

E2SSB 5128 - H AMD 724

By Representative Santos

ADOPTED 04/16/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the
4 COVID-19 pandemic has significantly changed the delivery of education
5 across the state, as school districts transition to remote learning
6 environments to protect the health of students and staff. The
7 legislature also recognizes that the role of transportation services
8 has evolved alongside remote learning programs to help students
9 equitably access the instructional program of basic education. As
10 permitted by emergency proclamation, many school districts have
11 adapted to remote learning by transporting meals, learning materials,
12 and technology supports directly to students' homes or neighborhoods.
13 Other school districts have used transportation resources to bring
14 students to learning centers or other agencies where support services
15 are provided.

16 This flexibility has allowed school districts to creatively use
17 the resources at their disposal to equitably address the needs of
18 students during an ongoing emergency.

19 With this act, the legislature intends to preserve this principle
20 of flexibility for qualifying transportation services during a future
21 local, state, or national emergency.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.160
23 RCW to read as follows:

24 (1) If a school or school district is providing full remote or
25 partial remote instruction under the authority of RCW 28A.150.290 due
26 to a local, state, or national emergency that causes a substantial
27 disruption to full in-person instruction then, in addition to the
28 transportation services allowed under this chapter, the district may
29 use student transportation allocations to provide the following
30 expanded services to students, regardless of whether those students
31 would qualify as eligible students under RCW 28A.160.160:

1 (a) Delivery of educational services necessary to provide
2 students with the opportunity to equitably access educational
3 services during the period of remote instruction. Delivery of
4 educational services include the transportation of materials,
5 hardware, and other supports that assist students in accessing remote
6 instruction, internet connectivity, or the curriculum;

7 (b) Delivery of meals to students; and

8 (c) Providing for the transportation of students to and from
9 learning centers or other public or private agencies where
10 educational and support services are being provided to students
11 during the period of remote instruction. "Providing for" includes the
12 provision of payments to allow students to use public transit to
13 access the educational and support services.

14 (2) Nothing in this section is intended to limit a district's
15 ability to use transportation allocations to pay for fixed
16 transportation costs, such as school bus maintenance and basic
17 administrative, regulatory, safety, or operational expenses.

18 (3) If a district provides expanded services under subsection (1)
19 of this section, the district must track by a separate accounting
20 code the expenditures incurred by the district in providing such
21 services. This data must be included in the report required under RCW
22 28A.160.170(2).

23 **Sec. 3.** RCW 28A.160.170 and 2009 c 548 s 306 are each amended to
24 read as follows:

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

28 (1)(a) The number of eligible students transported to and from
29 school as provided for in RCW 28A.160.150, along with identification
30 of stop locations and school locations, and (b) the number of miles
31 driven for pupil transportation services as authorized in RCW
32 28A.160.150 the previous school year; and

33 (2) Other operational data and descriptions as required by the
34 superintendent to determine allocation requirements for each
35 district. The superintendent shall require that districts separate
36 the costs of operating the program for the transportation of eligible
37 students to and from school as defined by RCW 28A.160.160(3)
38 (~~from~~), non-to-and-from-school pupil transportation costs, and
39 costs to provide expanded services under section 2(1) of this act in

1 the annual financial statement. The cost, quantity, and type of all
2 fuel purchased by school districts for use in to-and-from-school
3 transportation shall be included in the annual financial statement.

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

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.710
8 RCW to read as follows:

9 Section 2 of this act governs school operation and management
10 under RCW 28A.710.040 and applies to charter schools established
11 under this chapter.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.715
13 RCW to read as follows:

14 Section 2 of this act governs school operation and management
15 under RCW 28A.715.020 and applies to state-tribal compact schools
16 established under this chapter.

17 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of
19 the state government and its existing public institutions, and takes
20 effect immediately."

21 Correct the title.

EFFECT: Modifies intent language and removes the following from
the underlying bill:

(1) Provisions modifying transportation funding distribution
requirements;

(2) Provisions establishing and relating to the Public Schools
Emergency Transportation (Relief Account); and

(3) A \$100,000,000 appropriation for fiscal year 2021 to the
Relief Account from the State General Fund.

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