehicle driven by a public employee of a~~
15 ~~municipally owned transit system, or may contract with and pay~~
16 ~~responsible private parties for the transportation. These contracts~~
17 ~~may be made~~ *contract with the parent or guardian of the pupil*
18 *being transported. A* ~~The governing board of a school district~~ *may*
19 *allow the transportation of preschool or nursery school pupils in*
20 *schoolbuses owned or operated by the school district. A state*
21 *reimbursement may not be received by a school district for the*
22 *transportation of preschool or nursery school pupils.*

23 (b) As used in this article, “municipally owned transit system”
24 means a transit system owned by a ~~city,~~ *city* or by a district created
25 under Part 1 (commencing with Section 24501) of Division 10 of
26 the Public Utilities Code.

27 ~~SEC. 2.~~

28 *SEC. 3. Section 39800.1 is added to the Education Code, to*
29 *read:*

30 39800.1. (a) Notwithstanding any other law, a pupil attending
31 a *public, noncharter* school that is eligible for Title 1 federal
32 funding shall be entitled to free ~~transportation, from the local~~
33 ~~educational agency,~~ *transportation* to and from school, if either
34 of the following conditions are met:

35 (1) The pupil resides more than one-half mile from the school.

36 (2) The neighborhood through which the pupil must travel to
37 get to school is ~~unsafe due to unsafe,~~ *unsafe, as defined by the plan*
38 *established pursuant to paragraph (1) of subdivision (b), which*
39 *may include factors, including, but not limited to, stray dogs, no*
40 *lack of sidewalks, known gang activity, presence of environmental*

1 *problems and hazards, required crossings of freeways or busy*
2 *intersections, or other reasons documented by stakeholders in the*
3 *plan developed pursuant to subdivision (c).*

4 (b) (1) ~~A local educational agency school district not currently~~
5 *providing transportation to all pupils attending schools that are*
6 *eligible for Title 1 federal funding shall designate a liaison that*
7 ~~shall be responsible for implementing~~ *implement* a plan to ensure
8 that all pupils entitled to free transportation pursuant to subdivision
9 (a) receive the transportation.

10 (2) ~~The liaison shall be trained to plan~~ *shall* identify and
11 accommodate the special rights of homeless youth, as defined
12 pursuant to the federal McKinney-Vento Homeless Assistance Act
13 (42 U.S.C. Sec. 11301 et seq.).

14 (c) The plan required by paragraph (1) of subdivision (b) shall
15 be developed with the consultation of teachers, school
16 administrators, regional local transit authorities, ~~the Air Resources~~
17 ~~Board,~~ *local air districts*, the Department of Transportation,
18 parents, pupils, and other stakeholders.

19 (d) If free, dependable, and timely transportation is not *already*
20 ~~available for~~ *to* pupils entitled to transportation services pursuant
21 to this section, ~~the local educational agency school district~~ shall
22 ensure that the pupils entitled to the transportation are provided
23 ~~free transportation using its existing funds, unless the local~~
24 ~~educational agency determines that lack of transportation does not~~
25 ~~reduce pupil school attendance.~~ *transportation.*

26 (e) *Notwithstanding subdivision (f), transportation provided*
27 *pursuant to this section shall be provided by a public employee.*

28 (f) *A school district may partner with a transit authority to*
29 *provide the transportation provided pursuant to this section to*
30 *middle school and high school pupils if all of the following*
31 *conditions are met:*

32 (1) *All drivers are public employees of a municipality owned*
33 *transit agency as defined in subdivision (b) of Section 39800.*

34 (2) *The transit agency can certify that the public transit system*
35 *can ensure consistent, adequate routes and schedules to enable*
36 *pupils to get home, to school and back, and does not charge the*
37 *school district more than marginal cost for each transit pass.*

38 (3) *Nothing in this section would prevent a local transportation*
39 *agency from providing no-cost transit passes to pupils attending*
40 *Title 1 schools.*

1 (g) *All transportation provided pursuant to this section shall*
2 *be reimbursed by the Transportation and Access to Public School*
3 *Fund created pursuant to Section 39800.2.*

4 SEC. 4. *Section 39800.2 is added to the Education Code, to*
5 *read:*

6 39800.2. (a) *The Transportation and Access to Public School*
7 *Fund is hereby created in the State Treasury to be administered*
8 *by the department.*

9 (b) *Funds in the Transportation and Access to Public School*
10 *Fund shall, upon appropriation by the Legislature, be allocated*
11 *to the department for allocation to local educational agencies*
12 *pursuant to the process established by the Superintendent.*

13 (c) *Commencing with the 2017–18 fiscal year, the*
14 *Superintendent shall allocate from the Transportation and Access*
15 *to Public School Fund to each school district, county office of*
16 *education, entity providing services under a school transportation*
17 *joint powers agreement, or regional occupational center or*
18 *program that provides pupil transportation an amount equal to*
19 *the actual costs of the entitled transportation established pursuant*
20 *to Section 39800.1. The allocation shall be in addition to any*
21 *amount apportioned for home-to-school transportation pursuant*
22 *to Article 10 (commencing with Section 41850) of Chapter 5 of*
23 *Part 24.*

24 (d) *This section shall become operative only to the extent that*
25 *funding is provided in the annual Budget Act or another statute*
26 *for the purposes of this section.*

27 ~~SEC. 3.~~

28 SEC. 5. *If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*