AN ACT concerning school districts; relating to transportation of pupils residing within 2½ miles of the school building; amending K.S.A. 72-6411 and K.S.A. 2010 Supp. 72-8302 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 72-6411 is hereby amended to read as follows:

72-6411. (a) The transportation weighting of each district shall be determined by the state board as follows:

(1) Determine the total expenditures of the district during the preceding school year from all funds for transporting pupils of public and nonpublic schools on regular school routes;

(2) divide the amount determined under (1) by the total number of pupils who were included in the enrollment of the district in the preceding school year and for whom transportation was made available by the district;

(3) multiply the quotient obtained under (2) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing less than 2½ miles by the usually traveled road from the school building they attended and not subjected to hazardous walking conditions as defined by K.S.A. 72-8302, and amendments thereto, and for whom transportation was made available by the district;

(4) multiply the product obtained under (3) by 50%;

(5) subtract the product obtained under (4) from the amount determined under (1);

(6) divide the remainder obtained under (5) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing 2½ miles or more by the usually traveled road from the school building they attended or were subjected to hazardous walking conditions as defined by K.S.A. 72-8302, and amendments thereto, and for whom transportation was made available by the district.

The quotient is the per-pupil cost of transportation;

(7) on a density-cost graph plot the per-pupil cost of transportation for each district;

(8) construct a curve of best fit for the points so plotted;
(9) locate the index of density for the district on the base line of the density-cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per-pupil cost of transportation of the district;

(10) divide the formula per-pupil cost of transportation of the district by base state aid per pupil;

(11) multiply the quotient obtained under (10) by the number of pupils who are included in the enrollment of the district, are residing 2 ½ miles or more by the usually traveled road to the school building they attend or were subjected to hazardous walking conditions as defined by K.S.A. 72-8302, and amendments thereto, and for whom transportation is being made available by, and at the expense of, the district. The product is the transportation weighting of the district.

(b) For the purpose of providing accurate and reliable data on pupil transportation, the state board is authorized to adopt rules and regulations prescribing procedures which districts shall follow in reporting pertinent information relative thereto, including uniform reporting of expenditures for transportation.

(c) "Index of density" means the number of pupils who are included in the enrollment of a district in the current school year, are residing 2 ½ miles or more by the usually traveled road from the school building they attend or were subjected to hazardous walking conditions as defined by K.S.A. 72-8302, and amendments thereto, and for whom transportation is being made available on regular school routes by the district, divided by the number of square miles of territory in the district.

(d) "Density-cost graph" means a drawing having: (1) A horizontal or base line divided into equal intervals of density, beginning with zero on the left; and (2) a scale for per-pupil cost of transportation to be shown on a line perpendicular to the base line at the left end thereof, such scale to begin with zero dollars at the base line ascending by equal per-pupil cost intervals.

(e) "Curve of best fit" means the curve on a density-cost graph drawn so the sum of the distances squared from such line to each of the points plotted on the graph is the least possible.

(f) The provisions of this section shall take effect and be in force from and after July 1, 1992.

Sec. 2. K.S.A. 2010 Supp. 72-8302 is hereby amended to read as follows: 72-8302. (a) The board of education of a school district may provide or furnish transportation for pupils who are enrolled in the school district to or from any school of the school district or to or from any school of another school district attended by such pupils in accordance with the provisions of an agreement entered into under authority of
K.S.A. 72-8233, and amendments thereto.

(b) (1) When any or all of the conditions specified in this provision exist, the board of education of a school district shall provide or furnish transportation for pupils who reside in the school district and who attend any school of the school district or who attend any school of another school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto. The conditions which apply to the requirements of this provision are as follows:

(A) The residence of the pupil is inside or outside the corporate limits of a city, the school building attended is outside the corporate limits of a city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the pupil or the pupil is subjected to hazardous walking conditions, as established by the state board of education in accordance with subsection (f), while en route to or from the school; or

(B) the residence of the pupil is outside the corporate limits of a city, the school building attended is inside the corporate limits of a city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the pupil or the pupil is subjected to hazardous walking conditions, as established by the state board of education in accordance with subsection (f), while en route to or from the school; or

(C) the residence of the pupil is inside the corporate limits of one city, the school building attended is inside the corporate limits of a different city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the pupil or the pupil is subjected to hazardous walking conditions, as established by the state board of education in accordance with subsection (f), while en route to or from the school.

(2) The provisions of this subsection are subject to the provisions of subsections (c) and (d).

(c) The board of education of every school district is authorized to adopt rules and regulations to govern the conduct, control and discipline of all pupils while being transported in school busses. The board may suspend or revoke the transportation privilege or entitlement of any pupil who violates any rules and regulations adopted by the board under authority of this subsection.

(d) The board of education of every school district may suspend or revoke the transportation privilege or entitlement of any pupil who is detained at school at the conclusion of the school day for violation of any rules and regulations governing pupil conduct or for disobedience of an order of a teacher or other school authority. Suspension or revocation of
the transportation privilege or entitlement of any pupil specified in this
subsection shall be limited to the school day or days on which the pupil is
detained at school. The provisions of this subsection do not apply to any
pupil who has been determined to be an exceptional child, except gifted
children, under the provisions of the special education for exceptional
children act.

(e) (1) Subject to the limitations specified in this subsection, the
board of education of any school district may prescribe and collect fees to
offset, totally or in part, the costs incurred for the provision or furnishing
of transportation for pupils. The limitations which apply to the
authorization granted by this subsection are as follows:

(A) Fees for the provision or furnishing of transportation for pupils
shall be prescribed and collected only to recover the costs incurred as a
result of and directly attributable to the provision or furnishing of
transportation for pupils and only to the extent that such costs are not
reimbursed from any other source provided by law;

(B) fees for the provision or furnishing of transportation may not be
assessed against or collected from any pupil who is counted in
determining the transportation weighting of the school district under the
provisions of the school district finance and quality performance act or
any pupil who is determined to be a child with disabilities under the
provisions of the special education for exceptional children act or any
pupil who is eligible for free or reduced price meals under the national
school lunch act or any pupil who is entitled to transportation under the
provisions of subsection (a) of K.S.A. 72-8306, and amendments thereto,
and who resides 2½ miles or more by the regular route of a school bus
from the school attended;

(C) fees for the provision or furnishing of transportation for pupils in
accordance with the provisions of an agreement entered into under
authority of K.S.A. 72-8233 or 72-8307, and amendments thereto, shall
be controlled by the provisions of the agreement.

(2) All moneys received by a school district from fees collected
under this subsection shall be deposited in the general fund of the district.

(f) (1) A school board, on written petition of the parent or
guardian of a pupil for whom adequate transportation for the public is
alleged not to exist because the pupil is required to walk along normally
carried roads or streets where walking is alleged to constitute a serious
safety hazard due to rail crossings or an intersection greater than 60 feet,
shall conduct a study and make findings to determine whether a serious
safety hazard exists as alleged in the petition. The state department of
education shall review the findings of the school board and shall approve
or disapprove the school board's determination that a serious safety
hazard exists within 30 days after the school board submits its findings to
the state department of education.

(2) Upon approval of the school board's determination that a serious safety hazard exists, the state board of education shall provide written notification to the district engineer and the district public affairs manager of the Kansas department of transportation in the district in which the school is located, of its findings for consideration of the safe routes to school program for future projects.

(3) The school board or the superintendent of schools if authorized by the school board shall biennially review the conditions and determine whether or not the hazardous conditions remain unchanged.

(4) The school board and superintendent shall not be liable in any cause of action arising out of any action or decision rendered pursuant to this subsection.

Sec. 3. K.S.A. 72-6411 and K.S.A. 2010 Supp. 72-8302 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.