

RCW 28A.160.140 Contract for pupil transportation services with private nongovernmental entity—Competitive bid procedures—Requirement for health care and pension benefits.

(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. If a school district enters into a pupil transportation services contract with a private nongovernmental entity that uses zero emission school buses to transport students for the school district, the contract period may be up to seven years in duration.

(2) (a) A school district may only enter into, renew, or extend a pupil transportation services contract with a private nongovernmental entity if that entity provides the following to, or on behalf of, its employees who choose to opt in for coverage:

(i) An employer health benefits contribution equal to the employer payment dollar amount in effect for the first year of the contract for health care benefit rates (cockle rates), published annually by the health care authority, for the school employees' benefits board program for school employees; and

(ii) An amount equivalent to the salaries of the employees of the private nongovernmental entity multiplied by the employer normal cost contribution rate determined under the entry age cost method for the school employees' retirement system, as published in the most recent actuarial valuation report from the office of the state actuary for the first year of the contract.

(b) All pupil transportation service contracts entered into or modified after June 6, 2024, must include a detailed explanation of any contract cost increase by year, expenditure type, and amount, including any increases in cost that result from providing the benefits required under this section.

(c) For contracts entered into, renewed, or extended in the 2024 calendar year, the benefits required under this section must be provided to employees by the beginning of the 2025-26 school year.

(3) 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, a school district may only enter into, renew, or extend a pupil transportation services contract with a nongovernmental entity that uses zero emission school buses to transport students for the school district. The office of the superintendent of public instruction must provide an exception to this requirement, upon request from the school district, if the school district meets the criteria in RCW 28A.160.260(3)(a)(ii) through (iv). The requirements of this subsection do not prohibit the use of externally vented fuel-operated passenger heaters from November 15th through March 15th annually until other viable alternatives become available.

(4) As used in this section:

(a) "Employees" means in-state employees of the private nongovernmental entity working sufficient compensated hours performing services pursuant to the contract with the school district to meet the

eligibility requirements for the school employees' benefits board program if the employees were directly employed by a school district;

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

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

(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;

(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;

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

(e) "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. [2024 c 345 s 5; 2024 c 313 s 2; 1990 c 33 s 140; 1987 c 141 s 2. Formerly RCW 28A.58.133.]

Reviser's note: This section was amended by 2024 c 313 s 2 and by 2024 c 345 s 5, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Intent—2024 c 345: See note following RCW 70A.15.4200.

Intent—2024 c 313: "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." [2024 c 313 s 1.]

Severability—1987 c 141: See note following RCW 28A.335.170.