

House BILL NO. 523

INTRODUCED BY

Mc Culloch

Coocciarella Pulley

H. H. H. H.

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTIES FOR A VIOLATION OF SCHOOL TRANSPORTATION LAW OR BOARD OF PUBLIC EDUCATION TRANSPORTATION POLICY; AND AMENDING SECTION 20-10-104, MCA."

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

Section 1. Section 20-10-104, MCA, is amended to read:

"20-10-104. **Penalty for violating law or rules.** (1) Every district, its trustees and employees, and every person under a transportation contract with a district shall be is subject to the policies prescribed by the board of public education and the rules prescribed by the superintendent of public instruction. When a district knowingly violates a transportation law or board of public education transportation policy, ~~such~~ the district shall forfeit any reimbursement otherwise payable under 20-10-145 and 20-10-146 for any bus miles actually traveled during that fiscal year in violation of ~~such~~ the law or policies.

(2) The county superintendent shall suspend all ~~such~~ reimbursements payable to the district under 20-10-145 and 20-10-146 for all miles being traveled, including both miles being traveled in compliance with the transportation laws or policies and miles being traveled in violation of the transportation laws or policies, until the district corrects the violation. When the district corrects the violation, the county superintendent shall resume ~~paying reimbursements to the district~~ payment of all reimbursements otherwise payable under 20-10-145 and 20-10-146, including repayment of amounts suspended during the violation, but the amount forfeited under subsection (1) may not be paid to the district.

~~(2)(3)~~ (3) When a person operating a bus under contract with a district knowingly fails to comply with the transportation law or the board of public education transportation policies, the district may not pay ~~him~~ the person for any bus miles traveled during the contract year in violation of ~~such~~ law or policies. Upon discovering ~~such~~ a violation, the trustees of the district shall give written notice to the person that unless the violation is corrected within 10 days of the giving of notice, the contract will be canceled. The trustees of a district shall order the operation of a bus operated under contract suspended when the bus is being operated in violation of transportation law or policies and the trustees find that ~~such~~ the violation

1 jeopardizes the safety of pupils."

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House BILL NO. 523

INTRODUCED BY

McCallister

Carroll

3/1/23

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House BILL NO. *523*

INTRODUCED BY *Mc Culloch*

Cassidy's Bill

H. Hall

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTIES FOR A VIOLATION OF SCHOOL TRANSPORTATION LAW OR BOARD OF PUBLIC EDUCATION TRANSPORTATION POLICY; AND AMENDING SECTION 20-10-104, MCA."

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(2) The county superintendent shall suspend all ~~such~~ reimbursements payable to the district under 20-10-145 and 20-10-146 for all miles being traveled, including both miles being traveled in compliance with the transportation laws or policies and miles being traveled in violation of the transportation laws or policies, until the district corrects the violation. When the district corrects the violation, the county superintendent shall resume ~~paying reimbursements to the district~~ payment of all reimbursements otherwise payable under 20-10-145 and 20-10-146, including repayment of amounts suspended during the violation, but the amount forfeited under subsection (1) may not be paid to the district.

~~(2)(3)~~ (3) When a person operating a bus under contract with a district knowingly fails to comply with the transportation law or the board of public education transportation policies, the district may not pay ~~him~~ the person for any bus miles traveled during the contract year in violation of ~~such~~ law or policies. Upon discovering ~~such~~ a violation, the trustees of the district shall give written notice to the person that unless the violation is corrected within 10 days of the giving of notice, the contract will be canceled. The trustees of a district shall order the operation of a bus operated under contract suspended when the bus is being operated in violation of transportation law or policies and the trustees find that ~~such~~ the violation

1 jeopardizes the safety of pupils."

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APPROVED BY COM ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 523

INTRODUCED BY MCCULLOCH, COCCHIARELLA, BOHLINGER, HIBBARD

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REVISING~~ CLARIFYING THE PENALTIES FOR A VIOLATION OF SCHOOL TRANSPORTATION LAW OR BOARD OF PUBLIC EDUCATION TRANSPORTATION POLICY; AUTHORIZING THE TRUSTEES OF A DISTRICT TO INFORM THE COUNTY TRANSPORTATION COMMITTEE OF A DISTRICT BELIEVED TO BE OPERATING AN UNAPPROVED ROUTE OUTSIDE ITS DISTRICT BOUNDARIES; AND AMENDING SECTION SECTIONS 20-10-104 AND 20-10-126, MCA."

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

Section 1. Section 20-10-104, MCA, is amended to read:

"20-10-104. Penalty for violating law or rules. (1) Every district, its trustees and employees, and every person under a transportation contract with a district ~~shall be~~ is subject to the policies prescribed by the board of public education and the rules prescribed by the superintendent of public instruction. When a district knowingly violates a transportation law or board of public education transportation policy, ~~each~~ the district shall forfeit any reimbursement otherwise payable under 20-10-145 and 20-10-146 for any bus miles actually traveled during that fiscal year in violation of ~~each~~ the law or policies.

(2) A DISTRICT KNOWINGLY VIOLATES A TRANSPORTATION LAW OR BOARD OF PUBLIC EDUCATION POLICY WHEN IT OPERATES A BUS ROUTE IN A MANNER THAT DOES NOT COMPLY WITH STATE LAW OR BOARD POLICY RELATED TO STUDENT SAFETY. AS PROVIDED IN 20-10-141(1), A DISTRICT THAT OPERATES A BUS ROUTE NOT APPROVED BY ITS COUNTY TRANSPORTATION COMMITTEE MAY NOT RECEIVE TRANSPORTATION REIMBURSEMENT ON THAT ROUTE, BUT IF THE ROUTE IS OPERATED IN COMPLIANCE WITH TRANSPORTATION LAW, THE OPERATION OF THE ROUTES IS NOT A VIOLATION THAT WILL RESULT IN THE FORFEITURE OF ALL TRANSPORTATION AID TO THE DISTRICT.

(2)(3) The county superintendent shall suspend all ~~each~~ reimbursements payable to the district under 20-10-145 and 20-10-146 for all miles being traveled, including both miles being traveled in compliance with the transportation laws or policies and miles being traveled in violation of the transportation laws or policies, until the district corrects the violation. When the district corrects the

1 violation, the county superintendent shall ~~resume paying reimbursements to the district~~ payment of PAY
 2 all reimbursements otherwise payable under 20-10-145 and 20-10-146, including repayment of amounts
 3 suspended during the violation, but the amount forfeited under subsection (1) may not be paid to the
 4 district.

5 ~~(2)(3)(4)~~ When a person operating a bus under contract with a district knowingly fails to comply
 6 with the transportation law or the board of public education transportation policies, the district may not pay
 7 ~~him~~ the person for any bus miles traveled during the contract year in violation of ~~such~~ law or policies. Upon
 8 discovering ~~such~~ a violation, the trustees of the district shall give written notice to the person that unless
 9 the violation is corrected within 10 days of the giving of notice, the contract will be canceled. The trustees
 10 of a district shall order the operation of a bus operated under contract suspended when the bus is being
 11 operated in violation of transportation law or policies and the trustees find that ~~such~~ the violation
 12 jeopardizes the safety of pupils."

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 14 **SECTION 2. SECTION 20-10-126, MCA, IS AMENDED TO READ:**

15 **"20-10-126. Establishment of transportation service areas.** (1) The territory of a transportation
 16 service area is the territory of a school district unless the county transportation committee approves
 17 alternative boundaries after determining that the adjustments will improve pupil safety, transportation
 18 efficiency, or the cost-effectiveness of the pupil transportation system of the county.

19 (2) A district may not extend a bus route to transport pupils from outside its transportation service
 20 area unless the district has a written agreement with the district that the county transportation committee
 21 has assigned to transport the pupils.

22 (3) When the trustees of two or more districts enter into a written agreement to authorize
 23 transportation services among transportation service areas, a copy of the agreement must be submitted to
 24 the county superintendent and approved by the county transportation committee. Upon approval by the
 25 committee, the transportation agreements are valid for the current school year.

26 (4) The trustees of any district who object to a particular bus route or transportation service area
 27 to which the district has been assigned may request a transfer to another bus route or transportation
 28 service area. The county transportation committee may transfer the territory of the district to an adjacent
 29 transportation service area or approved bus route with the consent of the district providing transportation
 30 in the adjacent transportation service area.

1 (5) The trustees of any district who object to a bus route operated by another district may bring
2 that route to the attention of the county transportation committee. If the committee agrees that the district
3 is operating a portion of its route as an unapproved route outside of its district boundaries, the committee
4 shall file with the district a written warning concerning the unapproved route, and if the district, in spite
5 of the warning, continues to operate the route, the committee may withdraw its approval of the entire
6 route.

7 ~~(5)~~(6) If the qualified electors of the district object to the decision of the county transportation
8 committee and the adjacent district is willing to provide school bus service, 20% of the qualified electors,
9 as prescribed in 20-20-301, may petition the trustees to conduct an election on the proposition that the
10 territory of the district be transferred for pupil transportation purposes to the adjacent transportation service
11 area. If a satisfactory petition is presented to the trustees, the trustees shall call an election on the
12 proposition in accordance with 20-20-201 for the next ensuing regular school election day. The election
13 must be conducted in accordance with the school election laws. If a majority of those voting at the election
14 approve the transfer, the transfer is effective on July 1 of the ensuing school fiscal year.

15 ~~(6)~~(7) Unless a transfer of territory from one transportation service area or approved bus route to
16 another area or bus route is approved by the superintendent of public instruction and the county
17 transportation committee, the state transportation reimbursement is limited to the reimbursement amount
18 for pupil transportation to the nearest operating public elementary school or public high school, whichever
19 is appropriate for the affected pupils."

20 -END-

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