

The Texas Education Agency (TEA) proposes new §103.1231, concerning reporting of bus collisions. The proposed new section would relocate existing requirements from 19 TAC §61.1028. The new section would include an update to remove the requirement related to the color of a multifunction school activity bus to align with statute.

BACKGROUND INFORMATION AND JUSTIFICATION: Proposed new §103.1231 would move existing language from 19 TAC §61.1028, which requires school districts and open-enrollment charter schools to report bus collisions. The relocation is necessary due to a comprehensive reorganization of 19 TAC Chapter 61.

Proposed new §103.1231 would include an update from the existing rule to align the definition of "multifunction school activity bus" with Texas Transportation Code, §541.201, by removing the requirement related to color.

FISCAL IMPACT: James Finley, deputy chief of school safety and security, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation to relocate existing requirements.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Finley has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to allow for TEA rules to be reorganized. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins December 6, 2024, and ends January 6, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on December 6, 2024. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code, §34.015, which requires school districts to annually report to the Texas Education Agency the number of collisions in which the district's buses are involved. The agency is required to adopt rules determining the information to be reported.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §34.015.

<rule>

§103.1231. Reporting of Bus Collisions.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Collision --Any collision as described by Texas Transportation Code, Chapter 550, Subchapter B.
- (2) Motor bus--In accordance with Texas Education Code, §34.003, and Texas Transportation Code, §502.001, a motor bus is a vehicle designed to transport more than 15 passengers, including the driver, and includes vehicles used to transport persons on the public highways for compensation, other than a vehicle operated by muscular power or a municipal bus.
- (3) Multifunction school activity bus--In accordance with Texas Transportation Code, §541.201, a multifunction school activity bus is a subcategory of school bus. It must meet all Federal Motor Vehicle Safety Standards (FMVSS) for a school bus except having traffic control devices, including flashing lights and stop arm. The multifunction school activity bus cannot be used to transport students from home to school or school to home or for any purpose other than school activities.
- (4) School activity bus--In accordance with Texas Transportation Code, §541.201, a school activity bus is a bus designed to accommodate more than 15 passengers, including the operator, that is owned, operated, rented, or leased by a school district, county school, open-enrollment charter school, regional education service center, or shared services arrangement and that 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--In accordance with Texas Transportation Code, §541.201, a school bus is a motor vehicle that was manufactured in compliance with the FMVSS 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 or from school or on a school-related activity trip other than on routes to and from school. A school bus is a bus owned, leased, contracted to, or operated by a school or school district that is regularly used to transport students to and from school or school-related activities; meets all applicable FMVSS; and is readily identified by alternately flashing lights, national school bus yellow paint, and the legend "School Bus." The term does not include a multifunction school activity bus, a school activity bus, or a motor bus.

(b) Reporting.

- (1) School districts and open-enrollment charter schools shall report annually to the Texas Education Agency (TEA) the number of collisions in which their buses were involved in the past year. School districts and open-enrollment charter schools shall report the collisions in a manner prescribed by the commissioner of education. School districts and open-enrollment charter schools shall file annual collision reports to TEA only in the period beginning July 1 and ending July 31 and shall include the following information in the report:
 - (A) the total number of bus collisions;
 - (B) the date each collision occurred;

- (C) the type of bus, as specified in subsection (a) of this section, involved in each collision;
 - (D) whether the bus involved in each collision was equipped with seat belts and, if so, the type of seat belts;
 - (E) the number of students and adults involved in each collision;
 - (F) the number and types of injuries that were sustained by the bus passengers in each collision; and
 - (G) whether the injured passengers in each collision were wearing seat belts at the time of the collision and, if so, the type of seat belts.
- (2) A school district or open-enrollment charter school shall report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:
- (A) the bus is owned, leased, contracted, or chartered by a school district or charter school and was transporting school district or charter school personnel, students, or a combination of personnel and students; or
 - (B) the bus was driven by a school district or charter school employee or by an employee of the school district's or charter school's bus contractor with no passengers on board and the collision involved a pedestrian.
- (3) A school district or open-enrollment charter school shall not report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:
- (A) the bus was driven by a school district or charter school employee or by an employee of the school district's or charter school's bus contractor, the collision occurred when no passenger other than the school district's or charter school's driver or bus contractor's driver was on board the bus, and the collision did not involve a pedestrian; or
 - (B) the collision involved a bus chartered by a school district or charter school for a school activity trip and no school district or charter school personnel or students were on board the bus at the time of the collision.
- (4) A school district or open-enrollment charter school shall not report a collision that occurred in a vehicle that is owned, contracted, or chartered by a school district or charter school and is not a school bus, a multifunction school activity bus, a school activity bus, or a motor bus.