

BILL ANALYSIS

Senate Research Center

S.B. 204
By: Schwertner
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When students and families choose to transfer to a school in a different district than where they reside and require bus transportation, the two independent school districts (ISDs) must complete an interlocal agreement. A 2017 attorney general opinion, KP-0166, reiterated the need for independent school districts to pursue an interlocal agreement when students and families choose to transfer to a school in a different district than where they reside and require bus transportation. Oftentimes, the ISDs are unable to come to an agreement, leaving the receiving district to pursue a waiver from the Texas Education Agency (TEA)—a cumbersome step and additional barrier to school choice.

During the 2018-2019 school year, districts statewide pursued 103 waivers for interlocal agreements, meaning that they are already taking responsibility for their students' transportation. After TEA implemented restrictions on these waivers in 2019, only 18 waivers were sought in the 2019-2020 school year. These extra steps are dissuading families from making what they feel is the appropriate choice for their students.

S.B. 204 will strike the need for an interlocal agreement and make it easier for students to go to schools in districts of their choice by allowing them access to bus transportation.

(Original Author's / Sponsor's Statement of Intent)

S.B. 204 amends current law relating to the operation of a public school transportation system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 34.007, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (c), as follows:

(a) Authorizes a board of county school trustees or a school district board of trustees to establish and operate an economical public school transportation system:

(1) and (2) makes nonsubstantive changes to these subsections; 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:

(i) an overall performance rating of C or higher under Section 39.054 (Methods and Standards for Evaluating Performance) for the preceding school year or the most recent school year in which a performance rating was assigned;

(ii) 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 for purposes of determining the district's overall performance rating under Section 39.054; and

(iii) the same or better overall performance rating under Section 39.054 for the preceding school year or the most recent school year in which a performance rating was assigned as the school district from which the district will transport students under this subdivision.

(a-1) Requires a school district to make publicly available on the district's Internet website information regarding the district's compliance with the requirements under Subsection (a)(3).

(c) Prohibits Section 34.007 (Public School Transportation System) from being construed to prohibit a board of county school trustees or a school district board of trustees from operating a transportation system in another county or district, as applicable, to ensure the most efficient routes for transporting students who reside in the operating county or district.

SECTION 2. Effective date: upon passage or September 1, 2021.