

**SUBJECT:** Allowing school districts to purchase alternative transportation passes

**COMMITTEE:** Public Education — favorable, without amendment

**VOTE:** 10 ayes — Eissler, Hochberg, Allen, Aycock, Dutton, Guillen, Huberty, Shelton, T. Smith, Strama

1 nay — Weber

**WITNESSES:** For — (*Registered, but did not testify:* Amy Beneski, Texas Association of School Administrators; Dwight Harris, Texas American Federation of Teachers (AFT); Ken McCraw, Texas Association of Community Schools, Texas Rural Education Association; Julie Shields, Texas Association of School Boards (TASB))

Against — None

**DIGEST:** HB 3506 would allow school districts to use transportation funds to provide a bus pass or card for alternative transportation to a student for whom the district's regular transportation system was not a feasible method.

The education commissioner would have to establish procedures for how a school district could provide such passes to students.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS SAY:** HB 3506 would be a cost-effective and efficient option for school districts across the state to provide transportation for students. The use of alternative transportation systems, such as a local public bus transit system, could provide a school district with tremendous cost savings. For example, Austin Independent School District (AISD) currently gets bus passes at a discounted rate of \$8.50 a month, amounting to less than \$100 for the school year. AISD's transportation budget allows for \$316 to be spent per student. If AISD could use funds allocated for transportation on public bus passes, the school district would save considerable tax dollars.

Other school districts across the state could experience comparable savings. Additionally, the bill would allow school districts to use established public systems to transport students instead of spending transportation funds on new buses or additional staff. HB 3506 would ensure that taxpayer dollars were spent in a fiscally responsible manner.

HB 3506 should not expose school districts to liability due to student use of alternative transportation. Historically, school district immunity is only vulnerable when an injury involves a vehicle operated by an employee while performing his or her duties for the school district. To date, federal law concerning school district immunity has not been interpreted to extend to situations that only marginally involve school districts, such as when students use public bus passes.

The bill would provide alternatives for eligible students who encountered barriers in using school transportation and would help ensure that these students reached school safely and reliably. Students in other states have been able to experience the benefits of such alternatives. The city of Portland, Oregon currently provides free bus passes to students in grades nine through 12. Testimony regarding Portland students' use of the passes shows that students are better able to attend school as well as jobs, recreational activities, and social services. Overall and most importantly, by allowing school districts to purchase public transportation passes, HB 3506 would aid districts in ensuring that students could attend school regardless of their individual circumstances.

HB 3506 would not impose additional requirements on Texas school districts. The bill's permissive language would not obligate districts to purchase public transportation passes for their students. However, by giving each district the option, the bill would provide flexibility for school districts to make decisions based on their respective needs.

**OPPONENTS  
SAY:**

HB 3506 could expose school districts to liability from student use of alternative transportation. It is unknown how using state funds to access a public transportation system would affect school district immunity.

This bill would not establish clear guidelines for determining why the district's regular transportation system was not feasible for certain students. Students could take advantage of the opportunity to choose alternative means of transportation for no reason other than desirability.

School districts should not have to deal with additional financial burdens like the one created by this bill, especially during current economic conditions. School districts could be pressured to provide alternate transportation services to students for whom transportation already was provided.