

Executive Summary
Prepared for the DISD Board of Trustees
June 10, 2008

Classification, Reporting & Update
of
DISD Hazardous Bus Routes to TEA Transportation

Purpose of Report

Provide the Board of Trustees with information on the requirement for DISD to define and report hazardous bus routes to the Texas Education Agency (TEA) Transportation Division as governed by CNA (Legal), Issued 09/17/07. Action is required to qualify DISD for hazardous transportation funding for the 2007-08 not to exceed 10% of the district's regular transportation allotment (Texas Education Code 44.155d).

Objectives

- Review CNA (Legal) Issued 09/17/07, Page #2, Hazardous Conditions (Attachment #1)
- Identify, Classify & Update Seven (7) D.I.S.D. Hazardous Bus Routes (Attachment #2)

Operational Impact

This report will provide the Denton ISD Board of Trustees with information on the requirement to define and report hazardous bus routes to the TEA Transportation to qualify for funding not to exceed 10% of the district's regular transportation allotment.

Results

The classification and reporting of district hazardous bus routes will qualify and provide approximately **\$70,000±** in hazardous transportation funding.

Other Options

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Attachment #1

Denton ISD
061901

TRANSPORTATION MANAGEMENT
STUDENT TRANSPORTATION

CNA
(LEGAL)

DEFINITIONS

For purposes of this policy:

1. "Bus" means a motor vehicle used to transport persons and designed to accommodate more than ten persons, including the driver.
2. "Passenger car" refers to a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate ten or fewer passengers.
3. "Passenger van" means a motor vehicle, other than a motorcycle or passenger car, used to transport persons and designed to transport 15 or fewer passengers, including the driver.
4. "School activity bus" means a bus designed to accommodate more than 15 passengers, including the operator, that is owned, operated, rented, or leased by the District and 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, or a school bus.
5. "School bus" means a motor vehicle that was manufactured in compliance with the federal motor vehicle safety standards for school buses in effect on the date of manufacture and that is used to transport preprimary, primary, or secondary students to and from school or on a school-related activity trip other than on routes to and from school. The term does not include a school-chartered bus or a bus operated by a mass transit authority.
6. "Motor bus" means a vehicle designed to transport more than 15 passengers, including the driver.

Education Code 34.003; Trans. Code 541.201

AUTHORITY

The District may establish and operate an economical public school transportation system in the District or outside the District, if the District enters into an interlocal contract as provided by Government Code Chapter 791. For that part of the system that the District operates directly, it shall employ bus drivers certified by the Department of Public Safety. *Education Code 34.007*

TRANSPORTATION FUNDING FOR ELIGIBLE STUDENTS

If the District operates a transportation system, the District is entitled to a state transportation allotment. The allotted funds are based on the cost of providing transportation services to students who live two or more miles from the school they attend. The Commissioner of Education cannot reduce the allotment because the District provides transportation for an eligible student to and from a child-care facility instead of the student's residence, if the

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transportation is provided within the approved routes of the District for the school the student attends. *Education Code 42.155*

The Board may require payment of a reasonable fee for transportation to and from school of a student who lives within two miles of the school the student attends. However, the Board may not charge a fee for transportation for which the District receives a transportation allotment under Education Code 42.155(d). *Education Code 11.158.*

HAZARDOUS
CONDITIONS

The District may apply to the Commissioner of Education for an additional amount of up to ten percent 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 if they walked to school. The Board shall provide to the Commissioner the definition of hazardous conditions applicable to the District and shall identify the specific hazardous areas for which the allocation is requested. A hazardous condition exists where no walkway is provided and students 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. *Education Code 42.155(d)*

BUS OPERATION

A person may not operate a school bus if:

1. The door of the school bus is open; or
2. The number of passengers on the bus is greater than the manufacturer's design capacity for the bus.

Trans. Code 545.426

TRANSPORTING
STUDENTS TO
SCHOOL

School buses or mass transit authority buses shall be used for the transportation of students to and from schools on routes having ten or more students. Passenger cars may be used on routes having fewer than ten students. *Education Code 34.003(a)*

DESIGNATION OF
CHILD-CARE
FACILITY OR
GRANDPARENT'S
RESIDENCE

The Board, after determining eligibility for transportation services, shall allow a parent to designate a child-care facility or the residence of a grandparent of the child instead of the child's residence as the regular location for purposes of obtaining transportation under the system to and from the child's school. Either designated location must be an approved stop on an approved route. *Education Code 34.007(b)(2)*

"Child-care facility" means a facility licensed, certified, or registered by the Department of Family and Protective Services to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adop-

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tion to the owner or operator of the facility for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers. *Human Resources Code 42.002(3)*

TRANSPORTATION
TO A HIGHER
PERFORMING
SCHOOL

The District shall provide or pay for the transportation of a student to a higher-performing public school operated by another district, if the District is identified for corrective action, or to another public school within the District if the student's school:

1. Has been identified for school improvement;
2. Has failed to make adequate yearly progress by the end of the first full school year after identification for school improvement;
3. Has had corrective action implemented by the District for failure to make adequate yearly progress by the end of the second full school year after identification for school improvement; or
4. Has failed to make adequate yearly progress after one full school year of corrective action.

No Child Left Behind Act of 2001, 20 U.S.C. 6316(b)(9)

TRANSPORTATION
OF HOMELESS
STUDENTS

As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, the District shall adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, at the request of the homeless liaison) to and from the school of origin, as follows:

1. If the homeless child lives in the district in which the school of origin is located, the district of origin will provide the child's transportation to and from the school of origin.
2. If the homeless child lives in a district other than that in which the school of origin is located, the district of origin and the district where the homeless child is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the districts are unable to agree, the responsibility and costs shall be shared equally.

McKinney-Vento Homeless Education Assistance Improvements Act of 2001, Secs. 722, 725; 42 U.S.C. 11432(g)(1)(J)(iii)(I), (II)
[See FDC]

SCHOOL
ACTIVITIES

When transporting students in connection with school activities other than on routes to and from school:

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1. Only school buses or motor buses may be used to transport 15 or more students; and
2. Passenger cars or passenger vans may be used to transport fewer than 15 students.

Education Code 34.003(b)(1), (2)

The operator of a passenger car or passenger van used to transport students to school or to a school activity shall ensure that the number of passengers does not exceed the designed capacity of the vehicle and that each passenger is secured by a safety belt.

Education Code 34.003(c)

WIRELESS
COMMUNICATION
DEVICES

A person may not use a wireless communication device while operating a passenger bus with a minor passenger on the bus except in case of emergency or if the passenger bus is not in motion.

Trans. Code 545.425

ACCELERATED
INSTRUCTION
PROGRAMS

The District shall provide students required to attend the accelerated programs described in policy code EIE with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j)*

STUDENT SAFETY

The District may not require or allow a child to stand on a moving bus or passenger van. *Education Code 34.004*

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting:
 - a. On the floor of the bus, or
 - b. In any location on the bus that is not designed as a seat.

Trans. Code 545.426

SCHOOL BUS
EMERGENCY
EVACUATION
TRAINING

Pursuant to the safety standards established by the Department of Public Safety under Transportation Code 34.002, the District shall conduct a training session for students and teachers concerning procedures for evacuating a school bus during an emergency. The District shall conduct the school bus emergency evacuation training at least twice each school year, with one training session occurring in the fall and one training session occurring in the spring. A portion of the training session must occur on a school bus and the training session must last for at least one hour.

The training must be based on the recommendations of the most recent edition of the National School Transportation Specifications

and Procedures, as adopted by the National Congress on School Transportation, or a similar school transportation safety manual.

Not later than the 30th day after the date that the District completes a training session, the District shall provide the Department of Public Safety with a record certifying the District's completion of the training.

Education Code 34.0021

DISRUPTION OF
TRANSPORTATION

Any person who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school or activities sponsored by a school on a vehicle owned and/or operated by the District shall be guilty of a misdemeanor. *Education Code 37.126*

If the illegal act is conducted through use or exhibition of a firearm, the person shall be guilty of a felony. *Education Code 37.125*

TRANSPORTATION
COMPANY OR
SYSTEM

The Board may contract for all or any part of its public school transportation with a mass transit authority or commercial transportation company, provided that the authority or commercial transportation company:

1. Requires its school bus drivers to have the qualifications required by and be certified in accordance with standards established by the Department of Public Safety;
2. Transports 15 or more students only in school buses or mass transit authority buses that meet or exceed safety standards for school buses established under Education Code 34.002;
3. Conducts all the following education programs with Board approval:
 - a. A program to inform the public that public school students will be riding on the authority's or company's buses;
 - b. A program to educate drivers of the buses to be used under the contract of the special needs and problems of public school students riding on the buses; and
 - c. A program to educate public school students on bus riding safety and any special considerations arising from the use of the authority's or company's buses.

The Board may supplement the state transportation cost allotment with local funds necessary to provide complete transportation services.

Education Code 34.008

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CRIMINAL HISTORY
RECORD

If the District contracts with a person for transportation services, the District shall obtain criminal history record information from any law enforcement or criminal justice agency relating to a person employed by the person as a bus driver or a person the person intends to employ as a bus driver. A person who contracts with the District to provide transportation services shall submit to the District the name and other identification data required to obtain the criminal history record information of such persons. If the District obtains information that such a person has been convicted of a felony or a misdemeanor involving moral turpitude, the District shall inform the chief personnel officer of the person with whom the District has contracted, and the person may not employ that person to drive a bus on which students are transported without the permission of the Board. *Education Code 22.084 (a), (b)*

Criminal history record information obtained by the District shall not be released or disclosed to any person, other than the individual who is the subject of the information, the Texas Education Agency, the State Board for Educator Certification, or the chief personnel officer of a public or commercial transportation company with which the District contracts to provide transportation services to students. *Gov't Code 411.097*

COMMERCIAL
TRANSPORTATION
COMPANY

If the District contracts with a commercial transportation company for transportation services, the company may obtain all criminal history record information that relates to a person employed by the company as a bus driver, bus monitor, or bus aide, or a person the company intends to employ in one of these positions. If the company obtains criminal history record information indicating that a person it employs or intends to employ has been convicted of a felony or a misdemeanor involving moral turpitude, the company may not, without the permission of the Board, employ that person to drive or to serve as a bus monitor or bus aide on a bus on which students are transported. If the commercial transportation company obtains the criminal history record information, the District is not required to do the same. *Education Code 22.084 (c), (d)*

CAREER AND
TECHNOLOGY
PROGRAM

The District shall be reimbursed the cost of transporting career and technology program students to another campus within the District, to another secondary public school or an area career and technology school, or to an approved postsecondary institution under a contract for instruction approved by TEA. *Education Code 42.155(f)*

Attachment #2

DISD Hazardous Bus Routes

DENTON ISD
HAZARDOUS ZONES 2007-2008

Bus Route	Campus Name	Hazardous Zone Traffic Area	Inside 2 Miles	Area/Zone Description			
				North of	South Of	East of	West of
005	E.P. Rayzor	FM 407 - No Traffic Light or Crossing Guard	0.92	Cooper Canyon Rd	Hickory Ln	Jeter Rd	na
008	Navo	Hwy 380 & Fishtrap - No Sidewalks	0.12	Magnolia	Fishtrap Rd	Navo Rd.	Fm 1385
012	Borman	Must Cross Railroad Tracks	0.23	Mill Rd.	Robertson Rd.	Bell Rd.	Allen St.
015	Hodge	Mingo/Fishtrap/Cooper Cr - No Traffic Light or Crossing Guard	0.22	Fishtrap Rd	na	Cooper Creek Rd.	Laney Rd.
049	Hodge	University & Loop 288 - No Traffic Light or Crossing Guard	0.56	Mingo Rd.	University Dr.	Nottingham Rd.	Mockingbird Rd
127	Crownover	East of Interstate 35 E	0.21	Sunray Dr.	Pockrus Paige Rd	Heron Pond Ln.	Lakeview Blvd
139	W.S. Ryan	Ryan Rd - No Sidewalks	1.46	Marbells Ct.	Hobson Ln.	Montecito Dr.	Teasley Ln.