

ATTACHMENT II
Text of Adopted New 19 TAC

Chapter 61. School Districts

Subchapter AA. Commissioner's Rules on School Finance

§61.1016. Hazardous Transportation Funding.

- (a) General provisions. This section implements the Texas Education Code (TEC), §42.155, which allows a school district to apply for up to an additional 10% of its regular transportation allotment to be used for the transportation of students 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.
- (b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
- (1) School district--For the purposes of this section, the definition of a school district includes an open-enrollment charter school.
- (2) Hazardous traffic condition--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.
- (3) Area presenting a high risk of violence--An area within two miles of a campus that law enforcement records indicate presents a high incidence of violent crimes.
- (c) Eligibility. A school district or county is eligible to report Hazardous Area Service Annual Mileage in the Foundation School Program (FSP) Transportation application if the school district submits to the Texas Education Agency (TEA) a policy adopted by the local board of trustees 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 school 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.
- (d) Reporting. School districts are 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. School districts requesting funds for an area presenting a high risk of violence must provide to TEA, contemporaneously with the explanation required by subsection (c) of this section, consolidated law enforcement records that document violent crimes identified by reporting agencies within the relevant jurisdiction.
- (e) Funding formula. Funding for hazardous traffic and high-risk-of-violence routes is limited to 10% of the district's two or more mile only service. Hazardous transportation funding for students riding the bus will be calculated at the standard rate for regular transportation services. Funding for high-risk-of-violence walking areas will be calculated at the special education route services rate of \$1.08 per mile.