

SENATE BILL REPORT

ESSB 6031

As Amended by House, March 1, 2024

Title: An act relating to modifying the student transportation allocation to accommodate multiple vehicle types for transporting students.

Brief Description: Modifying the student transportation allocation to accommodate multiple vehicle types for transporting students.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Braun, Dozier, Kuderer, Rivers and Schoesler).

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/25/24, 1/29/24 [DP-WM].
Ways & Means: 2/03/24, 2/05/24 [DPS].

Floor Activity: Passed Senate: 2/12/24, 48-0.
Passed House: 3/1/24, 90-6.

Brief Summary of Engrossed First Substitute Bill

- Provides that the pupil transportation funding formula may not be construed to mandate the type of vehicle used for pupil transportation and encourages districts to use the vehicle type that the district deems to be the safest and most cost-effective.
- Requires district-owned cars to be included in the overall transportation allocation rather than being subject to a private reimbursement rate, and requires additional district-owned ridership data to be considered.
- Requires school districts to report the number of miles driven per vehicle type when reporting transportation data to the Office of the Superintendent of Public Instruction.
- Expands the school bus purchase and reimbursement process to include passenger vans used in lieu of school buses.

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.

- Requires that training and qualification rules that apply to school bus drivers must also apply to drivers transporting students in Washington State Patrol-inspected school vehicles other than school buses.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

Staff: Alex Fairfortune (786-7416)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6031 be substituted therefor, and the substitute bill do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Richard Ramsey (786-7909)

Background: Pupil Transportation Funding. 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 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.

The transportation formula also provides an allocation for transporting students in district-owned passenger cars using the private vehicle reimbursement rate 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 and the economy of utilizing a car in lieu of a school bus. Students transported in district-owned passenger cars must be included in basic and special passenger counts.

The transportation distribution formula is for allocation purposes only and does not mandate specific levels of pupil transportation services by local districts.

Reporting Transportation Data. School districts must submit transportation reports to OSPI three times each year as a condition of receiving transportation funding. These reports must include the following data:

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

School Bus Purchasing and Reimbursement. School districts are responsible for selecting, paying for, and maintaining student transportation vehicles purchased by the district. OSPI is responsible for developing categories and competitive specifications for school bus acquisitions as well as a corresponding list of school bus dealers with the lowest purchase price quotes. School districts and educational service districts that purchase buses through this competitive quote process or through a separate lowest-price competitive bid process are eligible for certain state funds based on the category of vehicle, the anticipated lifetime of vehicles of this category, and a state reimbursement rate. The accumulated value of the state payments received by the district and the potential investment return is designed to be equal to the replacement cost of the vehicle, less its salvage value, at the end of its anticipated lifetime.

School Bus Driver Training and Qualifications. OSPI is required to adopt rules to ensure that school bus drivers possess the physical health and driving skills that are necessary to safely operate school buses. According to these rules, every authorized school bus driver must meet the following initial and ongoing requirements:

- have at least five years of experience as a licensed driver of a passenger vehicle;
- submit to a criminal record check;
- satisfactorily complete a school bus driver training course administered by an authorized school bus driver instructor and annually complete a school bus driver in-service training course;
- have a valid driver's license or commercial driver's license issued by the Washington State Department of Licensing;
- maintain current and valid first-aid training;
- submit an annual disclosure of certain legal actions and disqualifying crimes;
- meet physical requirements necessary to control school buses, conduct safety

- inspections, and evacuate students; and
- provide a current and valid medical examiner's certificate to their employer.

Summary of Engrossed First Substitute Bill: The transportation distribution formula may not mandate the type of vehicle to be used for pupil transportation. School districts are encouraged to use the vehicle type deemed by the district to be the safest and most cost-effective manner of transporting its students, including using school buses and vans, and may use transportation allocations for this purpose.

District-owned passenger cars used in lieu of school buses must be included in the overall determination of the district's annual student transportation allocation rather than generating reimbursement at the private vehicle reimbursement rate.

Students transported in district-owned passenger cars must be included when calculating average distance to school and number of locations served. When reporting the number of miles driven for pupil transportation services in the prior school year, school districts must disaggregate data by vehicle type.

The school bus purchase and reimbursement statute is expanded to apply to student transportation vehicles rather than only school buses. "Student transportation vehicle" is defined as a school bus or passenger van used in lieu of a school bus.

The rules adopted by OSPI governing the training and qualifications of school bus drivers must also apply to drivers transporting students in Washington State Patrol-inspected school vehicles other than school buses. A driver that exclusively transports students in such a vehicle must have the appropriate driver's license for that vehicle, and may not be required to hold a commercial driver's license.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education): PRO: This is not a complete solution to all transportation challenges but it will give districts more flexibility in how they transport their children. Buses are sometimes not the most efficient or best way to transport students, and sometimes they are not available. Specialized vans are used to pick up wheelchair bound students in areas where buses cannot go. Allowing funding for these vehicles is a logical and creative solution to work through the chronic problem of school bus driver shortages. WSP inspects district-owned vehicles every year and they are regularly maintained. Drivers must have a safe

driving record. 10-15 years ago there were a lot of issues with 16-passenger vans but those have mostly been resolved. These vans should be added to the depreciation schedule so that school districts can receive funding for replacements rather than using levy dollars, as vans currently cost approximately \$87,000.

OTHER: The safety of students is a critical component and must be considered to a greater degree than convenience or efficiency. Buses are the safest form of transportation. Using a van could result in more students being killed or injured. There was a recent accident where a bus was T-boned. It flipped, slid, and the children were taken to the hospital, but none of the injuries were deemed serious. It is likely that those injuries would be much more serious in a van.

Persons Testifying (Early Learning & K-12 Education): PRO: Senator John Braun, Prime Sponsor; Greg Price, Columbia School District; Jim Kowalkowski, Rural Education Center; Jerry Pugh, Colfax SD.

OTHER: Rick Chisa, Public School Employees of Washington (PSE).

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education): No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: This bill came out a conversation with my school district. On the way to work I encounter several school buses with only a couple of children on board. This bill is intended to allow school districts to pick the vehicle they use to transport youth as long as it's safe and fits the need. We are a small district in southeast Washington and four out of five of our students are bussed to school each day. Our busses drive a combined 650 miles per day. Allowing school districts to receive funding for transporting students in vehicles that meet rigorous WSP standards is wise. It's a creative way to get around school bus driver shortages. I would suggest an amendment that would allow depreciation for a vehicle chosen by a school district.

OTHER: PSEA does not believe this bill would be the best measure for addressing limited resources. According to the NTSB, school buses are the safest way to transport kids. PSEA recommends an alternative vehicle is SB 5873, currently before this committee. It takes a more comprehensive approach.

Persons Testifying (Ways & Means): PRO: Senator John Braun, Prime Sponsor; Jerry Pugh, Colfax SD.

OTHER: Rick Chisa, Public School Employees of WA/SEIU 1948.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Strikes the underlying bill entirely.
- Requires OSPI to study pupil transportation formulas by comparing current formulas with alternative allocation formulas, which must include certain factors.
- Provides that the purpose of the study is to recommend revisions to the transportation formula beginning in the 26-27 SY.
- Authorizes OSPI to collect additional data and implement rules related to the analysis.
- Directs the Superintendent to report findings and recommendations to the Legislature and submit agency request legislation as necessary.