

By: Watson

S.B. No. 360

A BILL TO BE ENTITLED

AN ACT

relating to the transportation allotment provided under the Foundation School Program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 42.155(b), (c), (e), (f), (i), (k), and (l), Education Code, are amended to read as follows:

(b) As used in this section, "eligible [+

~~(1) "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.~~

~~(2) "Eligible] special education student" means a student who is eligible for special education services under Section 29.003 and who would be unable to attend classes without special transportation services.~~

~~(3) "Linear density" means the average number of regular eligible students transported daily, divided by the approved daily route miles traveled by the respective transportation system.]~~

(c) Each district or county operating a regular transportation system is entitled to an annual allotment equal to 50 percent of ~~[based on]~~ the annual ~~[daily]~~ cost ~~[per regular eligible student]~~ of operating and maintaining the regular

1 transportation system [~~and the linear density of that system~~]. The
2 commissioner shall adopt rules necessary to implement this
3 subsection, including rules that identify eligible components of a
4 district's costs for purposes of computing a district's allotment.
5 [~~In determining the cost, the commissioner shall give consideration~~
6 ~~to factors affecting the actual cost of providing these~~
7 ~~transportation services in each district or county. The average~~
8 ~~actual cost is to be computed by the commissioner and included for~~
9 ~~consideration by the legislature in the General Appropriations Act.~~
10 ~~The allotment per mile of approved route may not exceed the amount~~
11 ~~set by appropriation.]~~

12 (e) The commissioner may grant an amount set by
13 appropriation for private or commercial transportation [~~for~~
14 ~~eligible students~~] from isolated areas for students who are not
15 classified as eligible for special education services. The need
16 for this type of transportation grant shall be determined on an
17 individual basis and the amount granted shall not exceed the actual
18 cost. The grants may be made only in extreme hardship cases. A
19 grant may not be made if the students live within two miles of an
20 approved school bus route.

21 (f) The cost of transporting career and technology
22 education students from one campus to another inside a district or
23 from a sending district to another secondary public school for a
24 career and technology program or an area career and technology
25 school or to an approved post-secondary institution under a
26 contract for instruction approved by the agency shall be reimbursed
27 based on the number of actual miles traveled times the district's

1 cost per mile of the regular transportation system for the
2 preceding year, as determined on the basis of the district's
3 transportation operations report [~~official extracurricular travel~~
4 ~~per mile rate as set by the board of trustees and approved by the~~
5 ~~agency~~].

6 (i) In the case of a district belonging to a county
7 transportation system, the district's transportation allotment for
8 purposes of determining a district's foundation school program
9 allocations is determined on the basis of the number of students in
10 average daily attendance in the district in comparison to the total
11 number of students in average daily attendance of all districts
12 belonging to the county transportation system [~~approved daily route~~
13 ~~miles in the district multiplied by the allotment per mile to which~~
14 ~~the county transportation system is entitled~~].

15 (k) Notwithstanding any other provision of this section,
16 the commissioner may not reduce the allotment to which a district or
17 county is entitled under this section because the district or
18 county provides transportation for a a [~~an eligible~~] student to and
19 from a child-care facility, as defined by Section 42.002, Human
20 Resources Code, or a grandparent's residence instead of the
21 student's residence, as authorized by Section 34.007, if the
22 transportation is provided within the approved routes of the
23 district or county for the school the student attends.

24 (l) A school district may, with the funds allotted under
25 this section, provide a bus pass or card for another transportation
26 system to each student [~~who is eligible to use the regular~~
27 ~~transportation system of the district but~~] for whom the regular

1 transportation system of the district is not a feasible method of
2 providing transportation. The commissioner by rule shall provide
3 procedures for a school district to provide bus passes or cards to
4 students under this subsection.

5 SECTION 2. Section 11.158(a), Education Code, is amended to
6 read as follows:

7 (a) The board of trustees of an independent school district
8 may require payment of:

9 (1) a fee for materials used in any program in which
10 the resultant product in excess of minimum requirements becomes, at
11 the student's option, the personal property of the student, if the
12 fee does not exceed the cost of materials;

13 (2) membership dues in student organizations or clubs
14 and admission fees or charges for attending extracurricular
15 activities, if membership or attendance is voluntary;

16 (3) a security deposit for the return of materials,
17 supplies, or equipment;

18 (4) a fee for personal physical education and athletic
19 equipment and apparel, although any student may provide the
20 student's own equipment or apparel if it meets reasonable
21 requirements and standards relating to health and safety
22 established by the board;

23 (5) a fee for items of personal use or products that a
24 student may purchase at the student's option, such as student
25 publications, class rings, annuals, and graduation announcements;

26 (6) a fee specifically permitted by any other statute;

27 (7) a fee for an authorized voluntary student health

1 and accident benefit plan;

2 (8) a reasonable fee, not to exceed the actual annual
3 maintenance cost, for the use of musical instruments and uniforms
4 owned or rented by the district;

5 (9) a fee for items of personal apparel that become the
6 property of the student and that are used in extracurricular
7 activities;

8 (10) a parking fee or a fee for an identification card;

9 (11) a fee for a driver training course, not to exceed
10 the actual district cost per student in the program for the current
11 school year;

12 (12) a fee for a course offered for credit that
13 requires the use of facilities not available on the school premises
14 or the employment of an educator who is not part of the school's
15 regular staff, if participation in the course is at the student's
16 option;

17 (13) a fee for a course offered during summer school,
18 except that the board may charge a fee for a course required for
19 graduation only if the course is also offered without a fee during
20 the regular school year;

21 (14) a reasonable fee for transportation of a student
22 who lives within two miles of the school the student attends to and
23 from that school[~~, except that the board may not charge a fee for~~
24 ~~transportation for which the school district receives funds under~~
25 ~~Section 42.155(d)];~~

26 (15) a reasonable fee, not to exceed \$50, for costs
27 associated with an educational program offered outside of regular

1 school hours through which a student who was absent from class
2 receives instruction voluntarily for the purpose of making up the
3 missed instruction and meeting the level of attendance required
4 under Section 25.092; or

5 (16) if the district does not receive any funds under
6 Section 42.155 and does not participate in a county transportation
7 system for which an allotment is provided under Section 42.155(i),
8 a reasonable fee for the transportation of a student to and from the
9 school the student attends.

10 SECTION 3. Section 42.155(d), Education Code, is repealed.

11 SECTION 4. This Act takes effect September 1, 2017.