
SENATE BILL 5581

State of Washington

67th Legislature

2022 Regular Session

By Senators Wellman, Nobles, Conway, Das, Nguyen, Saldaña, and C. Wilson

Prefiled 12/22/21. Read first time 01/10/22. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to pupil transportation allocations; amending RCW
2 28A.160.117, 28A.160.160, 28A.160.170, 28A.160.180, and 28A.160.190;
3 and adding a new section to chapter 28A.160 RCW.

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

5 **Sec. 1.** RCW 28A.160.117 and 2009 c 548 s 310 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall encourage
8 efficient use of state resources by providing a linear programming
9 process that compares school district transportation operations. If a
10 school district's operation is calculated to be less than ninety
11 percent efficient, the regional transportation coordinators shall
12 provide an individual review to determine what measures are available
13 to the school district to improve efficiency. The evaluation shall
14 include such measures as:

- 15 (a) Efficient routing of buses;
16 (b) Efficient use of vehicle capacity; and
17 (c) Reasonable controls on compensation costs.

18 (2) The superintendent shall submit to the fiscal and education
19 committees of the legislature no later than December 1st of each year
20 a report summarizing the efficiency reviews and the resulting changes

1 implemented by school districts in response to the recommendations of
2 the regional transportation coordinators.

3 (3) Beginning in the 2023-24 school year and each year
4 thereafter, for any district where the reimbursement of costs from
5 RCW 28A.160.160 exceeds 105 percent of the state average per student
6 transported, the state auditor shall include in its regular audits of
7 school districts a review of transportation costs to ensure they are
8 necessary and reasonable costs that are:

9 (a) Attributable to requirements in approved individualized
10 education programs for special education students;

11 (b) Attributable to the transportation of students who meet the
12 definition of homeless where transportation to school is required by
13 the McKinney-Vento act or other federal requirements; or

14 (c) Attributable to the transportation of students in foster care
15 outside of the normal school district boundaries.

16 **Sec. 2.** RCW 28A.160.160 and 2009 c 548 s 305 are each amended to
17 read as follows:

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

21 (1) "Eligible student" means any student served by the
22 transportation program of a school district or compensated for
23 individual transportation arrangements authorized by RCW 28A.160.030
24 whose route stop is outside the walk area for a student's school,
25 except if the student to be transported is disabled under RCW
26 28A.155.020 and is either not ambulatory or not capable of protecting
27 his or her own welfare while traveling to or from the school or
28 agency where special education services are provided, in which case
29 no mileage distance restriction applies.

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

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

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

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

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

1 (d) Transportation of students with disabilities to and from
2 schools and agencies for special education services where special
3 transportation is required by a properly formed and approved
4 individualized education program;

5 (e) Transportation of students who meet the definition of
6 homeless where transportation is required by the McKinney-Vento act
7 or other federal requirements; and

8 (f) Transportation of students in foster care where
9 transportation is required outside of the normal school district
10 boundary.

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

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

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

32 **Sec. 3.** RCW 28A.160.170 and 2021 c 234 s 3 are each amended to
33 read as follows:

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

37 (1)(a) The number of eligible students transported to and from
38 school as provided for in RCW 28A.160.150, along with identification
39 of stop locations and school locations, and (b) the number of miles

1 driven for pupil transportation services as authorized in RCW
2 28A.160.150 the previous school year; (~~and~~)

3 (2) The actual costs and miles of transporting the following
4 students:

5 (a) Students who require special transportation services as
6 documented in an approved individualized education program under
7 chapter 28A.155 RCW;

8 (b) Students who meet the definition of homeless where
9 transportation is required by the McKinney-Vento act or other federal
10 requirements;

11 (c) Students who are in foster care where transportation is
12 required outside of the normal school district boundary;

13 (3) Other operational data and descriptions as required by the
14 superintendent to determine allocation requirements for each
15 district. The superintendent shall require that districts separate
16 the costs of operating the program for the transportation of eligible
17 students to and from school as defined by RCW 28A.160.160(3), non-to-
18 and-from-school pupil transportation costs, and costs to provide
19 expanded services under RCW 28A.160.185(1) in the annual financial
20 statement. The cost, quantity, and type of all fuel purchased by
21 school districts for use in to-and-from-school transportation shall
22 be included in the annual financial statement(~~(-~~

23 ~~Each district shall submit the information))~~;

24 (4) Beginning in the 2022-23 school year, information from
25 subsection (2) of this section on a monthly basis. The data submitted
26 in the 2022-23 school year must be used to determine the allocation
27 model for the 2023-24 school year. The data submitted in the 2023-24
28 school year and thereafter must be used for reimbursement of actual
29 costs as provided in RCW 28A.160.180. The superintendent of public
30 instruction must adopt accounting and reporting rules necessary to
31 implement this section; and

32 (5) Information required in this section on a timely basis as a
33 condition of the continuing receipt of school transportation moneys.

34 **Sec. 4.** RCW 28A.160.180 and 2009 c 548 s 307 are each amended to
35 read as follows:

36 (1) Each district's annual student transportation allocation
37 shall be determined by the superintendent of public instruction in
38 the following manner:

1 ~~((1))~~ (a) The superintendent shall annually calculate the
2 transportation allocation for those services provided for in RCW
3 28A.160.150. The allocation formula may be adjusted to include such
4 additional differential factors as basic and special passenger counts
5 as defined by the superintendent of public instruction, average
6 distance to school, and number of locations served.

7 ~~((2))~~ (b) The allocation shall be based on a regression
8 analysis of the number of basic and special students transported and
9 as many other site characteristics that are identified as being
10 statistically significant.

11 ~~((3))~~ (c) The transportation allocation for transporting
12 students in district-owned passenger cars, as defined in RCW
13 46.04.382, pursuant to RCW 28A.160.010 for services provided for in
14 RCW 28A.160.150 if a school district deems it advisable to use such
15 vehicles after the school district board of directors has considered
16 the safety of the students being transported as well as the economy
17 of utilizing a district-owned passenger car in lieu of a school bus
18 is the private vehicle reimbursement rate in effect on September 1st
19 of each school year. Students transported in district-owned passenger
20 cars must be included in the corresponding basic or special passenger
21 counts.

22 ~~((4))~~ (d) Prior to June 1st of each year the superintendent
23 shall submit to the office of financial management, and the education
24 and fiscal committees of the legislature, a report outlining the
25 methodology and rationale used in determining the statistical
26 coefficients for each site characteristic used to determine the
27 allocation for the following year.

28 (2) Beginning in the 2023-24 school year, each school district's
29 annual student transportation allocation shall be determined by the
30 superintendent of public instruction in the following manner:

31 (a) The superintendent must reimburse school districts for 100
32 percent of the costs reported under RCW 28A.160.170(2).

33 (b) The superintendent must annually calculate the transportation
34 allocation for those services provided for in RCW 28A.160.150,
35 excluding any services reimbursed in (a) of this subsection. The
36 allocation formula may be adjusted to include such additional
37 differential factors as passenger counts as defined by the
38 superintendent of public instruction, average distance to school, and
39 number of locations served.

1 (c) The allocation shall be based on a regression analysis of the
2 number of students transported and as many other site characteristics
3 that are identified as being statistically significant.

4 (d) The transportation allocation for transporting students in
5 district-owned passenger cars, as defined in RCW 46.04.382, pursuant
6 to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a
7 school district deems it advisable to use such vehicles after the
8 school district board of directors has considered the safety of the
9 students being transported as well as the economy of utilizing a
10 district-owned passenger car in lieu of a school bus is the private
11 vehicle reimbursement rate in effect on September 1st of each school
12 year. Students transported in district-owned passenger cars must be
13 included in the corresponding basic or special passenger counts.

14 (e) Prior to June 1st of each year, the superintendent shall
15 submit to the office of financial management and the education and
16 fiscal committees of the legislature, a report outlining the
17 methodology and rationale used in determining the statistical
18 coefficients for each site characteristic used to determine the
19 allocation for the following year.

20 **Sec. 5.** RCW 28A.160.190 and 2009 c 548 s 308 are each amended to
21 read as follows:

22 ((The)) (1) Beginning in the 2023-24 school year, the
23 superintendent of public instruction must reimburse school districts
24 for 100 percent of the costs reported under RCW 28A.160.170(2), as
25 required under RCW 28A.160.180, on a monthly basis. Districts must
26 submit claims for reimbursement monthly, on a schedule determined by
27 the superintendent of public instruction that is consistent with the
28 methods used to reimburse school districts for costs in other
29 reimbursement-based categorical programs.

30 (2)(a) For all other transportation allocations not included in
31 subsection (1) of this section, the superintendent shall notify
32 districts of their student transportation allocation before January
33 15th. The superintendent shall recalculate and prorate the district's
34 allocation for the transportation of pupils to and from school.

35 (b) The superintendent shall make the student transportation
36 allocation in accordance with the apportionment payment schedule in
37 RCW 28A.510.250. Such allocation payments may be based on the prior
38 school year's ridership report for payments to be made in September,
39 October, November, December, and January.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.160
2 RCW to read as follows:

3 By January 1, 2025, the office of the superintendent of public
4 instruction must provide an analysis of school district
5 transportation costs and allocations following the 2023-24 school
6 year to the education and fiscal committees of the legislature. This
7 analysis must include the mileage, ridership, and costs for each
8 district, disaggregated by the following student demographic
9 categories: (1) Students requiring special transportation due to a
10 properly formed and approved individualized education program; (2)
11 students requiring special transportation due to requirements of the
12 McKinney-Vento act or other federal program; (3) students requiring
13 special transportation due to a foster care placement out of their
14 regular school district boundary; and (4) all other students
15 transported to and from school. The legislature intends to use this
16 data to inform their future discussions on revising the overall
17 student transportation allocation model to a more transparent and
18 predictable funding model.

--- END ---