

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 43        TRANSPORTATION - OPERATIONS AND FUNDING**  
**PART 4             REQUIREMENTS FOR SCHOOL BUS SERVICE NEGOTIATIONS WITH CHARTER SCHOOLS**

**6.43.4.1            ISSUING AGENCY:** Public Education Department  
[6.43.4.1 NMAC - N, 10-15-01; A, 11-13-09]

**6.43.4.2            SCOPE:** Provisions of this rule apply to public school districts and charter schools where to-and-from school bus services are negotiated.  
[6.43.4.2 NMAC - N, 10-15-01]

**6.43.4.3            STATUTORY AUTHORITY:** Sections 22-2-1, 22-16-2, 22-16-4 and 22-8B-4, NMSA 1978.  
[6.43.4.3 NMAC - N, 10-15-01]

**6.43.4.4            DURATION:** Permanent  
[6.43.4.4 NMAC - N, 10-15-01]

**6.43.4.5            EFFECTIVE DATE:** October 15, 2001, unless a later date is cited at the end of a section.  
[6.43.4.5 NMAC - N, 10-15-01]

**6.43.4.6            OBJECTIVE:** To establish the parameters of school bus service negotiations between school districts and charter schools.  
[6.43.4.6 NMAC - N, 10-15-01]

**6.43.4.7            DEFINITIONS:** [Reserved]

**6.43.4.8            LOCAL SCHOOL DISTRICT AND CHARTER SCHOOL RESPONSIBILITIES:** A local school district shall negotiate with a charter school to provide transportation to eligible students. Transportation services are confined within the limits established by the public school district, in conjunction with the charter school. The transportation limits shall be within the school district boundary or as adjusted in accordance with an approved school district transportation boundary agreement.

A. Charter schools shall negotiate to-and-from transportation services for eligible students by means of a school bus or a per capita feeder agreement only. The charter school may elect not to provide transportation services.

B. If the to-and-from transportation for the charter school can be provided by utilizing the existing to-and-from services or resources, the cost to the charter school shall not exceed the amount generated by the eligible student allocation. Additional cost for to-and-from services beyond that level shall be paid by the charter school as negotiated with the school district, unless the services can be provided at no additional cost to the school district or the school district chooses to cover the additional cost from the transportation allocation.

C. Should a school district establish a separate to-and-from transportation system, where such services are exclusively for charter school students, the costs associated are not considered additional to the charter school. The charter school would not generate any additional allocation for the separate to-and-from services and the school district shall be responsible for those costs from the transportation allocation.

D. A copy of the negotiated to-and-from school transportation service agreement between the school district and charter school shall be maintained on file with the school district and the charter school.

E. A separate transportation budget for the charter school shall be submitted to the public education department for review or approval.

F. The school district shall determine the routes and stops in accordance with section 22-16-4 NMSA 1978. A request may be made to the state transportation director for new equipment based upon need identified by the school district.

G. The charter school shall provide information required by the school district to meet the reporting requirements of the state transportation director. The school district is responsible for reporting to the state transportation director the information collected on transportation from the charter school.

[6.43.4.8 NMAC - N, 10-15-01; A, 11-13-09]

**6.43.4.9 PUBLIC EDUCATION DEPARTMENT RESPONSIBILITY:** The state transportation director shall calculate and provide the operational amounts generated by formula for the charter school and the school district.

[6.43.4.9 NMAC - N, 10-15-01; A, 11-13-09]

**HISTORY OF 6.43.4 NMAC:** [RESERVED]