



**House
Legislative
Analysis
Section**

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SCHOOL BUSES USED BY NONPROFIT GROUPS

House Bill 5396 as introduced
First Analysis (2-15-90)

RECEIVED

Sponsor: Rep. Mary C. Brown
Committee: Education

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THE APPARENT PROBLEM:

The School Code currently allows a local school board to permit the use of school buses by senior citizens, retired or disabled persons, and persons attending a school-sponsored function when buses are available and if other transportation is not economically feasible. Public Act 159 of 1989 amended the code to, among other things, allow a board to also permit the use of buses by certain nonprofit groups. The bill which amended the code — Senate Bill 40 — however, is tie-barred to House Bill 4009 which has not yet been enacted, thus preventing Public Act 159 from taking effect. (Senate Bill 40 and House Bill 4009 primarily include amendments relative to the so-called "school improvement" package.) Legislation has been introduced that essentially would re-enact provisions allowing school boards to permit nonprofit groups to use buses when appropriate.

THE CONTENT OF THE BILL:

The bill essentially would reenact the provisions of Public Act 159 of 1989, which allow schools to contract with nonprofit groups for the use of buses.

MCL 380.1333

FISCAL IMPLICATIONS:

According to the Department of Education, the bill would not have state budgetary implications. (2-13-90)

ARGUMENTS:

For:

The bill recognizes the fact that in many parts of the state adequate public transportation for use by nonprofit organization groups is not available, even though similar groups — i.e. those composed of senior citizens, disabled persons, and others — can be authorized to use buses. Many nonprofit groups, in fact, aim to serve the needs of children but are hindered as children's involvement in such nonprofit group activities many times depends upon the availability of transportation.

Against:

The bill could interfere with the primary objective of a school district's transportation program, which is to serve its pupils' needs for transportation to and from school. When additional duties for a school bus fleet are increased, mileage, maintenance, and related costs will increase, and it's doubtful that nonprofit groups could provide adequate reimbursement for these added costs. Further, school boards in larger districts could be burdened with a multitude of requests, making it difficult to treat all groups equitably while also trying to provide necessary transportation for their own pupils.

Response: Offering buses for use by nonprofit groups would be entirely optional for school districts, just as

agreements made with similar groups are now. It is assumed that all considerations accounted for in any agreement a school board currently makes with a qualified group will also apply to contracts made with nonprofit groups.

POSITIONS:

The Department of Education supported the provision in Senate Bill 40 allowing school boards to contract with nonprofit groups for the use of school buses. (2-9-90)

The Michigan Association of School Administrators has not yet taken a formal position on the bill, but, according to a spokesman for the group, expects to oppose the bill. (2-13-90)

The Michigan Association of School Boards has no position on the bill. (2-13-90)

H.B. 5396 (2-15-90)