

AMENDED IN ASSEMBLY APRIL 21, 2016

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 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~~ *receives* Title 1 federal funding to free transportation to and from school if certain conditions are met. The bill would require a school district not currently providing transportation to all pupils attending schools ~~that are eligible for~~ *receive* Title 1 federal funding to implement a plan developed, in consultation with specified stakeholders, to ensure that all pupils entitled to free transportation receive the transportation. The bill would authorize school districts to contract with a municipally owned transit system to transport pupils if certain conditions are met. ~~By requiring~~ *imposing* new duties on a local educational agency, the bill would ~~impose~~ *constitute* 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.~~ *United States* Census
- 4 Bureau, without a high school diploma, Americans are almost
- 5 twice as 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
- 16 support school participation and high school attainment among
- 17 low-income youth.

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

39800. (a) In addition to the requirement to provide transportation pursuant to Section 39800.1, the governing board of any school district may provide for the transportation of pupils to and from school whenever, in the judgment of the governing board, the transportation is advisable and good reasons exist. The governing board of a school district may purchase or rent and provide for the upkeep, care, and operation of ~~vehicles, or vehicles.~~ *The governing board of a school district may also contract and pay for the transportation of middle school and high school pupils to and from school by a vehicle driven by a public employee of a municipally owned transit system, or may contract with the parent or guardian of the pupil being transported. The governing board of a school district may allow the transportation of preschool or nursery school pupils in schoolbuses owned or operated by the school district. A state reimbursement may not be received by a school district for the transportation of preschool or nursery school pupils.*

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

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

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

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

(2) The neighborhood through which the pupil must travel to get to school is unsafe, as defined by the plan established pursuant to paragraph (1) of subdivision (b), which may include factors, including, but not limited to, stray dogs, lack of sidewalks, known gang activity, presence of environmental problems and hazards, required crossings of freeways or busy intersections, or other reasons documented by stakeholders in the plan developed pursuant to subdivision (c).

(b) (1) A school district not currently providing transportation to all pupils attending schools ~~that are eligible for~~ *receive* Title 1

1 federal funding shall implement a plan to ensure that all pupils
2 entitled to free transportation pursuant to subdivision (a) receive
3 the transportation.

4 (2) The plan shall identify and accommodate the special rights
5 of homeless youth, as defined pursuant to the federal
6 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301
7 et seq.).

8 (c) The plan required by paragraph (1) of subdivision (b) shall
9 be developed with the consultation of teachers, school
10 administrators, regional local transit authorities, local air districts,
11 the Department of Transportation, parents, pupils, and other
12 stakeholders.

13 (d) If free, dependable, and timely transportation is not already
14 available to pupils entitled to transportation services pursuant to
15 this section, the school district shall ensure that the pupils entitled
16 to the transportation are provided free transportation.

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

19 (f) A school district may partner with a ~~transit authority~~
20 *municipality owned transit system* to provide the transportation
21 provided pursuant to this section to middle school and high school
22 pupils if all of the following conditions are met:

23 (1) All drivers are public employees of a municipality owned
24 ~~transit agency system~~ as defined in subdivision (b) of Section
25 39800.

26 (2) The *municipality owned transit agency system* can certify
27 that the ~~public~~ transit system can ensure consistent, adequate routes
28 and schedules to enable pupils to get home, to school and back,
29 and does not charge the school district more than marginal cost
30 for each transit pass.

31 (3) Nothing in this section would prevent a local transportation
32 agency from providing no-cost transit passes to pupils attending
33 Title 1 schools.

34 (g) All transportation provided pursuant to this section shall be
35 reimbursed by the Transportation and Access to Public School
36 Fund created pursuant to Section 39800.2.

37 SEC. 4. Section 39800.2 is added to the Education Code, to
38 read:

1 39800.2. (a) The Transportation and Access to Public School
2 Fund is hereby created in the State Treasury to be administered
3 by the department.

4 (b) Funds in the Transportation and Access to Public School
5 Fund shall, upon appropriation by the Legislature, be allocated to
6 the department for allocation to local educational agencies pursuant
7 to the process established by the Superintendent.

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

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

21 SEC. 5. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.