

Definitions

For purposes of this policy:

1. "Bus" means a motor vehicle used to transport persons and designed to accommodate more than ten passengers, including the operator.
2. "Passenger car" means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate ten or fewer passengers, including the operator.
3. "Passenger van" means a motor vehicle, other than a motorcycle or passenger car, used to transport persons and designed to transport 15 or fewer passengers, including the driver.
4. "School activity bus" means a bus designed to accommodate more than 15 passengers, including the operator, that is owned, operated, rented, or leased by a district and is used to transport public school students on a school-related activity trip, other than on routes to and from school. The term does not include a chartered bus, a bus operated by a mass transit authority, a school bus, or a multifunction school activity bus.
5. "School bus" means a motor vehicle that was manufactured in compliance with the federal motor vehicle safety standards for school buses in effect on the date of manufacture and that is used to transport preprimary, primary, or secondary students on a route to and from school or on a school-related activity trip other than on routes to and from school. The term does not include a school-chartered bus or a bus operated by a mass transit authority.
6. "Motor bus" means a vehicle designed to transport more than 15 passengers, including the driver.

Education Code 34.003(d), (e); Transp. Code 541.201(3)(A), (12), (15), (16)

Authority

A board may establish and operate an economical public school transportation system:

1. In the district;
2. Outside the district, if the district enters into an interlocal contract as provided by Government Code Chapter 791; or
3. Outside the district if students enrolled in the district reside outside the district and the district:

- a. Has an active policy adopted by the board that prohibits screening transfer students who reside outside the district based on the student's academic performance, disciplinary history, or attendance record, regardless of any relevant district or innovation plan adopted by the board or authorization to screen transfer students under any other authority; and
- b. Certifies that the district has:
 - (1) An overall performance rating of C or higher under Education Code 39.054 for the preceding school year or the most recent school year in which a performance rating was assigned;
 - (2) An overall accountability score of 70 or higher for the preceding school year or the most recent school year in which a performance rating was assigned as calculated by the Texas Education Agency (TEA) for purposes of determining the district's overall performance rating under Education Code 39.054; and
 - (3) The same or better overall performance rating under Education Code 39.054 for the preceding school year or the most recent school year in which a performance rating was assigned as the district from which the district will transport students under these provisions.

A district shall make publicly available on the district's internet website information regarding the district's compliance with the requirements under item 3 above.

Education Code 34.007 may not be construed to prohibit a board from operating a transportation system in another district to ensure the most efficient routes for transporting students who reside in the operating district.

Education Code 34.007(a), (a-1), (c)

**Transportation
Allotment for Eligible
Students**

Each district operating a regular transportation system is entitled to an allotment based on a rate per mile per regular eligible student set by the legislature in the General Appropriations Act. *Education Code 48.151(c)*

"Regular eligible student" means a student who resides two or more miles from the student's campus of regular attendance, measured along the shortest route that may be traveled on public

roads, and who is not classified as a student eligible for special education services; or is a homeless child or youth, as defined by 42 U.S.C. 11434a. *Education Code 48.151(b)(1)*

The commissioner of education may not reduce the allotment because a district provides transportation for an eligible student to and from a child-care facility or a grandparent's residence instead of the student's residence, as authorized by Education Code 34.007 [see Designation of Child-Care Facility or Grandparent's Residence, below]. *Education Code 48.151(k)*

Authorized Uses

Funds allotted under these provisions must be used in providing transportation services. Transporting a meal or instructional materials as provided below is included in transportation services under this provision. *Education Code 48.151(h)*

*Meals and
Instructional
Materials*

For the duration of a declared disaster, a district located in an area that is wholly or partly the subject of a disaster declaration by the governor under Government Code Chapter 418 or by the president of the United States may be reimbursed on a per-mile basis for the cost of transporting a meal or instructional materials to a student's residence or to another location, designated by the district, for pickup by the student. *Education Code 48.151(n)*

Fees for
Transportation

For information regarding fees a district may charge for transportation, see FP(LEGAL).

**Hazardous
Conditions or High
Risk of Violence**

A district may apply for and on approval of the commissioner receive an additional amount of up to ten percent of its regular transportation allotment to be used for the transportation of children living within two miles of the school they attend who would be subject to hazardous traffic conditions or a high risk of violence if they walked to school. *Education Code 48.151(d); 19 TAC 61.1016*

Definitions

"Hazardous traffic condition" means an area within two miles of a campus where no walkway is provided and children must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition.

"Area presenting a high risk of violence" means an area within two miles of a campus that law enforcement records indicate presents a high incidence of violent crimes.

19 TAC 61.1016(b)

Community Walking
Transportation
Programs

A district may use all or part of any additional funds received to support community walking transportation programs, including walking school bus programs, provided that the district requires each supported program to submit a financial report each semester

that covers services provided by the program for the benefit of the district. *Education Code 48.151(d-2)*

Eligibility

A district or county is eligible to report hazardous area service annual mileage in the Foundation School Program (FSP) transportation application if the district submits to the TEA a policy adopted by the board that:

1. Explains the specific hazardous traffic conditions or areas presenting high risk for violence that apply to the district and exist within two miles of its campuses; and
2. If a district elects to implement community walking transportation programs or innovative school safety projects, requires such district-supported community walking transportation programs or innovative school safety projects to:
 - a. Utilize trained adults with current background checks to either walk students to their home or school or to stand guard along safe routes; and
 - b. Provide financial reports to the district each semester.

19 TAC 61.1016(c)

Reporting

A district is required to submit a hazardous area policy prior to the start of the school year and to report annual hazardous area service mileage by August 1 of each school year on the home-to-school/school-to-home section of the FSP transportation route services report. Districts requesting funds for an area presenting a high risk of violence must provide to TEA, contemporaneously with the explanation required at Eligibility above, consolidated law enforcement records that document violent crimes identified by reporting agencies within the relevant jurisdiction. *19 TAC 61.1016(d)*

**Career and
Technology Program**

The cost of transporting career and technology education students from one campus to another inside a district, from a sending district to another secondary public school for a career and technology program or an area career and technology school or to an approved postsecondary institution under a contract for instruction approved by TEA, or from a district campus to a location at which students are provided work-based learning under the district's career and technology program shall be reimbursed based on the number of actual miles traveled times the district's official extracurricular travel per mile rate as set by the board and approved by TEA. *Education Code 48.151(f)*

Dual Credit Students

A district shall be reimbursed on a per-mile basis for the cost of transporting a dual credit student to another campus in the district,

a campus in another district, or a postsecondary educational institution for purposes of attending the course, if the course is not available at the student's campus. *Education Code 48.151(m)*

Bus Drivers

In establishing and operating the transportation system, the board shall employ bus drivers certified in accordance with standards and qualifications adopted by the Department of Public Safety. *Education Code 34.007(b)(1)*

Bus Operation

A person may not operate a school bus if:

1. The door of the school bus is open; or
2. The number of passengers on the bus is greater than the manufacturer's design capacity for the bus.

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting on the floor of the bus or in any location that is not designed as a seat.

Transp. Code 545.426

**Transporting
Students to School**

School buses or mass transit authority buses shall be used for the transportation of students to and from schools on routes having ten or more students. Passenger cars may be used on routes having fewer than ten students. *Education Code 34.003(a)*

Bus Passes or
Cards

A school district may use the state transportation allotment to provide a bus pass or card for another transportation system to each student who is eligible to use the regular transportation system of the district but for whom the regular transportation system of the district is not a feasible method of providing transportation. *Education Code 48.151(l)*

Designation of
Child-Care Facility
or Grandparent's
Residence

On determining eligibility for transportation services, the board shall allow a parent to designate one of the following locations instead of the child's residence as the regular location for purposes of obtaining transportation under the system to and from the child's school, if the location is an approved stop on an approved route:

1. A child-care facility as defined by Human Resources Code 42.002 below; or
2. The residence of a grandparent of the child.

Education Code 34.007(b)(2)

“Child-care facility” means a facility licensed, certified, or registered by the Department of Family and Protective Services to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers. *Human Resources Code 42.002(3)*

Transportation of
Homeless Students

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act, a district shall adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, at the request of the homeless liaison [see FFC]) to and from the school of origin, as follows:

1. If the child continues to live in the area served by the district in which the school of origin is located, the district of origin will provide the child’s transportation to and from the school of origin.
2. If the child’s living arrangements in the area served by the district of origin terminate and the child, though continuing his or her education in the school of origin, begins living in an area served by another district, the district of origin and the district in which the child is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the districts are unable to agree, the responsibility and costs shall be shared equally.

42 U.S.C. 11432(g)(1)(J)(iii)(I), (II) [See FDC]

Transportation of
Students in Foster
Care

A district receiving Title 1, Part A funds must collaborate with the state or local child welfare agency to develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care. These procedures shall:

1. Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with 42 U.S.C. 675(4)(A); and
2. Ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the district will provide transportation to the school of origin if:

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CNA
(LEGAL)

- a. The local child welfare agency agrees to reimburse the district for the cost of such transportation;
- b. The district agrees to pay the cost of transportation; or
- c. The district and the local welfare agency agree to share the cost of such transportation.

20 U.S.C. 6312(c)(5) [See FD]

School Activities

When transporting students in connection with school activities other than on routes to and from school:

1. Only school buses or motor buses may be used to transport 15 or more students; and
2. Passenger cars or passenger vans may be used to transport fewer than 15 students.

Education Code 34.003(b)

In all circumstances in which passenger cars or passenger vans are used to transport students, the operator of the vehicle shall ensure that the number of passengers does not exceed the designed capacity of the vehicle and that each passenger is secured by a safety belt. *Education Code 34.003(c)*

**Accelerated
Instruction Programs**

A district shall provide students required to attend the accelerated programs described in policy code EIE with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j)*

**Transportation
Company or System**

A board may contract with a mass transit authority, commercial transportation company, or juvenile board for all or any part of a district's public school transportation if the authority, company, or board:

1. Requires its school bus drivers to have the qualifications required by and to be certified in accordance with standards established by the Department of Public Safety; and
2. Uses only those school buses or mass transit authority buses in transporting 15 or more students that meet or exceed safety standards for school buses established under Education Code 34.002.

A mass transit authority contracting under this provision for daily transportation of pre-primary, primary, secondary students to or from school shall conduct, in a manner and on a schedule approved by the board, the following education programs:

1. A program to inform the public that public school students will be riding on the authority's or company's buses;
2. A program to educate drivers of the buses to be used under the contract of the special needs and problems of public school students riding on the buses; and
3. A program to educate public school students on bus riding safety and any special considerations arising from the use of the authority's or company's buses.

A board may supplement the state transportation cost allotment with local funds necessary to provide complete transportation services.

Education Code 34.008

[For provisions pertaining to criminal history record information on contractors providing transportation services, see CJA(LEGAL).]