
SUBSTITUTE HOUSE BILL 1248

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Stonier, Harris, Senn, Simmons, Ryu, Reeves, Bergquist, Eslick, Pollet, and Reed)

READ FIRST TIME 02/16/23.

1 AN ACT Relating to pupil transportation; amending RCW 28A.160.193
2 and 28A.160.140; and adding new sections to chapter 28A.160 RCW.

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

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

6 (1) The superintendent of public instruction must provide
7 transportation safety net awards to school districts with a
8 convincingly demonstrated need for additional transportation funding
9 for special passengers. Transportation safety net awards shall only
10 be provided when a school district's allowable transportation
11 expenditures attributable to serving special passengers exceeds the
12 amount provided under RCW 28A.160.180 and any excess transportation
13 costs reimbursed by federal, state, tribal, or local child welfare
14 agencies.

15 (2) For the purposes of this section, "special passengers"
16 include:

17 (a) Students eligible for and receiving special education that
18 require transportation as a related service of their individualized
19 education program;

1 (b) Homeless students requiring transportation under the
2 McKinney-Vento act, reauthorized as Title X, Part C, of the no child
3 left behind act, P.L. 107-110, in January 2002; and

4 (c) Foster students receiving transportation as required under
5 section 1112(c)(5)(B) of the every student succeeds act, P.L. 114-95.

6 (3) To be eligible for additional transportation safety net award
7 funding, the school district must report, in accordance with
8 statewide accounting guidance, the amount of the excess costs and the
9 specific activities or services provided to special passengers that
10 created the excess costs.

11 (4) The superintendent of public instruction must establish rules
12 and processes for transportation safety net applications and awards.
13 The omnibus appropriations act must specify the total amount
14 available for transportation safety net awards. Total awards may not
15 exceed the amount appropriated. The superintendent of public
16 instruction must submit to the office of financial management, and
17 the education and fiscal committees of the legislature, the total
18 demonstrated need and awards by school district.

19 (5) Charter schools established under chapter 28A.710 RCW and
20 state-tribal compact schools established under chapter 28A.715 RCW
21 are also eligible for awards under this section.

22 (6) Transportation safety net awards allocated under this section
23 are not part of the state's program of basic education.

24 **Sec. 2.** RCW 28A.160.193 and 2018 c 266 s 103 are each amended to
25 read as follows:

26 (1) Subject to the availability of amounts appropriated for this
27 specific purpose, a transportation alternate funding grant program is
28 created.

29 (2) As part of the award process for the grants, the
30 superintendent of public instruction must include a review of the
31 school district's efficiency rating, key performance indicators, and
32 local school district characteristics such as unique geographic
33 constraints, low enrollment, geographic density of students, (~~the~~
34 ~~percentage of students served under the McKinney-Vento homeless~~
35 ~~assistance act from outside the district,~~) or whether the district
36 is a nonhigh district.

37 **Sec. 3.** RCW 28A.160.140 and 1990 c 33 s 140 are each amended to
38 read as follows:

1 (1)(a) As a condition of entering into a pupil transportation
2 services contract with a private nongovernmental entity, each school
3 district shall engage in an open competitive process at least once
4 every five years. This requirement shall not be construed to prohibit
5 a district from entering into a pupil transportation services
6 contract of less than five years in duration with a district option
7 to renew, extend, or terminate the contract, if the district engages
8 in an open competitive process at least once every five years after
9 July 26, 1987.

10 (b) Any pupil transportation services contract entered into,
11 renewed, or extended after September 1, 2023, must require the
12 contractor to provide benefits comparable to the school employees'
13 benefits board program and school employees' retirement system to
14 employees and include:

15 (i) Sufficient funds specifically for the contracting employer to
16 provide the employees of the contractor with an employer health
17 benefits contribution equal to the monthly school employer funding
18 rate for the school employees' benefits board program, less the
19 retiree remittance for the public employees' benefits board; and

20 (ii) An amount equivalent to the plans 2 and 3 normal cost
21 employer contribution rate of the school employees' retirement
22 system, multiplied by the estimated salaries of the employees of the
23 contractor.

24 (2) As used in this section:

25 ~~((1))~~ (a) "Employees of the contractor" means employees working
26 sufficient compensated hours for the contracting employer performing
27 services on the contract with the school district to meet the
28 eligibility requirements for the school employees' benefits board
29 program if the employee was directly employed by a school district;

30 (b) "Open competitive process" means either one of the following,
31 at the choice of the school district:

32 ~~((a))~~ (i) The solicitation of bids or quotations and the award
33 of contracts under RCW 28A.335.190; or

34 ~~((b))~~ (ii) The competitive solicitation of proposals and their
35 evaluation consistent with the process and criteria recommended or
36 required, as the case may be, by the office of financial management
37 for state agency acquisition of personal service contractors;

38 ~~((2))~~ (c) "Pupil transportation services contract" means a
39 contract for the operation of privately owned or school district
40 owned school buses, and the services of drivers or operators,

1 management and supervisory personnel, and their support personnel
2 such as secretaries, dispatchers, and mechanics, or any combination
3 thereof, to provide students with transportation to and from school
4 on a regular basis; and

5 ~~((3))~~ (d) "School bus" means a motor vehicle as defined in RCW
6 46.04.521 and under the rules of the superintendent of public
7 instruction.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.160
9 RCW to read as follows:

10 (1) Subject to amounts appropriated for this purpose, the office
11 of the superintendent of public instruction must provide a one-time
12 supplemental transportation allocation to school districts that
13 experience an increase in costs to pupil transportation services
14 contracts due to RCW 28A.160.140.

15 (2) To be eligible for supplemental transportation allocations, a
16 school district must report to the office of the superintendent of
17 public instruction the number of employees under pupil transportation
18 services contracts that worked at least 630 hours in performing
19 services on the contract with the school district in the school year
20 prior to entering a contract subject to RCW 28A.160.140.

21 (3) Amounts provided under this section may only be used by
22 school districts as payments under pupil transportation services
23 contracts for employee compensation.

24 (4) A supplemental transportation allocation under this section
25 may not exceed \$200 per employee per month for contracted employees
26 reported under subsection (2) of this section.

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