

RESOLUTION OF THE  
NAABIK'IYATI' COMMITTEE OF THE  
NAVAJO NATION COUNCIL

23<sup>RD</sup> Navajo Nation Council -- Second Year, 2016

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'IYATI'; SUPPORTING STATE OF NEW MEXICO SENATE BILL 46, "AN ACT RELATING TO PUBLIC SCHOOLS; PROVIDING FOR TEMPORARY TRANSPORTATION BOUNDARY AGREEMENTS BETWEEN AND AMONG ADJOINING SCHOOL DISTRICTS; ESTABLISHING PROCEDURES AND CRITERIA FOR TEMPORARY TRANSPORTATION BOUNDARY AGREEMENTS; CREATING A RESOLUTION PROCESS"

WHEREAS:

- A. The Navajo Nation established the Health, Education and Human Services Committee (HEHSC) as a Navajo Nation Council standing committee and as such empowered HEHSC to review and recommend resolutions regarding certain matters, including health, education and social services. 2 N.N.C. §§ 164 (A) (9), 400 (A), 401 (B) (6) (a) (2012); see also CO-45-12.
- B. The Navajo Nation established the Naabik'iyati' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'iyati' Committee to coordinate all state programs, including those of the state of Arizona. 2 N.N.C. §§ 164 (A) (9), 700 (A), 701 (A) (4) (2012); see also CO-45-12.
- C. Senate Bill 46 is introduced in the legislature of the state of New Mexico. This bill is entitled "AN ACT RELATING TO PUBLIC SCHOOLS; PROVIDING FOR TEMPORARY TRANSPORTATION BOUNDARY AGREEMENTS BETWEEN AND AMONG ADJOINING SCHOOL DISTRICTS; ESTABLISHING PROCEDURES AND CRITERIA FOR TEMPORARY TRANSPORTATION BOUNDARY AGREEMENTS; CREATING A RESOLUTION PROCESS." See attached Exhibit "A."
- D. Many Navajo children attend New Mexico public schools. It is in the best interest of the Navajo Nation to support state of New Mexico Senate Bill 46.

**NOW THEREFORE BE IT RESOLVED THAT:**

The Navajo Nation hereby supports state of New Mexico Senate Bill 46, entitled "AN ACT RELATING TO PUBLIC SCHOOLS; PROVIDING FOR TEMPORARY TRANSPORTATION BOUNDARY AGREEMENTS BETWEEN AND AMONG ADJOINING SCHOOL DISTRICTS; ESTABLISHING PROCEDURES AND CRITERIA FOR TEMPORARY TRANSPORTATION BOUNDARY AGREEMENTS; CREATING A RESOLUTION PROCESS."

**CERTIFICATION**

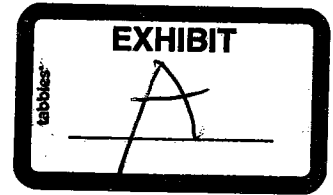
I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 12 in favor and 0 oppose, this 11<sup>th</sup> Day of February, 2016.

A handwritten signature in black ink, appearing to read "Lorenzo Bates", with a stylized flourish at the end.

Honorable Lorenzo Bates, Chairperson  
Naabik'íyáti' Committee

Motion: Herman Daniels, Jr.

Second: Norman M. Begay



SENATE BILL 46

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

George K. Munoz

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR TEMPORARY  
TRANSPORTATION BOUNDARY AGREEMENTS BETWEEN AND AMONG ADJOINING  
SCHOOL DISTRICTS; ESTABLISHING PROCEDURES AND CRITERIA FOR  
TEMPORARY TRANSPORTATION BOUNDARY AGREEMENTS; CREATING A  
RESOLUTION PROCESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 22, Article 16 NMSA  
1978 is enacted to read:

"NEW MATERIAL TEMPORARY TRANSPORTATION BOUNDARY  
AGREEMENTS.--

A. School districts may enter into temporary  
transportation boundary agreements with an adjoining school  
district or adjoining school districts to transport students  
living within a specified area to a school within the adjoining

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underscored material = new  
[bracketed material] = delete

1 school district.

2 B. No temporary transportation boundary agreement  
3 shall be valid unless it has been approved by both the local  
4 school board representing the school district in which the  
5 student resides and the local school board of the proposed  
6 attendance school district."

7 SECTION 2. A new section of Chapter 22, Article 16 NMSA  
8 1978 is enacted to read:

9 "[NEW MATERIAL] TEMPORARY TRANSPORTATION BOUNDARY  
10 AGREEMENTS--PROCEDURES AND CRITERIA.--

11 A. A temporary transportation boundary agreement  
12 shall not duplicate transportation services that are not  
13 required to implement the provisions of this section unless  
14 specific justification for provision of duplicate  
15 transportation services are provided within the agreement that  
16 meet the requirements of efficiency and economy.

17 B. The temporary transportation boundary agreement  
18 shall include a legal description of the adjoining area outside  
19 of the school district's boundaries in which transportation  
20 services shall be provided under terms of the agreement.

21 C. The agreed-upon temporary transportation  
22 boundary line and the existing school district boundary line  
23 shall be shown and highlighted on United States geological  
24 survey maps, or their equivalent, that are attached to the  
25 agreement.

.202402.2

1           D. The duration of the temporary transportation  
2 boundary agreement shall be determined by the local school  
3 boards that are part of the agreement based upon the length of  
4 time that the agreement shall be in effect.

5           E. Upon review and findings that conditions of the  
6 temporary transportation boundary agreement and applicable  
7 rules and state and federal laws have been complied with, the  
8 state transportation director and the secretary shall approve  
9 the temporary transportation boundary agreement.

10           F. All school boards participating in the temporary  
11 transportation boundary agreement shall review the agreement  
12 annually. Any revisions to the agreement shall be submitted to  
13 the department for approval prior to the initiation of service.  
14 If no changes are made in the agreement, it may be continued  
15 for an additional year.

16           G. Transportation funding for students who receive  
17 transportation services within the area approved through the  
18 temporary transportation boundary agreement shall be provided  
19 by the school district in which the students attend school.

20           H. Termination of a temporary transportation  
21 boundary agreement may be accomplished by one or both school  
22 districts through notification to the department and school  
23 districts that the agreement has been terminated."

24           SECTION 3. A new section of Chapter 22, Article 16 NMSA  
25 1978 is enacted to read:

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underscored material = new  
[bracketed material] = delete

1           "[NEW MATERIAL] NONREIMBURSABLE TRANSPORTATION SERVICES.--

2           A. Students who attend an out-of-district school as  
3 a matter of choice are ineligible to be counted for the  
4 transportation distribution from the department. Such students  
5 shall be counted on the first reporting date as ineligible  
6 student riders.

7           B. School districts shall establish local policies  
8 that shall be in accordance with applicable state and federal  
9 laws and rules governing the transportation of ineligible  
10 students who live outside of the school district boundaries.

11           C. School districts that, by local policy, choose  
12 to provide transportation services to ineligible students shall  
13 do so at no additional cost to the school's transportation  
14 fund. Such students may board the bus at the last legal stop  
15 on an approved route if space is available. School districts  
16 shall not add additional services or equipment to accommodate  
17 ineligible students. Ineligible students shall not generate  
18 funding through the transportation formula."

19           SECTION 4. A new section of Chapter 22, Article 16 NMSA  
20 1978 is enacted to read:

21           "[NEW MATERIAL] TRANSPORTATION BOUNDARY DISPUTES--  
22 RESOLUTION PROCESS.--

23           A. When transportation boundary disputes arise  
24 between local school boards that cannot be resolved within  
25 thirty days, the local school boards shall use the following

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1 resolution process:

2 (1) local school boards shall first request  
3 their respective local government entities, including counties,  
4 municipalities or chapter houses, to conduct an examination of  
5 the issues relating to the transportation boundary dispute and  
6 provide written recommendations for resolving the dispute  
7 within thirty days;

8 (2) if the local school boards cannot agree on  
9 the local government entities' recommendations, one or more of  
10 the local school boards may file a written complaint with the  
11 department after all efforts to negotiate a resolution to a  
12 transportation boundary dispute have failed;

13 (3) the department shall establish criteria to  
14 resolve transportation boundary disputes; and

15 (4) upon request from one or more school  
16 boards, the department shall conduct a complete review of the  
17 issues related to a transportation boundary dispute and shall  
18 render an opinion in writing to the requesting local school  
19 boards within ten days. The opinion shall specify whether  
20 conditions exist that require a temporary transportation  
21 boundary agreement based upon department criteria.

22 B. If the local school boards are unwilling or  
23 unable to negotiate a temporary transportation boundary  
24 agreement consistent with department criteria, the department  
25 shall develop a temporary transportation boundary agreement.

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underscored material = new  
[bracketed material] = delete

1 The local school boards shall comply with the requirements set  
2 forth in the temporary transportation boundary agreement. The  
3 temporary transportation boundary agreement shall be reviewed  
4 annually by the department. The department shall rescind the  
5 temporary transportation boundary agreement when the conditions  
6 requiring the agreement no longer exist.

7 C. The decision of the department shall be final."

8 SECTION 5. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2016.

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# GALLUP-McKINLEY COUNTY PUBLIC SCHOOLS

**FRANK CHIAPETTI**  
SUPERINTENDENT

**MIKE HYATT**  
Associate Superintendent of Business Services  
& Personnel

**JVANNA HANKS II**  
Chief Financial Officer



**PAULETTA WHITE**  
Associate Superintendent of Student  
& Support Services

"GROWING STUDENTS TO BE PRODUCTIVE CITIZENS IN A MULTI-CULTURAL SOCIETY"

February 11, 2016

Re: Senate Bill 46

Honorable Council Delegate Hale,

Gallup McKinley County Schools has been working on this bill for several years to attempt to safely transport students who attend our schools but live outside of our attendance boundaries. The first year it passed both the House and Senate but was then vetoed by Governor Martinez because the language of the bill only dealt with busing Navajo students. Last year it passed the Senate but died on the House floor without it being brought up for vote. It did pass on the House subcommittees.

The bill adds to the current appeal policy with the language:

"[NEW MATERIAL] TRANSPORTATION BOUNDARY DISPUTES--  
RESOLUTION PROCESS.—

A. When transportation boundary disputes arise between local school boards that cannot be resolved within thirty days, the local school boards shall use the following resolution process:

(1) local school boards shall first request their respective local government entities, including counties, municipalities or **chapter houses**, to conduct an examination of the issues relating to the transportation boundary dispute and provide written recommendations for resolving the dispute within thirty days;

We support having this language in the appeal process. The local entities, in our case chapter houses, are aware of the financial hardships, safety, and concerns of our parents. This supports our view of having a local voice in our decision making process.

Last year several Chapter Presidents wrote letters of support for the bill which was very helpful. GMCS is supporting and at the forefront of this bill at the request District 14. District 14 approached our school board in 2014 requesting help with transporting students in southern San Juan County to the school they attend in McKinley County.

Thank you for allowing me to update you on this bill. If you have specific questions you can reach me at 505-870-2073 anytime.

Respectfully,

Frank Chiapetti

# NAVAJO NATION

RCS# 307

Naa'bik'iyati Committee

2/11/2016

04:25:36 PM

Amd# to Amd#

Legislation No. 0026-16

PASSED

MOT Daniels

Supporting State of NM Senate

SEC Begay, NM

Bill 46, "An Act Relating to

Public Schools, Providing for...

**Yea : 12**

**Nay : 0**

**Not Voting : 12**

**Yea : 12**

Begay, K

BeGaye, N

Filfred

Slim

Begay, M

Chee

Hale

Witherspoon

Begay, NM

Daniels

Phelps

Yazzie

**Nay : 0**

**Not Voting : 12**

Bates

Crotty

Perry

Smith

Bennett

Damon

Pete

Tso

Brown

Jack

Shepherd

Tsosie

**NAVAJO NATION**

RCS# 306

Naa'bik'iyati Committee

2/11/2016

04:24:14 PM

Amd#1 to Amd#

include document

PASSED

MOT Begay, NM

SEC Phelps

**Yea : 12**

**Nay : 0**

**Not Voting : 12**

**Yea : 12**

Begay, K  
Begay, M  
Begay, NM

BeGaye, N  
Chee  
Daniels

Filfred  
Hale  
Phelps

Slim  
Witherspoon  
Yazzie

**Nay : 0**

**Not Voting : 12**

Bates  
Bennett  
Brown

Crotty  
Damon  
Jack

Perry  
Pete  
Shepherd

Smith  
Tso  
Tsosie