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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
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The Committee on Education Pre-K - 12 (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 39 - 109

and insert:

cooperatively to identify conditions that are hazardous along student walking routes to school, and a district school board shall ~~that district school boards~~ provide transportation to students who would be subjected to such conditions.

Additionally, It is further intended that state or local

governmental entities with ~~having~~ jurisdiction over a road along



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11 which a hazardous walking condition is determined to exist shall  
12 correct the condition ~~such hazardous conditions~~ within a  
13 reasonable period of time.

14 (b) Upon a determination pursuant to subsection (3) ~~this~~  
15 ~~section~~ that a hazardous walking condition exists ~~is hazardous~~  
16 ~~to students~~, the district school superintendent ~~board~~ shall  
17 request a position statement with respect to correction of such  
18 condition ~~determination~~ from the state or local governmental  
19 entity ~~with having~~ jurisdiction ~~over the road~~. Within 90 days  
20 after receiving such request, the state or local governmental  
21 entity shall inform the district school superintendent ~~regarding~~  
22 whether the ~~entity will include~~ correction of the hazardous  
23 walking condition in its next annual 5-year capital improvements  
24 program ~~hazard will be corrected~~ and, if so, ~~when correction of~~  
25 the condition will be completed. If the hazardous walking  
26 condition will not be included in the state or local  
27 governmental entity's next annual 5-year capital improvements  
28 program, the factors justifying such conclusion must be stated  
29 in writing to the district school superintendent and the  
30 Department of Education ~~regarding a projected completion date~~.

31 (c) State funds shall be allocated for the transportation  
32 of students subjected to a hazardous walking condition. However,  
33 ~~such hazards, provided that~~ such funding shall cease upon  
34 correction of the hazardous walking condition ~~hazard~~ or upon the  
35 projected completion date, whichever occurs first.

36 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

37 (a) When a request for review is made by ~~to~~ the district  
38 school superintendent with respect to a road over which a state  
39 or local governmental entity has jurisdiction ~~or the district~~



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40 ~~school superintendent's designee~~ concerning a condition  
41 perceived to be hazardous to students in that district who live  
42 within the 2-mile limit and who walk to school, such condition  
43 shall be inspected jointly by a representative of the school  
44 district, ~~and~~ a representative of the state or local  
45 governmental entity with that has jurisdiction over the  
46 perceived hazardous location, and a representative of the  
47 municipal police department for a municipal road, a  
48 representative of the sheriff's office for a county road, or a  
49 representative of the Department of Transportation for a state  
50 road. If the jurisdiction is within an area for which there is a  
51 metropolitan planning organization, a representative of that  
52 organization shall also be included. The governmental  
53 representatives shall determine whether the condition  
54 constitutes a hazardous walking condition as provided in  
55 subsection (2). If the governmental representatives concur that  
56 a condition constitutes a hazardous walking condition as  
57 provided in subsection (2), they shall report that determination  
58 in writing to the district school superintendent, who shall  
59 initiate a formal request for correction as provided in  
60 subsection (4).

61 (b) If the governmental representatives are unable to reach  
62 a consensus, the reasons for lack of consensus shall be reported  
63 to the district school superintendent, who shall provide a  
64 report and recommendation to the district school board. The  
65 district school board may initiate a proceeding under chapter 86  
66 seeking a determination as to whether the condition constitutes  
67 a hazardous walking condition as provided in subsection (2)  
68 after providing at least 30 days' notice in writing to the local



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69 governmental entities having jurisdiction over the road of its  
70 intent to do so unless, within 30 days after such notice is  
71 provided, the local governmental entities concur in writing that  
72 the condition is a hazardous walking condition as provided in  
73 subsection (2) and provide the position statement pursuant to  
74 subsection (4). If a proceeding is initiated under this  
75 paragraph, the district

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77 ===== T I T L E   A M E N D M E N T =====

78 And the title is amended as follows:

79       Delete line 10

80 and insert:

81       district school board to initiate a declaratory  
82       judgment