
Appropriations Committee

E2SSB 5174

Brief Description: Providing adequate and predictable student transportation.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wellman, Conway, Dhingra, Frame, Hunt, Kuderer, Lovelett, Rolfes, Valdez, Warnick and Wilson, C.; by request of Superintendent of Public Instruction).

Brief Summary of Engrossed Second Substitute Bill

- Requires the Superintendent of Public Instruction to provide transportation safety net awards to school districts with excess special passenger costs for special education, homeless, and foster students, as defined in the operating budget.
- Requires the Office of the Superintendent of Public Instruction to provide an analysis of school district transportation costs and allocations to the Legislature by June 1, 2026.

Hearing Date: 3/15/23

Staff: James Mackison (786-7104).

Background:

Pupil Transportation.

The state's statutory program of basic education includes transportation to and from school for eligible students, including transportation of students for special education services and between schools and learning centers.

To provide transportation allocations to school districts, the Office of the Superintendent of

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.

Public Instruction (OSPI) uses the Student Transportation Allocation Reporting System (STARS), which is a regression formula that uses prior year expenditures, student passenger counts, and district characteristics to calculate the expected costs of to-and-from transportation. The STARS formula result is then compared to the district's allowable transportation expenditures from the prior year. The school district receives the lesser of the two calculated amounts, plus any compensation adjustments provided in the operating budget.

Counts of basic and special program passengers are used in the STARS formula. Special program passengers include students in special education, bilingual programs, highly capable programs, homeless programs, and other program students transported by school bus or by district car route.

The 2022 Supplemental Operating Budget appropriated \$13 million for fiscal year 2023 for OSPI to provide transportation safety net funding to school districts with a demonstrated need for additional transportation funding for special passengers.

Federal Requirements for Homeless and Foster Student Transportation.

Federal laws include requirements for student transportation of homeless students and students in foster care, including transportation to and from a student's school of origin upon request and when it is in the child's best interest.

The federal McKinney-Vento Act defines "homeless children and youths" to mean individuals who lack a fixed, regular, and adequate nighttime residence. Under the McKinney-Vento Act, homeless students are entitled to receive transportation comparable to what is available to non-homeless students.

The federal Every Student Succeeds Act includes requirements for school districts to develop procedures that address how transportation to the schools of origin for children in foster care will be provided, arranged, and funded.

In cases where a student is living outside the school district where a school of origin is located, multiple school districts and child welfare agencies may coordinate in determining a method of transportation and arrangements to share costs.

Summary of Bill:

Special Passenger Safety Net.

OSPI must provide transportation safety net awards to school districts with a convincingly demonstrated need for additional funding for special passengers.

Special passengers include:

- special education students that require transportation as a related service of their

Individualized Education Program;

- homeless students requiring transportation under the McKinney-Vento Act; and
- foster students receiving transportation as required under the Every Student Succeeds Act.

Awards are only provided if the school district's allowable transportation expenditures exceed amounts provided under state transportation allocation formulas and any costs reimbursed by child welfare agencies. Total safety net awards may not exceed the amount specified in the omnibus appropriations act.

Amounts awarded are outside the state's program of basic education. Charter schools and state-tribal compact schools are also eligible for awards.

Transportation Analysis by OSPI.

By June 1, 2026, OSPI must provide an analysis of school district transportation costs and allocations following the 2024-25 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 groups: students in each special passenger category, students attending skill centers, and all other transported students. OSPI must also include recommendations for how to incorporate geographic differences faced by rural and high population-density urban school districts into the transportation formula. The Legislature intends to use this data to inform future discussions on revising the overall student transportation allocation model to a more transparent and predictable funding model.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.