

Texas Association for Pupil Transportation
87th Legislature Update
May 10, 2021

With roughly three weeks remaining in the 87th Legislative Session, the following bills are being closely monitored, as they all may have an impact on school bus operations in Texas. Each bill is summarized and its current status in the Legislature is provided.

HB 130 (Rodriguez, et al.) – Relating to a highway toll exemption for public school buses

HB 130 amends the Transportation Code to exempt a public-school bus from payment of a highway toll. This bill passed out of the Transportation Committee with Ann Hatton (Del Valle ISD) and me testifying for the bill on April 20. HB 130 currently is scheduled on the House Local, Consent, and Resolutions calendar for Tuesday, May 11. If HB 130 is voted out of the House, it then will proceed to the Senate.

SB 1183 (Hughes) – Relating to a highway toll exemption for certain vehicles that are owned by or operated on behalf of public schools or open-enrollment charter schools.

Similar to HB 130, SB 1183 would exempt school buses from highway tolls. However, SB 1183 would include any school district vehicle. This bill has not been heard in the Senate Transportation Committee, meaning the chances of this bill progressing are extremely slim.

SB 462 (Lucio, et al. / House SP: Allen) – Relating to funding under the transportation allotment for transporting meals and instructional materials to students during a declared disaster.

SB 462 would allow for ISDs to report miles driven during a declared disaster to transport meals or instructional materials to students to be included in the route services report for transportation funding. I testified for this bill in the Senate Education Committee on April 8, 2021. The original language in the bill required ISDs to submit routes to the TEA prior to operating the route to allow for funding. Fortunately, when I testified, I asked for a committee substitute to omit this language, and when the Senate voted this bill out on April 21, 2021, an amendment was offered by the author striking that language.

SB 462 was heard in the House Public Education Committee on May 4, 2021, where I again provided testimony for the bill. The bill is currently pending in the House Public Education Committee.

SB 204 (Schwertner, et al.) – Relating to the operation of a public-school transportation system

SB 204, and its identical companion, **HB 3129 (Huberty, et al.)** amends the Education Code to allow school districts to transport enrolled students if the student lives outside the district without the need to enter into an interlocal contract as provided by Chapter 791 of the Government Code. This is in response to a 2017 Attorney General opinion that reiterated ISDs necessity 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.

SB 204 passed in the Senate on April 12, 2021 and was heard in the House Public Education Committee on May 3, 2021, where it was reported favorably without amendments. **HB 3129** is currently in the House Calendars Committee, meaning that SB 204 will be the likely avenue for the eventual passage of this bill.

HB 4120 (Deshotel, et al.) – Relating to the efficient use and generation of electricity by public schools

The CSHB 4120 would expand the existing Texas clean school bus program to enable districts to have more options for offsetting the costs of purchasing electric school buses and charging infrastructure. The bill also seeks to provide for the expansion of this program while also addressing market and regulatory barriers that exist to the use of certain school energy resources. Specifically, CSHB 4120 provides for a school bus that is at least six years older than the year in which the grant application is submitted or having an odometer reading of at least 150,000 miles to be eligible for this program.

I testified for HB 4120 in the House State Affairs Committee on April 20, 2021. The bill was passed unanimously in Committee on April 29, 2021 and is currently in the House Calendars Committee awaiting schedule for the Daily House Calendar.

The identical companion of HB 4120 is **SB 1303 (Blanco)**, but it has not been heard in the Senate Business and Commerce committee at this time.

SB 445 (Hughes et al.) – Relating to the use of a flashing warning signal light and certain other equipment by a person operating a school bus

SB 445, and its identical companion, **HB 3992 (Canales)** would amend Section 547.701 of the Transportation Code to allow school buses to use their alert systems to stop and permit a student or guardian to board and exit the bus for the distribution of food. SB 445 was passed in the Senate on April 9, 2021 and was passed in the House Transportation Committee on May 4, 2021 with a recommendation to be placed on the Local and Consent agenda. The companion bill, **HB 3992**, is scheduled on the Local, Consent, and Resolutions Calendar for May 11, 2021.

HB 1411 (Gates et al.) – Relating to funding under the transportation allotment for transportation related to career and technology education and the use of transportation allotment funds by school districts to provide prepaid fuel cards to certain students.

This bill would amend Section 48.151 of the Education Code to include school bus stops as eligible pickup and drop off locations for the transportation of career and technology education students. This bill would also provide funds allotted under this section for a prepaid fuel card option for students who are eligible to use the regular transportation system of the district, but the system is not a feasible

method for providing transportation. This would also include work-based learning programs under the district's career and technology program.

This bill was scheduled to be heard in the House Public Education Committee on May 4, 2021, but no action was taken on the bill.

HB 1552 (Ashby et al.) – Relating to retirees of the Teacher Retirement System of Texas who resume certain employment with a school district.

This bill would amend the Government Code to exempt TRS-covered employers from paying the retiree surcharges for any retiree who is employed as a full-time bus driver. HB 1552 was heard in the House Pensions, Investments, and Financial Services Committee on March 17, 2021 and has been left pending in committee since with no additional movement.

HB 1068 (Allen et al.) – Relating to the use of personal leave during school holidays by school district employees.

HB 1068 amends the Education Code to allow for a public-school district employee with available personal leave to use the leave for compensation for a day designated as a school holiday for which the employee would otherwise not receive compensation. This would include many, if not all, school bus drivers, whose scheduled workdays do not include school holidays and periods of time off for which they do not already receive compensation.

This bill was passed in the House on April 30, 2021 and received in the Senate on May 3, 2021. It is awaiting assignment to a Senate Committee.

SB 1 (Nelson) – General Appropriations Bill

The nearly 900-page appropriations bill for the next biennium has passed both the Senate and House and is now currently in Conference Committee to work through differences between the approved Senate and House versions of the bill. For school bus transportation purposes, both the Senate and House approved version maintain the Transportation Allotment at a \$1.00 per mile rate per eligible student in each fiscal year of the biennium. The maximum mileage rate for special education shall be \$1.08 per mile, and the private transportation rate shall be \$0.25 per mile or a maximum of \$816 per pupil; for both special education and isolated areas as defined by the Education Code.

Final Comments

Monday, May 10 (119th day) is *technically* the last day for House committees to report on HBs and HJR, which will result in the demise of any House bill that has not been heard in a House committee before today. Multiple deadlines are upcoming over the next three weeks, which undoubtedly means the next weeks will be busy in Austin.

The last day of the 87th Regular Session (sine die) is Monday, May 31, 2021, where only corrections can be made in the House and Senate.

Feel free to reach out to me if you have any questions or comments.

Thank you,

Kayne M. Smith, Ed.D.
TAPT President
TAPT Legislative Committee Chairperson

87th Legislature Update
May 11, 2021

The Texas Legislature took the following actions today:

HB 130 (Rodriguez, et al.) – Relating to a highway toll exemption for public school buses
HB 130 was approved on the House Local, Consent, and Resolutions calendar on Tuesday, May 11, and will now proceed to the Senate.

SB 462 (Lucio, et al. / House SP: Allen) – Relating to funding under the transportation allotment for transporting meals and instructional materials to students during a declared disaster.
SB 462 was voted out of committee on May 11, 2021 and will now advance to the full House for a vote.

SB 445 (Hughes et al.) – Relating to the use of a flashing warning signal light and certain other equipment by a person operating a school bus
SB 445 was passed in the House on the Local, Consent, and Resolutions calendar on May 11, 2021.