

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5128

Chapter 234, Laws of 2021

67th Legislature
2021 Regular Session

STUDENT TRANSPORTATION FUNDING—EMERGENCIES

EFFECTIVE DATE: May 10, 2021

Passed by the Senate April 20, 2021
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 16, 2021
Yeas 96 Nays 1

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 10, 2021 3:30 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5128** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 10, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5128

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

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

READ FIRST TIME 02/12/21.

1 AN ACT Relating to student transportation funding during a local,
2 state, or national emergency; amending RCW 28A.160.170; adding a new
3 section to chapter 28A.160 RCW; adding a new section to chapter
4 28A.710 RCW; adding a new section to chapter 28A.715 RCW; creating a
5 new section; and declaring an emergency.

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

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

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

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

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

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

17 (a) Delivery of educational services necessary to provide
18 students with the opportunity to equitably access educational
19 services during the period of remote instruction. Delivery of
20 educational services include the transportation of materials,
21 hardware, and other supports that assist students in accessing remote
22 instruction, internet connectivity, or the curriculum;

23 (b) Delivery of meals to students; and

24 (c) Providing for the transportation of students to and from
25 learning centers or other public or private agencies where
26 educational and support services are being provided to students
27 during the period of remote instruction. "Providing for" includes the
28 provision of payments to allow students to use public transit to
29 access the educational and support services.

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

34 (3) If a district provides expanded services under subsection (1)
35 of this section, the district must track by a separate accounting
36 code the expenditures incurred by the district in providing such
37 services. This data must be included in the report required under RCW
38 28A.160.170(2).

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

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

6 (1) (a) The number of eligible students transported to and from
7 school as provided for in RCW 28A.160.150, along with identification
8 of stop locations and school locations, and (b) the number of miles
9 driven for pupil transportation services as authorized in RCW
10 28A.160.150 the previous school year; and

11 (2) Other operational data and descriptions as required by the
12 superintendent to determine allocation requirements for each
13 district. The superintendent shall require that districts separate
14 the costs of operating the program for the transportation of eligible
15 students to and from school as defined by RCW 28A.160.160(3)
16 (~~from~~), non-to-and-from-school pupil transportation costs, and
17 costs to provide expanded services under section 2(1) of this act in
18 the annual financial statement. The cost, quantity, and type of all
19 fuel purchased by school districts for use in to-and-from-school
20 transportation shall be included in the annual financial statement.

21 Each district shall submit the information required in this
22 section on a timely basis as a condition of the continuing receipt of
23 school transportation moneys.

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

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

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

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

34 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of
36 the state government and its existing public institutions, and takes
37 effect immediately.

Passed by the Senate April 20, 2021.
Passed by the House April 16, 2021.
Approved by the Governor May 10, 2021.
Filed in Office of Secretary of State May 10, 2021.

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