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**SENATE BILL 5326**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Robinson, Cleveland, Conway, Das, Hasegawa, Hunt, Liias, Nguyen, Nobles, Saldaña, Wellman, and Wilson, C.

AN ACT Relating to health and pension benefits for school bus drivers employed by private nongovernmental entities; amending RCW 28A.160.140; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature recognizes that school bus drivers play a crucial role in ensuring students' safe passage to and from school, preventing absences, and extending a positive school climate beyond the classroom. By delivering this essential service, school bus drivers provide a significant time and convenience benefit to thousands of Washington families, remove cars from the road, reduce overall emissions, and increase traffic safety. However, a recent national survey revealed that 94 percent of bus contractors experience driver shortages, with 21 percent reporting their shortages as severe. With this act, the state of Washington intends to encourage the retention of bus drivers who provide vital services to local communities.

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

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

(2)(a) A school district may only enter into a pupil transportation services contract with a nongovernmental entity if that entity provides the following to its employees:

(i) An employer health benefits contribution equal to the monthly school employer funding rate for the state health benefits program for school employees, less the retiree remittance for the public employees' benefits board, for employees not eligible for health benefits through another employer-based group health insurance plan or through a spouse or domestic partner's employer-based group plan that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the health plan available to school employees with the largest enrollment; and

(ii) An amount equivalent to the plans 2 and 3 normal cost employer contribution rate of the school employees' retirement system, multiplied by the estimated salaries of the employees of the private nongovernmental entity.

(b) Subsection (2)(a) of this section applies only to pupil transportation service contracts entered into, renewed, or extended after the effective date of this section.

(3) As used in this section:

((~~(1)~~)) (a) "Employee" means an employee who works sufficient compensated hours for the nongovernmental entity performing services on the contract with the school district to meet the eligibility requirements for the state health benefits program for school employees if the employee was directly employed by the school district;

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

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

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

((~~(2)~~)) (c) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

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

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