
SECOND SUBSTITUTE SENATE BILL 5174

State of Washington

68th Legislature

2023 Regular Session

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

READ FIRST TIME 02/23/23.

1 AN ACT Relating to providing adequate and predictable student
2 transportation; adding new sections to chapter 28A.160 RCW; creating
3 a new section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
6 current student transportation allocation reporting system formula
7 lacks transparency and predictability and fails to effectively
8 address the diverse characteristics of all Washington school
9 districts. Therefore, the legislature intends to direct the office of
10 the superintendent of public instruction to gather additional data to
11 inform the development and implementation of a new student
12 transportation formula that adequately funds modern transportation
13 services across the state.

14 (2) The legislature also recognizes that special student
15 populations, including students receiving special education services,
16 students who are homeless, and students in foster care, often require
17 more complex transportation services that can generate substantial
18 costs for school districts. Therefore, the legislature intends to
19 provide transportation safety net awards to school districts that
20 demonstrate a need for additional funding to address excess costs
21 associated with serving special passengers.

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

3 (1) The superintendent of public instruction must provide
4 transportation safety net awards to school districts with a
5 convincingly demonstrated need for additional transportation funding
6 for special passengers. Transportation safety net awards may only be
7 provided when a school district's allowable transportation
8 expenditures attributable to serving special passengers exceeds the
9 amount provided under RCW 28A.160.180 and any excess transportation
10 costs reimbursed by federal, state, tribal, or local child welfare
11 agencies.

12 (2) For the purposes of this section, "special passengers"
13 include:

14 (a) Students eligible for and receiving special education that
15 require transportation as a related service of their individualized
16 education program;

17 (b) Homeless students requiring transportation under the federal
18 McKinney-Vento homeless assistance act, Title 42 U.S.C. Sec. 11431 et
19 seq.; and

20 (c) Foster students receiving transportation as required under
21 the federal every student succeeds act, Title 20 U.S.C. Sec.
22 6312(c)(5)(b).

23 (3) To be eligible for additional transportation safety net award
24 funding, the school district must report, in accordance with
25 statewide accounting guidance, the amount of the excess costs and the
26 specific activities or services provided to special passengers that
27 created the excess costs.

28 (4) The superintendent of public instruction must establish rules
29 and processes for transportation safety net applications and awards.
30 The omnibus appropriations act must specify the total amount
31 available for transportation safety net awards. Total awards may not
32 exceed the amount appropriated. The superintendent of public
33 instruction must submit to the office of financial management, and
34 the education and fiscal committees of the legislature, the total
35 demonstrated need and awards by school district.

36 (5) Charter schools established under chapter 28A.710 RCW and
37 state-tribal education compact schools established under chapter
38 28A.715 RCW are also eligible for awards under this section.

39 (6) Transportation safety net awards allocated under this section
40 are not part of the state's program of basic education.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.160
2 RCW to read as follows:

3 (1) By June 1, 2026, the office of the superintendent of public
4 instruction must provide an analysis of school district
5 transportation costs and allocations following the 2024-25 school
6 year to the education and fiscal committees of the legislature. This
7 analysis must include the mileage, ridership, and costs for each
8 district, disaggregated by the following student demographic
9 categories: (a) Students eligible for and receiving special education
10 that require transportation as a related service of their
11 individualized education program; (b) homeless students requiring
12 transportation under the federal McKinney-Vento homeless assistance
13 act, Title 42 U.S.C. Sec. 11431 et seq.; (c) foster students
14 receiving transportation as required under the federal every student
15 succeeds act, Title 20 U.S.C. Sec. 6312(c)(5)(b); (d) students
16 attending skill centers; and (e) all other students transported to
17 and from school.

18 (2) The office of the superintendent of public instruction must
19 also include recommendations for how to incorporate geographic
20 differences faced by rural and high population density urban school
21 districts into a transportation funding formula.

22 (3) The legislature intends to use these data and recommendations
23 to inform their future discussions on revising the overall student
24 transportation allocation model to a more transparent and predictable
25 funding model.

26 (4) This section expires August 1, 2027.

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