**A** **BILL**

TO AMEND SECTION 59‑67‑420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITS ON THE OBLIGATIONS OF THE STATE TO PROVIDE PUBLIC SCHOOL BUS TRANSPORTATION, SO AS TO REVISE EXISTING REQUIREMENTS BY DECREASING THE RESIDENCE TO SCHOOL DISTANCE IN WHICH NO SUCH OBLIGATION EXISTS, BY RECHARACTERIZING THE OBLIGATION FROM BEING AN OBLIGATION TO TRANSPORT TO BEING AN OBLIGATION TO PROVIDE TRANSPORTATION SERVICES, AND TO MAKE CONFORMING CHANGES, AMONG OTHER THINGS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑67‑420 of the 1976 Code, as last amended by Act 79 of 2007, is further amended to read:

“Section 59‑67‑420. (A) The State, acting through the State Board of Education, assumes no obligation to ~~transport any~~ provide transportation services to a student to or from school who ~~lives within one and one‑half miles of the school he attends, nor to provide transportation services extending~~ resides within three‑tenths of a mile walking distance ~~of the residence of any student, nor~~ to furnish transportation for ~~any~~ a student who attends a school outside the school attendance zone in which the student resides when the same grade is taught in an appropriate school that is located within the school district in which the student resides. The State shall bear the cost of transporting students to regularly organized instructional classes in the school attendance area for which state‑required school credit is given. The State is not responsible for ~~any~~ additional transportation that is not authorized by state law or regulation.

(B) The State may assume the obligation of transporting students ~~living within one and one‑half miles of their schools and~~ who reside within three‑tenths of a mile walking distance ~~of their residences when it is~~ for the health and safety of the students ~~where~~ when hazardous traffic conditions are involved, provided funds are appropriated annually by the General Assembly for this purpose. In these cases, the local school district shall apply in writing to the ~~State~~ Department of Education for the State to assume the financial responsibility for this transportation, provided funds are appropriated annually by the General Assembly for this purpose. If funds are not appropriated by the General Assembly, then neither the State nor a local school district is required to assume this obligation. Highway and railroad traffic hazardous criteria must be established by the school district governing body and must address the safety of the walk zone as it relates to the location of the school to the student’s residence, the traffic patterns, speeds and volume on roadways and railroads, the existence of sidewalks or other walk paths, the student’s age, available crossing control systems and personnel, and other factors considered pertinent. The districts shall weigh the need for state hazardous transportation funds by giving priority to students who are least familiar with traffic movement and the complexity of the traffic hazards. The Department of Education shall equitably allocate appropriated funds to the district for hazardous transportation services, provided funds are appropriated by the General Assembly for this purpose. The department shall receive each district’s applications for transportation within a hazardous area and apply these against the district’s allocation until available funds are exhausted. When available state funds are exhausted, the remaining costs are the responsibility of the respective district, if the local school district has elected to assume this obligation. If funds are not appropriated by the General Assembly, then neither the State nor a local school district shall be required to assume this obligation.

(C) Notwithstanding the provisions of subsection (A), the State shall transport and bear the cost of transporting three‑and four‑year‑old students attending public school programs to their residences at the conclusion of a morning child development session and from their residences to an afternoon child development session.

(D) The State shall provide school transportation service as closely and safely as practicable, to the residence of each unescorted student who is eligible to receive state‑funded school transportation service and who is enrolled in a full‑day four‑year‑old child development program or kindergarten through the second grade, provided funds are appropriated annually by the General Assembly for this purpose. The State shall provide school transportation service within two‑tenths of a mile of each unescorted student’s residence who is eligible to receive state‑funded school transportation service and who is enrolled in third through fifth grade provided funds are appropriated annually by the General Assembly for this purpose. The special provisions of unescorted students in child development through fifth grade are limited to service documented in the annual route plan. If funds are not appropriated by the General Assembly, then neither the State nor a local school district is required to assume this obligation. Any unescorted stop made pursuant to this subsection is deemed in compliance with any applicable regulation as determined by the ~~State~~ Department of Education.

(E) An unescorted student is defined as a student who has no adult or responsible older person available to accompany him to or from the school bus stop for the purpose of providing protection and guidance. Parents or guardians may be considered unavailable for escort if they make application to, meet the unescorted criteria established by, and are granted approval by the school district governing body. The extent and level of service for students will be established and implemented by each individual school district to assure that the most efficient, safe, and timely service possible is provided. To insure equitable distribution of available funds, the ~~State~~ Department of Education must approve the school district criteria associated with the distribution of funds as provided in this subsection. The criteria may consider parents and guardians who are nonambulatory, who are caretakers for a person requiring their undivided attention, or for other similar circumstances.

(F) The State shall provide to the local school district the number of school buses required to accommodate all students identified as eligible for transport under the three‑tenths of a mile residential provisions of subsection (B) and the two‑tenths of a mile residential provisions of subsection (D) with state funds ~~under the provisions of Section 59‑67‑420~~.”

SECTION 2. This act takes effect July 1, 2015.

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