

SENATE BILL REPORT

SB 5009

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 5, 2025

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. [**Revised for 1st Substitute:** Accommodating multiple vehicle types for transporting students.]

Sponsors: Senators Braun, Wellman, Bateman, Christian, Conway, Cortes, Dozier, Gildon, Harris, King, Krishnadasan, Lovelett, Nobles, Schoesler, Shewmake, Short, Slatter, Wagoner, Warnick and Wilson, J..

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/23/25, 2/05/25 [DPS-WM].

Brief Summary of 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 a vehicle type that the district deems to be safe and 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 other vehicles used in lieu of school buses.
- Requires that training and qualification rules that apply to school bus

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drivers must also apply to drivers transporting students in Washington State Patrol-inspected school vehicles other than school buses.

- Modifies the definition of school bus under the Uniform Commercial Driver's License Act to exclude student transportation vehicles with a seating capacity of ten or fewer persons, including the driver.
- Excludes drivers of student transportation vehicles that are not school buses from commercial driver's license requirements.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Harris, Ranking Member; Cortes, Dozier, Hansen, Krishnadasan and McCune.

Staff: Alex Fairfortune (786-7416)

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 Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Student Transportation Funding. The transportation distribution formula may not mandate the type of vehicle to be used for pupil transportation.

School districts are encouraged to use a vehicle type deemed by a district to be a safe and cost-effective manner of transporting its students, including using school buses and other vehicles, 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.

Purchase and Reimbursement. The school bus purchase and reimbursement statute is expanded to apply to student transportation vehicles rather than only school buses, with the exception of a provision pertaining to zero emission school bus purchasing which remains applicable only to school buses. The terms student transportation vehicle and vehicle, as used within the school bus purchase and reimbursement statute, are defined as a school bus or other vehicle used in lieu of a school bus.

Driver Training and Qualifications. 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.

Uniform Commercial Driver's License Act. The definition of school bus under the Uniform Commercial Driver's License Act is modified to exclude a student transportation vehicle with a seating capacity of ten or fewer persons, including the driver. Drivers who operate a student transportation vehicle other than a school bus are excluded from commercial driver's license requirements.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Modifies the definition of school bus within the Uniform Commercial Driver's License Act to exclude a student transportation vehicle with a seating capacity of ten or fewer persons, including the driver.
- Specifies that commercial driver's license requirements do not apply to those who operate a student transportation vehicle other than a school bus.
- Delays the implementation of provisions pertaining to the student transportation funding formula and vehicle reimbursement to take effect September 1, 2026.
- Changes the title.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 5, 2025.

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

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: This gives districts a way to find the most effective and economical way to deliver students where they need to go without taking safety shortcuts. Student transportation is challenging due to district geography, unique route characteristics, and funding. The more flexibility provided to administrators the better. A bus or driver may not be available when a small group of students needs to be transported. A shortage of bus drivers has caused some districts to cancel routes. This would expand the purchase and reimbursement process which is appreciated since districts currently use levy dollars to purchase alternative vehicles.

OTHER: There are concerns about driver qualifications. These determinations should be left at the local level and the final sentence in Sec. 5 should be removed.

Persons Testifying: PRO: Senator John Braun, Prime Sponsor; Jim Kowalkowski, Rural Education Center; Brian Freeman, Inchelium School District #70.

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

Persons Signed In To Testify But Not Testifying: No one.