

# SENATE BILL REPORT

## SB 5581

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As of January 12, 2022

**Title:** An act relating to pupil transportation allocations.

**Brief Description:** Addressing pupil transportation allocations.

**Sponsors:** Senators Wellman, Nobles, Conway, Das, Nguyen, Saldaña and Wilson, C..

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/12/22.

### Brief Summary of Bill

- Requires school districts to submit data regarding actual costs and miles of transporting qualifying students with disabilities, qualifying students who are homeless, and qualifying students in foster care, beginning in the 2022-23 school year.
- Requires that the Office of the Superintendent of Public Instruction (OSPI) reimburse 100 percent of school district costs for transporting qualifying students with disabilities, qualifying students who are homeless, and qualifying students in foster care, beginning in the 2023-24 school year.
- Requires OSPI to provide an analysis of school district transportation costs and allocations to the education and fiscal committees of the Legislature by January 1, 2025.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Alexandra Fairfortune (786-7416)

**Background:** Student Transportation. The state's program of basic education includes transportation for some students to and from school, including transportation to learning

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

centers and special education services. Students are eligible for transportation if they live beyond a one-mile walk area from the school or have a qualifying disability.

Transportation Allocations. The Office of the Superintendent of Public Instruction (OSPI) calculates each school district's transportation allocation using the Student Transportation Allocation Reporting System (STARS). The STARS model uses a regression analysis of student ridership numbers and district characteristics to calculate an allocation amount, which is adjusted for certain qualifying factors. This STARS allocation amount is then compared to the district's transportation expenditures from the prior year. The school district receives the lesser of the two calculated amounts, plus salary and benefit allocations as appropriated by the Legislature.

The McKinney-Vento Act. The McKinney-Vento Act is designed to address the challenges homeless children and youths have faced in enrolling, attending, and succeeding in school. Under the McKinney-Vento Act, homeless children are entitled to receive transportation comparable to what is available to non-homeless students. State and local education agencies must adopt policies and practices to ensure transportation is provided, upon request, to or from a student's school of origin. If a student remains at their school of origin but begins living in an area served by another local education agency, the two local education agencies must agree upon a method to apportion the responsibility and cost of transportation, or share the costs equally.

Under the McKinney-Vento Act, homeless children are defined as individuals who lack a fixed, regular, and adequate nighttime residence.

**Summary of Bill:** The definition of "to and from school" for purposes of pupil transportation is modified to include the following students:

- transportation of students with disabilities to and from schools and agencies for special education purposes where special transportation is required by a properly formed and approved individualized education program;
- transportation of students who meet the definition of homeless where transportation is required by the McKinney-Vento Act or other federal requirements; and
- transportation of students in foster care where transportation is required outside of the normal school district boundary.

For purposes of this report, the above student groups will be referred to as qualifying students with disabilities, qualifying students who are homeless, and qualifying students in foster care.

Beginning in the 2022-23 school year, each school district must submit a monthly report to OSPI that includes the actual costs and miles of transporting qualifying students with disabilities, qualifying students who are homeless, and qualifying students in foster care. OSPI must use the data submitted from the 2022-23 school year to determine the allocation model for the 2023-24 school year, and must adopt accounting and reporting rules as

necessary.

Beginning in the 2023-24 school year, OSPI must reimburse school districts on a monthly basis for 100 percent of the costs to transport qualifying students with disabilities, qualifying students who are homeless, and qualifying students in foster care. These reimbursed costs must be excluded from the general transportation allocation calculation for all other pupil transportation services. School districts must submit claims for reimbursement monthly on a schedule determined by OSPI consistent with methods used to reimburse school districts for categorical programs. If any school district's reimbursement of costs exceeds 105 percent of the state average per student transported, the state auditor must review the transportation costs to ensure they are necessary and reasonable costs attributable to transporting qualifying students.

By January 1, 2025, OSPI must provide an analysis of school district transportation costs and allocations to the education and fiscal committees of the Legislature. This analysis must include the mileage, ridership, and costs for each district, disaggregated by the following groups: qualifying students with disabilities, qualifying students who are homeless, qualifying students in foster care, and all other students transported to and from school. The Legislature intends to use this data to inform its future discussions on revising the overall student transportation allocation model to a more transparent and predictable funding model.

**Appropriation:** None.

**Fiscal Note:** Requested on January 5, 2022.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The transportation formula doesn't work well for most school districts. It is not predictable, transparent, or adequately resourced. Since there is not yet a new formula, one of the things the Legislature can do is reimburse the costs to transport these three groups of students. This bill addresses the needs of unique populations that often require special transportation at a significant cost. Transporting one or two students at a time makes the individual cost much larger than a bus that can transport multiple students. When these services are covered by local levies it puts an extra burden on these communities. Providing transportation is one of the most important tools to achieve equity, so this bill is foundational and a responsible use of state resources.

**Persons Testifying:** PRO: Senator Lisa Wellman, Prime Sponsor; Tyler Muench, Office of Superintendent of Public Instruction; Melissa Gombosky; Graeme Sackrison, North Thurston Public Schools; Elizabeth Bonbright, President, Tacoma Public School Board of Directors; Clifford Traisman, Bellevue, Highline, Olympia, Seattle Public Schools; Rick

Chisa, Public School Employees of WA (PSE); Sean Dotson, Superintendent, Tumwater School District; Rich Staley, Superintendent, Oakville School District.

**Persons Signed In To Testify But Not Testifying:** No one.