
SENATE BILL 5196

State of Washington

62nd Legislature

2011 Regular Session

By Senators Hatfield, Swecker, Hargrove, and Haugen

Read first time 01/18/11. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the operation of student transportation
2 programs; and amending RCW 28A.160.010 and 28A.225.270.

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

4 **Sec. 1.** RCW 28A.160.010 and 1990 c 33 s 132 are each amended to
5 read as follows:

6 (1) The operation of each local school district's student
7 transportation program is declared to be the responsibility of the
8 respective board of directors, and each board of directors shall
9 determine such matters as which individual students shall be
10 transported in accordance with subsection (2) of this section and what
11 routes shall be most efficiently utilized. State moneys allocated to
12 local districts for student transportation shall be spent only for
13 student transportation activities, but need not be spent by the local
14 district in the same manner as calculated and allocated by the state.

15 (2) A school district is authorized to provide for the
16 transportation of students (~~(enrolled in the school or schools of the~~
17 ~~district both in the case of students who reside within the boundaries~~
18 ~~of the district and of students who reside outside the boundaries of~~
19 ~~the district)). However, if a student attends a school outside his or~~

1 her attendance area as designated by the school district, either within
2 the boundaries of the district or outside the boundaries of the
3 district, the school district shall charge the student an amount
4 sufficient to reimburse the district for any extra mileage traveled,
5 except where transportation is required to meet the following:

6 (a) If the student to be transported is a child with a disability
7 under RCW 28A.155.020 and is traveling to or from the school or agency
8 where special education services are provided; or

9 (b) Applicable federal law.

10 (3) When children are transported from one school district to
11 another the board of directors of the respective districts may enter
12 into a written contract providing for a division of the cost of such
13 transportation between the districts.

14 (4) School districts may use school buses and drivers hired by the
15 district or commercial chartered bus service for the transportation of
16 school children and the school employees necessary for their
17 supervision to and from any school activities within or without the
18 school district during or after school hours and whether or not a
19 required school activity, so long as the school board has officially
20 designated it as a school activity. For any extra-curricular uses, the
21 school board shall charge an amount sufficient to reimburse the
22 district for its cost.

23 (5) In addition to the right to contract for the use of buses
24 provided in RCW 28A.160.080 and 28A.160.090, any school district may
25 contract to furnish the use of school buses of that district to other
26 users who are engaged in conducting an educational or recreational
27 program supported wholly or in part by tax funds or programs for
28 elderly persons at times when those buses are not needed by that
29 district and under such terms as will fully reimburse such school
30 district for all costs related or incident thereto: PROVIDED, HOWEVER,
31 That no such use of school district buses shall be permitted except
32 where other public or private transportation certificated or licensed
33 by the Washington utilities and transportation commission is not
34 reasonably available to the user: PROVIDED FURTHER, That no user shall
35 be required to accept any charter bus for services which the user
36 believes might place the health or safety of the children or elderly
37 persons in jeopardy.

1 (6)(a) Whenever any persons are transported by the school district
2 in its own motor vehicles and by its own employees, the board may
3 provide insurance to protect the district against loss, whether by
4 reason of theft, fire or property damage to the motor vehicle or by
5 reason of liability of the district to persons from the operation of
6 such motor vehicle.

7 (b) The board may provide insurance by contract purchase for
8 payment of hospital and medical expenses for the benefit of persons
9 injured while they are on, getting on, or getting off any vehicles
10 enumerated herein without respect to any fault or liability on the part
11 of the school district or operator. This insurance may be provided
12 without cost to the persons notwithstanding the provisions of RCW
13 28A.400.350.

14 (c) If the transportation of children or elderly persons is
15 arranged for by contract of the district with some person, the board
16 may require such contractor to procure such insurance as the board
17 deems advisable.

18 **Sec. 2.** RCW 28A.225.270 and 2008 c 192 s 2 are each amended to
19 read as follows:

20 (1) Each school district in the state shall adopt and implement a
21 policy allowing intradistrict enrollment options no later than June 30,
22 1990. Each district shall establish its own policy establishing
23 standards on how the intradistrict enrollment options will be
24 implemented. The policy shall include that the district may permit
25 students enrolled in a school outside their attendance area as
26 designated by the school district to ride a school bus or other student
27 transportation vehicle to and from school, and that the district shall
28 charge each student an amount sufficient to reimburse the district for
29 any extra mileage traveled, except where transportation is required to
30 meet the following:

31 (a) If the student to be transported is a child with a disability
32 under RCW 28A.155.020 and is traveling to or from the school or agency
33 where special education services are provided; or

34 (b) Applicable federal law.

35 (2) A district shall permit the children of full-time certificated
36 and classified school employees to enroll at:

37 (a) The school to which the employee is assigned;

1 (b) A school forming the district's K through 12 continuum which
2 includes the school to which the employee is assigned; or

3 (c) A school in the district that provides early intervention
4 services pursuant to RCW 28A.155.065 or preschool services pursuant to
5 RCW 28A.155.070, if the student is eligible for such services.

6 (3) For the purposes of this section, "full-time employees" means
7 employees who are employed for the full number of hours and days for
8 their job description.

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