

E2SSB 5128 - H COMM AMD
By Committee on Education

ADOPTED 04/07/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the
4 COVID-19 pandemic has significantly changed the delivery of education
5 across the state, as school districts transition to remote learning
6 environments to protect the health of students and staff. The
7 legislature also recognizes that the role of transportation services
8 has evolved alongside remote learning programs to help students
9 equitably access the instructional program of basic education. As
10 permitted by emergency proclamation, many school districts have
11 adapted to remote learning by transporting meals, learning materials,
12 and technology supports directly to students' homes or neighborhoods.
13 Other school districts have used transportation resources to bring
14 students to learning centers or other agencies where support services
15 are provided.

16 This flexibility has allowed school districts to creatively use
17 the resources at their disposal to equitably address the needs of
18 students during an ongoing emergency.

19 With this act, the legislature intends to preserve this principle
20 of flexibility for qualifying transportation services during a future
21 local, state, or national emergency.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.160
23 RCW to read as follows:

24 (1) If a school or school district is providing full remote or
25 partial remote instruction under the authority of RCW 28A.150.290 due
26 to a local, state, or national emergency that causes a substantial
27 disruption to full in-person instruction then, in addition to the
28 transportation services allowed under this chapter, the district may
29 use student transportation allocations to provide the following
30 expanded services to students, regardless of whether those students
31 would qualify as eligible students under RCW 28A.160.160:

1 (a) Delivery of educational services necessary to provide
2 students with the opportunity to equitably access educational
3 services during the period of remote instruction. Delivery of
4 educational services include the transportation of materials,
5 hardware, and other supports that assist students in accessing remote
6 instruction, internet connectivity, or the curriculum;

7 (b) Delivery of meals to students;

8 (c) Providing for the transportation of students to and from
9 learning centers or other public or private agencies where
10 educational and support services are being provided to students
11 during the period of remote instruction. "Providing for" includes the
12 provision of payments to allow students to use public transit to
13 access the educational and support services; and

14 (d) Providing for the transportation of students to and from
15 interscholastic and extracurricular activities.

16 (2) Nothing in this section is intended to limit a district's
17 ability to use transportation allocations to pay for fixed
18 transportation costs, such as school bus maintenance and basic
19 administrative, regulatory, safety, or operational expenses.

20 (3) If a district provides expanded services under subsection (1)
21 of this section, the district must track by a separate accounting
22 code the expenditures incurred by the district in providing such
23 services. This data must be included in the report required under RCW
24 28A.160.170(2).

25 **Sec. 3.** RCW 28A.160.160 and 2009 c 548 s 305 are each amended to
26 read as follows:

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

30 (1) "Eligible student" means any student served by the
31 transportation program of a school district or compensated for
32 individual transportation arrangements authorized by RCW 28A.160.030
33 whose route stop is outside the walk area for a student's school,
34 except if the student to be transported is disabled under RCW
35 28A.155.020 and is either not ambulatory or not capable of protecting
36 his or her own welfare while traveling to or from the school or
37 agency where special education services are provided, in which case
38 no mileage distance restriction applies.

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

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

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

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

8 (c) Transportation of students between schools and learning
9 centers for instruction specifically required by statute; (~~and~~)

10 (d) Transportation of students with disabilities to and from
11 schools and agencies for special education services; and

12 (e) Transportation of students to and from interscholastic and
13 extracurricular activities under section 2 of this act.

14 Academic extended day transportation for the instructional
15 program of basic education under RCW 28A.150.220 shall be considered
16 part of transportation of students "to and from school" for the
17 purposes of this section. Transportation for field trips may not be
18 considered part of transportation of students "to and from school"
19 under this section.

20 (4) "Transportation services" for students living within the walk
21 area includes the coordination of walk-to-school programs, the
22 funding of crossing guards, and matching funds for local and state
23 transportation projects intended to mitigate hazardous walking
24 conditions. Priority for transportation services shall be given to
25 students in grades kindergarten through five.

26 (5) As used in this section, "walk area" means that area around a
27 school with an adequate roadway configuration to provide students
28 access to school with a walking distance of less than one mile.
29 Mileage must be measured along the shortest roadway or maintained
30 public walkway where hazardous conditions do not exist. The hazardous
31 conditions must be documented by a process established in rule by the
32 superintendent of public instruction and must include roadway,
33 environmental, and social conditions. Each elementary school shall
34 identify walk routes within the walk area.

35 **Sec. 4.** RCW 28A.160.170 and 2009 c 548 s 306 are each amended to
36 read as follows:

37 Each district shall submit three times each year to the
38 superintendent of public instruction during October, February, and
39 May of each year a report containing the following:

1 (1) (a) The number of eligible students transported to and from
2 school as provided for in RCW 28A.160.150, along with identification
3 of stop locations and school locations, and (b) the number of miles
4 driven for pupil transportation services as authorized in RCW
5 28A.160.150 the previous school year; and

6 (2) Other operational data and descriptions as required by the
7 superintendent to determine allocation requirements for each
8 district. The superintendent shall require that districts separate
9 the costs of operating the program for the transportation of eligible
10 students to and from school as defined by RCW 28A.160.160(3)
11 (~~from~~), non-to-and-from-school pupil transportation costs, and
12 costs to provide expanded services under section 2(1) of this act in
13 the annual financial statement. The cost, quantity, and type of all
14 fuel purchased by school districts for use in to-and-from-school
15 transportation shall be included in the annual financial statement.

16 Each district shall submit the information required in this
17 section on a timely basis as a condition of the continuing receipt of
18 school transportation moneys.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.710
20 RCW to read as follows:

21 Section 2 of this act governs school operation and management
22 under RCW 28A.710.040 and applies to charter schools established
23 under this chapter.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.715
25 RCW to read as follows:

26 Section 2 of this act governs school operation and management
27 under RCW 28A.715.020 and applies to state-tribal compact schools
28 established under this chapter.

29 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of
31 the state government and its existing public institutions, and takes
32 effect immediately."

33 Correct the title.

Schools Emergency Transportation (Relief Account); and (c) a \$100,000,000 appropriation for fiscal year 2021 to the Relief Account from the State General Fund.

(2) Allows schools and school districts to receive transportation allocations for transporting students to and from interscholastic and extracurricular activities during a local, state, or national emergency that causes a substantial disruption to full in-person instruction.

(3) Modifies intent language.

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