
HOUSE BILL 1165

State of Washington

60th Legislature

2007 Regular Session

By Representatives Fromhold, Orcutt, Anderson, Lantz, VanDeWege, Hunter, Wallace, McDonald, Sells, Kenney, Williams, Ormsby, Schual-Berke, Miloscia, Simpson, Campbell, P. Sullivan, Morrell, Moeller and Haler

Read first time 01/11/2007. Referred to Committee on Appropriations.

1 AN ACT Relating to student transportation funding; amending RCW
2 28A.160.160 and 28A.160.170; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that the current
5 student transportation funding formula is outdated and does not
6 adequately address the costs incurred by school districts in
7 transporting students. The legislature further finds that any new
8 formula should be based on reliable data from a uniform system of
9 accounting used by all districts, provide incentives for efficient use
10 of state resources, and maintain local school district control over
11 operational decisions within the transportation program. Therefore, it
12 is the legislature's intent to respond to the findings of the 2006
13 pupil transportation funding study by the joint legislative audit and
14 review committee by improving the system of accounting for
15 transportation costs, providing additional payments to districts to
16 mitigate funding discrepancies identified by the study, and directing
17 that a new funding formula be developed in a thoughtful and
18 deliberative manner and implemented no later than the 2009-10 school
19 year.

1 **Sec. 2.** RCW 28A.160.160 and 1996 c 279 s 2 are each amended to
2 read as follows:

3 For purposes of RCW 28A.160.150 through 28A.160.190, except where
4 the context shall clearly indicate otherwise, the following definitions
5 apply:

6 (1) "Eligible student" means any student served by the
7 transportation program of a school district or compensated for
8 individual transportation arrangements authorized by RCW 28A.160.030
9 whose route stop is more than one radius mile from the student's
10 school, except if the student to be transported is disabled under RCW
11 28A.155.020 and is either not ambulatory or not capable of protecting
12 his or her own welfare while traveling to or from the school or agency
13 where special education services are provided, in which case no mileage
14 distance restriction applies.

15 (2) "Superintendent" means the superintendent of public
16 instruction.

17 (3) "To and from school" means the transportation of students for
18 the following purposes:

19 (a) Transportation to and from route stops and schools;

20 (b) Transportation to and from schools pursuant to an interdistrict
21 agreement pursuant to RCW 28A.335.160;

22 (c) Transportation of students between schools and learning centers
23 for instruction (~~(specifically required by statute)~~) provided under RCW
24 28A.150.200 (basic education act), chapter 28A.155 RCW (special
25 education), RCW 28A.165.015 through 28A.165.075 (learning assistance
26 program), or RCW 28A.180.010 through 28A.180.080 (transitional
27 bilingual instruction program); and

28 (d) Transportation of students with disabilities to and from
29 schools and agencies for special education services.

30 Extended day transportation shall not be considered part of
31 transportation of students "to and from school" for the purposes of
32 chapter 61, Laws of 1983 1st ex. sess.

33 (4) "Transportation services" for students living within one radius
34 mile from school means school transportation services including the use
35 of buses, funding of crossing guards, and matching funds for local and
36 state transportation projects intended to mitigate hazardous walking
37 conditions. Priority for transportation services shall be given to
38 students in grades kindergarten through five.

1 **Sec. 3.** RCW 28A.160.170 and 1990 c 33 s 143 are each amended to
2 read as follows:

3 (1) Each district shall submit to the superintendent of public
4 instruction during October of each year a report containing the
5 following:

6 ~~((1))~~(a)(i) The number of eligible students transported to and
7 from school as provided for in RCW 28A.160.150 for the current school
8 year and the number of miles estimated to be driven for pupil
9 transportation services, along with a map describing student route stop
10 locations and school locations, and ~~((b))~~ (ii) the number of miles
11 driven for pupil transportation services as authorized in RCW
12 28A.160.150 the previous school year; and

13 ~~((2))~~ (b) Other operational data and descriptions as required by
14 the superintendent to determine allocation requirements for each
15 district.

16 (2) When reporting expenditures for student transportation, each
17 district shall separate the costs of providing transportation for
18 eligible students to and from school as defined in RCW 28A.160.160(3)
19 from other transportation costs.

20 (3) Each district shall submit the information required in this
21 section on a timely basis as a condition of the continuing receipt of
22 school transportation moneys.

23 NEW SECTION. **Sec. 4.** Until a new distribution formula is
24 implemented as directed under section 5 of this act, the legislature
25 intends to appropriate funds for student transportation in addition to
26 the funds generated by the distribution formula in RCW 28A.160.150
27 through 28A.160.180 and the omnibus appropriations act. The office of
28 the superintendent of public instruction shall allocate the additional
29 funds on a pro rata basis to school districts based on the variance
30 between a district's allocation under the distribution formula in the
31 2004-05 school year and the estimate of that district's costs of
32 transporting students to and from school created by the joint
33 legislative audit and review committee in 2006, if such a variance was
34 negative. The office of the superintendent of public instruction may
35 adjust a school district's allocation under this section based on
36 revised data about the district's costs of transporting students. The
37 purpose of this additional allocation is to mitigate the estimated

1 funding variance in state allocations for student transportation
2 identified by the joint legislative audit and review committee while
3 improvements are made in school districts' cost accounting and a new
4 distribution formula is developed and implemented as provided in this
5 act.

6 NEW SECTION. **Sec. 5.** (1) The superintendent of public instruction
7 shall develop and propose a new distribution formula for allocating
8 state funds to school districts for transportation of students to and
9 from school, to be implemented beginning with the 2009-10 school year.
10 The distribution formula shall include but not be limited to the
11 characteristics in this subsection.

12 (a) The formula shall be developed using the major cost factors in
13 student transportation, including but not limited to driver and aide
14 compensation, road miles, fuel, maintenance, student loads, and
15 supervision. The major cost factors in the formula shall be based on
16 reliable data and transparent to policymakers and the public. The
17 formula shall be constructed in a manner that allows policymakers to
18 adjust one or more of the major cost factors independently from the
19 others. The formula may use data from school district transportation
20 routing programs but shall not necessitate use of such a program to
21 function reliably.

22 (b) The formula shall allocate funds to school districts based on
23 the predicted costs of transporting students to and from school, using
24 the cost factors in the formula. The formula shall not be based on
25 direct reimbursement of school districts for transportation
26 expenditures, nor shall the formula direct how a school district
27 operates its student transportation program.

28 (c) The formula shall encourage efficient use of state resources by
29 addressing:

30 (i) Reasonable controls on compensation costs to be covered by the
31 formula;

32 (ii) Efficient use of vehicle capacity; and

33 (iii) Efficient routing of buses.

34 (d) The formula shall allocate funds for all students in grades
35 kindergarten through five who are transported to and from school and
36 all students in grades six through twelve who are transported to and
37 from route stop locations located more than one mile from school.

1 (e) The formula shall include transportation for academic extended
2 day programs that are provided under the basic education act, special
3 education, the learning assistance program, and the transitional
4 bilingual instruction program.

5 (2) The superintendent of public instruction shall present an
6 interim report on the proposed distribution formula to the governor and
7 the education and fiscal committees of the legislature by December 1,
8 2007, and a final report that includes the proposed formula, estimates
9 of its fiscal impact on the state and school districts, and draft
10 legislation necessary to implement the proposal, by December 1, 2008.

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