
Education Committee

E2SSB 5128

Brief Description: Concerning student transportation funding during a local, state, or national emergency.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wellman, Wilson, C., Conway, Dhingra, Hunt, Keiser, Lovelett, Nguyen and Saldaña).

Brief Summary of Engrossed Second Substitute Bill

- Expands the allowable uses of transportation allocations to school districts, charter schools, and tribal-compact schools if full in-person instruction has been substantially disrupted by a local, state, or national emergency.
- Allows the Superintendent of Public Instruction to use student transportation data from the last reporting period in which the district provided full in-person instruction to calculate transportation allocations if full in-person instruction has been substantially disrupted by a local, state, or national emergency.
- Establishes the Public Schools Emergency Transportation Relief Account (relief account) and specifies permitted uses of moneys in the relief account.
- Appropriates \$100,000,000 for fiscal year 2021 to the relief account from the State General Fund.

Hearing Date: 3/16/21

Staff: Ethan Moreno (786-7386).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Student Transportation and Funding.

School districts are responsible for the operation of student transportation programs for transporting students to and from school or in connection with designated school activities. Student transportation and transportation services to and from school for eligible students is part of the state's program of basic education.

The state provides funding to school districts for the mandatory transportation of eligible students to and from school. The student transportation funding is appropriated by the Legislature to the Office of the Superintendent of Public Instruction (OSPI) for subsequent allocations to school districts in accordance with statutory requirements and calculations of the OSPI. The moneys provided through distribution formulas are based on the average predicted costs of transporting students to and from school. The moneys are provided for allocation purposes only, but they may only be used for student transportation activities.

As a condition of receiving transportation allocations from the OSPI, each school district must submit reports to the Superintendent of Public Instruction (SPI) each October, February, and May that contain:

- the number of eligible students transported to and from school, including the identification of stop locations and school locations, and the number of miles driven for pupil transportation services in the previous school year; and
- other operational data and descriptions as required by the SPI to determine allocation requirements for each district.

Allocations from the SPI to school districts occur according to a monthly schedule established in statute, but allocation payments made in September through January must be based on the prior school year's ridership report.

Novel Coronavirus.

On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern. On January 31, 2020, the federal Department of Health and Human Services declared a public health emergency for the United States. On February 29, 2020, Governor Inslee declared a state of emergency in all counties of Washington and directed state agencies to take all reasonable measures to assist affected local governments to respond to and recover from the COVID-19 outbreak.

On March 13, 2020, Governor Inslee announced the closure all public and private kindergarten through grade 12 school facilities in the state until April 24, 2020. The closure directive was subsequently extended through the remainder of the 2019-20 school year. Although school facilities were closed to in-person instruction during the final months of the school year, the provision of education remained mandatory and was provided through the implementation of remote instruction practices.

With few exceptions, school districts in Washington began the 2020-21 school with the continuation and modification of remote instruction delivery practices that were employed in the

prior school year.

According to the OSPI survey data from the week of February 22, 2021, 36.7 percent of public school students received in-person instruction at somepoint during the week. Survey data for the same week also indicated that 59 of 295 school districts were providing traditional, in-person instruction to all district students and that 154 districts were providing partial in-person instruction for all students.

Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matter pertaining to public schools, the SPI and its office has numerous and broad responsibilities prescribed in statute, including, making rules and regulations necessary for the administration of public education requirements.

The SPI is authorized to make rules that establish the terms and conditions for allowing school districts to receive state basic education moneys when districts are unable to fulfill requirements for the mandatory number of school days and instructional hours due to unforeseeable conditions. Examples of these conditions include natural events such as fires, earthquakes, or epidemics, that render school district facilities unsafe, unhealthy, inaccessible, or inoperable.

The OSPI, in response to COVID-19 and in accordance with its statutory authority, issued extensive guidance, resources, and requirements to schools and school districts, including materials related to providing remote instruction to students, the provision of school meals, district funding, and reopening schools.

Summary of Engrossed Second Substitute Bill:

Expanded Use of Transportation Allocations.

School districts, charter schools, and state-tribal compact schools that are providing partial or fully remote instruction to students in accordance with requirements of the OSPI, and because of a local, state, or national emergency that substantially disrupted full in-person instruction (disruptive emergency), may use student transportation allocations to provide the following expanded services to all students:

- delivery of educational services necessary to provide students with the opportunity to equitably access educational services during the period of remote instruction. The delivery of educational services include the transportation of materials, hardware, and other supports that assist students in accessing remote instruction, Internet connectivity, or the curriculum;
- delivery of meals to students; and
- providing for the transportation of students to and from learning centers or other public or private agencies where educational and support services are being provided to students during the period of remote instruction. "Providing for" includes the provision of payments to allow students to use public transit to access the educational and support services.

If a school or school district provides the expanded services, the school or school district must track the incurred by a separate accounting code and provide the information to the OSPI through an existing report three times each year.

Modifications to Transportation Allocation Requirements.

Provisions governing the transportation allocations by the SPI are modified. If a school district, charter school, or state-tribal compact school provided fully remote or partial remote instruction in accordance with requirements of the OSPI and because of a disruptive emergency, the SPI may use the student transportation data from the last reporting period in which the school district or school provided full in-person instruction to calculate transportation allocations. This data may only be used until the subsequent reporting period when updated ridership data is available.

Establishing the Public Schools Emergency Transportation Relief Account.

The Public Schools Emergency Transportation Relief Account (relief account) is created in the state treasury and money in the account may be spent only after appropriation. Expenditures from the relief account may only be used to backfill reductions in state funding allocations resulting from transportation declines caused by a declared statewide emergency, and only if those reductions have not been backfilled through receipt of federal emergency relief funds. Expenditures from the account also must be attributable to documented allowable uses for transportation-related services. The relief account is authorized to retain its own investment proceeds.

A charter school, state-tribal compact school, or school district may not receive expenditures from the relief account if the school or school district meets the minimum parameters for in-person learning recommended by the Department of Health and does not offer in-person learning at or above the recommended level.

The relief account is intended to be the payor of last resort, and no charter school, state-tribal compact school, or school district may receive expenditures from the relief account until the school or school district has demonstrated there are no available federal relief funds that can be used to address allowable transportation costs.

Any moneys remaining in the relief account at the end of the 2021-2023 fiscal biennia must be deposited into the State General Fund.

The sum of \$100,000,000 from the State General Fund is appropriated for fiscal year 2021 to the relief account for the purposes of backfilling reductions in state funding allocations resulting from transportation declines caused by a declared statewide emergency, provided that the reductions have not been backfilled through receipt of federal emergency relief funds. The reductions offset with the moneys must be attributable to documented allowable uses for transportation-related services.

Appropriation: The sum of \$100,000,000 for fiscal year 2021 from the State General Fund to the proposed public schools emergency transportation relief account.

Fiscal Note: Available. New fiscal note requested on March 12, 2021.

Effective Date: The bill contains an emergency clause and takes effect immediately, except for section 10, relating to investment proceeds for the Public Schools Emergency Transportation Relief Account (relief account), which takes effect July 1, 2021, pursuant to an emergency clause, and section 11, relating to relating to investment proceeds for the relief account, which takes effect July 1, 2024.