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**SENATE BILL 5009**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Braun, Wellman, Bateman, Christian, Conway, Cortes, Dozier, Gildon, Harris, King, Krishnadasan, Lovelett, Nobles, Schoesler, Shewmake, Short, Slatter, Wagoner, Warnick, and J. Wilson

AN ACT Relating to modifying the student transportation allocation to accommodate multiple vehicle types for transporting students; and amending RCW 28A.160.150, 28A.160.170, 28A.160.180, 28A.160.195, and 28A.160.210.

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

**Sec.**  RCW 28A.160.150 and 2009 c 548 s 304 are each amended to read as follows:

Funds allocated for transportation costs, except for funds provided for transportation and transportation services to and from school shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts nor the type of vehicle to be used for pupil transportation. School districts are encouraged to use the vehicle type deemed by a district to be the safest and most cost-effective manner of transporting its students, including using school buses and vans, and may use the student transportation allocation accordingly. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at ((~~one hundred~~)) 100 percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within the walk area as determined under RCW 28A.160.160(5).

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

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

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

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

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

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

Each district's annual student transportation allocation shall be determined by the superintendent of public instruction in the following manner:

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

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

(3) The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus ((~~is the private vehicle reimbursement rate in effect on September 1st of each school year~~)) must be included in the overall determination of the district's annual student transportation allocation. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts, average distance to school, and number of locations served.

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

**Sec.**  RCW 28A.160.195 and 2024 c 345 s 4 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of ((~~school bus~~)) student transportation vehicle categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of ((~~school bus~~)) vehicle. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts. The superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing ((~~school bus~~)) vehicle categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes for base ((~~buses~~)) vehicles from ((~~school bus~~)) dealers to be in effect for one year and shall establish a list of all accepted price quotes in each category obtained under this subsection. The superintendent shall also solicit price quotes for optional features and equipment.

(3)(a) The superintendent shall base the level of reimbursement to school districts and educational service districts for ((~~school buses~~)) vehicles on the lowest quote for the base ((~~bus~~)) vehicle in each category. School districts and educational service districts shall be reimbursed for ((~~buses~~)) vehicles purchased only through a lowest-price competitive bid process conducted under RCW 28A.335.190 or through the state bid process established by this section.

(b) Once the total cost of ownership of zero emission school buses is at or below the total cost of ownership of diesel school buses, as determined under the formulas adopted by rule pursuant to RCW 28A.160.260, school districts may only receive reimbursement for the purchase of zero emission school buses, unless the district has been granted an exception under RCW 28A.160.260(3). For the purposes of this subsection, "zero emission school bus" means a school bus that produces zero exhaust emission of any air pollutant and any greenhouse gas other than water vapor. This subsection (3)(b) does not apply to passenger vans used in lieu of school buses.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from any dealer who is on the list established under subsection (2) of this section. School districts and educational service districts may make their own selections for ((~~school buses~~)) vehicles, but shall be reimbursed at the rates determined under subsection (3) of this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) As used in this section, "student transportation vehicle" and "vehicle" mean a school bus or passenger van used in lieu of a school bus.

(7) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

**Sec.**  RCW 28A.160.210 and 2006 c 263 s 906 are each amended to read as follows:

(1) In addition to other powers and duties, the superintendent of public instruction shall adopt rules governing the training and qualifications of school bus drivers. Such rules shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules shall insure that school bus drivers are provided a due process hearing before any certification required by such rules is canceled: PROVIDED FURTHER, That such rules shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with chapter 46.25 RCW. The superintendent of public instruction may obtain a copy of the driving record, as maintained by the department of licensing, for consideration when evaluating a school bus driver's driving skills.

(2) The rules adopted by the superintendent of public instruction governing the training and qualifications of school bus drivers must also apply to drivers transporting students in a Washington state patrol-inspected school vehicle other than a school bus. A driver that exclusively transports students in such a vehicle must have the appropriate driver's license for the vehicle, and may not be required to hold a commercial driver's license.

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