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**SENATE BILL 5581**

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**State of Washington 67th Legislature 2022 Regular Session**

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

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

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

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

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

(a) Efficient routing of buses;

(b) Efficient use of vehicle capacity; and

(c) Reasonable controls on compensation costs.

(2) The superintendent shall submit to the fiscal and education committees of the legislature no later than December 1st of each year a report summarizing the efficiency reviews and the resulting changes implemented by school districts in response to the recommendations of the regional transportation coordinators.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) 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~~));

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

(5) 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:

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

((~~(1)~~)) (a) The superintendent shall annually calculate the transportation allocation for those services provided for in RCW 28A.160.150. 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)~~)) (b) 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)~~)) (c) 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. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

((~~(4)~~)) (d) 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.

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

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

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

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

(d) 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. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

(e) 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.160.190 and 2009 c 548 s 308 are each amended to read as follows:

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

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

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

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

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

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