
SUBSTITUTE SENATE BILL 5581

State of Washington

67th Legislature

2022 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wellman, Nobles, Conway, Das, Nguyen, Saldaña, and C. Wilson)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to pupil transportation allocations; amending RCW
2 28A.160.117, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, and
3 28A.160.190; and adding a new section to chapter 28A.160 RCW.

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

5 **Sec. 1.** RCW 28A.160.117 and 2009 c 548 s 310 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall encourage
8 efficient use of state resources by providing a linear programming
9 process that compares school district transportation operations. If a
10 school district's operation is calculated to be less than ninety
11 percent efficient, the regional transportation coordinators shall
12 provide an individual review to determine what measures are available
13 to the school district to improve efficiency. The evaluation shall
14 include such measures as:

- 15 (a) Efficient routing of buses;
16 (b) Efficient use of vehicle capacity; and
17 (c) Reasonable controls on compensation costs.

18 (2) The superintendent shall submit to the fiscal and education
19 committees of the legislature no later than December 1st of each year
20 a report summarizing the efficiency reviews and the resulting changes

1 implemented by school districts in response to the recommendations of
2 the regional transportation coordinators.

3 (3) (a) Beginning in the 2023-24 school year and each year
4 thereafter, if a school district's reimbursement amount for serving
5 distinct passenger categories under RCW 28A.160.180(2) (a), divided by
6 the number of distinct passenger students served, exceeds 105 percent
7 of the average per-pupil reimbursement amount attributable to
8 students within distinct passenger categories in similarly
9 geographically sized school districts, the state auditor must conduct
10 a review of the school district's transportation expenditures for
11 distinct passenger categories to ensure the expenditures are
12 reasonable and attributable to serving qualifying students. This
13 review must be included in the state auditor's regular audits of
14 school districts. The office of the superintendent of public
15 instruction must adopt rules to categorize school districts of
16 similar geographic size and notify the state auditor when a review is
17 required under this subsection.

18 (b) For purposes of this subsection (3) "distinct passenger
19 categories" has the same meaning as provided in RCW 28A.160.160.

20 **Sec. 2.** RCW 28A.160.150 and 2009 c 548 s 304 are each amended to
21 read as follows:

22 Funds allocated for transportation costs, except for funds
23 provided for transportation and transportation services to and from
24 school shall be in addition to the basic education allocation. The
25 distribution formula developed in RCW 28A.160.150 through 28A.160.180
26 shall be for allocation purposes only and shall not be construed as
27 mandating specific levels of pupil transportation services by local
28 districts. Operating costs as determined under RCW 28A.160.150
29 through 28A.160.180 shall be funded at one hundred percent or as
30 close thereto as reasonably possible for transportation of an
31 eligible student to and from school as defined in RCW
32 28A.160.160(~~((3))~~) (4). In addition, funding shall be provided for
33 transportation services for students living within the walk area as
34 determined under RCW 28A.160.160(~~((5))~~) (6).

35 **Sec. 3.** RCW 28A.160.160 and 2009 c 548 s 305 are each amended to
36 read as follows:

1 For purposes of RCW 28A.160.150 through 28A.160.190, except where
2 the context shall clearly indicate otherwise, the following
3 definitions apply:

4 (1) "Distinct passenger categories" includes the following:

5 (a) Students who require special transportation services as
6 documented in an approved individualized education program under
7 chapter 28A.155 RCW;

8 (b) Students who meet the definition of homeless where
9 transportation is required by the McKinney-Vento act or other federal
10 requirements;

11 (c) Students who are in foster care where transportation is
12 required outside of the normal school district boundary.

13 (2) "Eligible student" means any student served by the
14 transportation program of a school district or compensated for
15 individual transportation arrangements authorized by RCW 28A.160.030
16 whose route stop is outside the walk area for a student's school,
17 except if the student to be transported is disabled under RCW
18 28A.155.020 and is either not ambulatory or not capable of protecting
19 his or her own welfare while traveling to or from the school or
20 agency where special education services are provided, in which case
21 no mileage distance restriction applies.

22 ~~((+2))~~ (3) "Superintendent" means the superintendent of public
23 instruction.

24 ~~((+3))~~ (4) "To and from school" means the transportation of
25 students, including those listed in the distinct passenger categories
26 as defined in this section, for the following purposes:

27 (a) Transportation to and from route stops and schools;

28 (b) Transportation to and from schools pursuant to an
29 interdistrict agreement pursuant to RCW 28A.335.160;

30 (c) Transportation of students between schools and learning
31 centers for instruction specifically required by statute; ~~((and))~~

32 (d) Transportation of students with disabilities to and from
33 schools and agencies for special education services.

34 Academic extended day transportation for the instructional
35 program of basic education under RCW 28A.150.220 shall be considered
36 part of transportation of students "to and from school" for the
37 purposes of this section. Transportation for field trips may not be
38 considered part of transportation of students "to and from school"
39 under this section.

1 ~~((4))~~ (5) "Transportation services" for students living within
2 the walk area includes the coordination of walk-to-school programs,
3 the funding of crossing guards, and matching funds for local and
4 state transportation projects intended to mitigate hazardous walking
5 conditions. Priority for transportation services shall be given to
6 students in grades kindergarten through five.

7 ~~((5))~~ (6) As used in this section, "walk area" means that area
8 around a school with an adequate roadway configuration to provide
9 students access to school with a walking distance of less than one
10 mile. Mileage must be measured along the shortest roadway or
11 maintained public walkway where hazardous conditions do not exist.
12 The hazardous conditions must be documented by a process established
13 in rule by the superintendent of public instruction and must include
14 roadway, environmental, and social conditions. Each elementary school
15 shall identify walk routes within the walk area.

16 **Sec. 4.** RCW 28A.160.170 and 2021 c 234 s 3 are each amended to
17 read as follows:

18 Each district shall submit ~~((three))~~ the following reports on a
19 timely basis as a condition of the continuing receipt of school
20 transportation moneys:

21 (1) Three times each year to the superintendent of public
22 instruction during October, February, and May of each year a report
23 containing the following:

24 ~~((1))~~ (a) (i) The number of eligible students transported to and
25 from school as provided for in RCW 28A.160.150, along with
26 identification of stop locations and school locations, and ~~((b))~~
27 (ii) the number of miles driven for pupil transportation services as
28 authorized in RCW 28A.160.150 the previous school year; ~~(and~~

29 ~~(2))~~ (b) Other operational data and descriptions as required by
30 the superintendent to determine allocation requirements for each
31 district. The superintendent shall require that districts separate
32 the costs of operating the program for the transportation of eligible
33 students to and from school as defined by RCW 28A.160.160~~((3))~~ (4),
34 non-to-and-from-school pupil transportation costs, and costs to
35 provide expanded services under RCW 28A.160.185(1) in the annual
36 financial statement. The cost, quantity, and type of all fuel
37 purchased by school districts for use in to-and-from-school
38 transportation shall be included in the annual financial statement(~~(-~~

1 ~~Each district shall submit the information required in this~~
2 ~~section on a timely basis as a condition of the continuing receipt of~~
3 ~~school transportation moneys);~~

4 (2) Monthly, a report of allowable transportation expenditures
5 for students included in the definition of distinct passenger
6 categories as defined in RCW 28A.160.160. The data submitted in the
7 2022-23 school year must be used to determine the allocation model
8 for the 2023-24 school year. The data submitted in the 2023-24 school
9 year and thereafter must be used for reimbursement of actual costs as
10 provided in RCW 28A.160.180. The superintendent of public instruction
11 must adopt accounting and reporting rules necessary to implement this
12 section. Rules established by the superintendent of public
13 instruction may streamline reporting requirements for small school
14 districts to account for their unique needs.

15 **Sec. 5.** RCW 28A.160.180 and 2009 c 548 s 307 are each amended to
16 read as follows:

17 (1) Each district's annual student transportation allocation
18 shall be determined by the superintendent of public instruction in
19 the following manner:

20 ~~((1))~~ (a) The superintendent shall annually calculate the
21 transportation allocation for those services provided for in RCW
22 28A.160.150. The allocation formula may be adjusted to include such
23 additional differential factors as basic and special passenger counts
24 as defined by the superintendent of public instruction, average
25 distance to school, and number of locations served.

26 ~~((2))~~ (b) The allocation shall be based on a regression
27 analysis of the number of basic and special students transported and
28 as many other site characteristics that are identified as being
29 statistically significant.

30 ~~((3))~~ (c) The transportation allocation for transporting
31 students in district-owned passenger cars, as defined in RCW
32 46.04.382, pursuant to RCW 28A.160.010 for services provided for in
33 RCW 28A.160.150 if a school district deems it advisable to use such
34 vehicles after the school district board of directors has considered
35 the safety of the students being transported as well as the economy
36 of utilizing a district-owned passenger car in lieu of a school bus
37 is the private vehicle reimbursement rate in effect on September 1st
38 of each school year. Students transported in district-owned passenger

1 cars must be included in the corresponding basic or special passenger
2 counts.

3 ~~((4))~~ (d) Prior to June 1st of each year the superintendent
4 shall submit to the office of financial management, and the education
5 and fiscal committees of the legislature, a report outlining the
6 methodology and rationale used in determining the statistical
7 coefficients for each site characteristic used to determine the
8 allocation for the following year.

9 (2) Beginning in the 2023-24 school year, each school district's
10 annual student transportation allocation shall be determined by the
11 superintendent of public instruction in the following manner:

12 (a) The superintendent must reimburse school districts for 100
13 percent of the transportation expenditures reported under RCW
14 28A.160.170(2) attributable to serving students in distinct passenger
15 categories.

16 (b) The superintendent shall annually calculate the
17 transportation allocation for those services provided for in RCW
18 28A.160.150, excluding any services reimbursed in (a) of this
19 subsection. The allocation formula may be adjusted to include such
20 additional differential factors as passenger counts as defined by the
21 superintendent of public instruction, average distance to school, and
22 number of locations served.

23 (c) The allocation shall be based on a regression analysis of the
24 number of students transported and as many other site characteristics
25 that are identified as being statistically significant.

26 (d) The transportation allocation for transporting students in
27 district-owned passenger cars, as defined in RCW 46.04.382, pursuant
28 to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a
29 school district deems it advisable to use such vehicles after the
30 school district board of directors has considered the safety of the
31 students being transported as well as the economy of utilizing a
32 district-owned passenger car in lieu of a school bus is the private
33 vehicle reimbursement rate in effect on September 1st of each school
34 year. Students transported in district-owned passenger cars must be
35 included in the corresponding basic or special passenger counts.

36 (e) Prior to June 1st of each year, the superintendent shall
37 submit to the office of financial management and the education and
38 fiscal committees of the legislature, a report outlining the
39 methodology and rationale used in determining the statistical

1 coefficients for each site characteristic used to determine the
2 allocation for the following year.

3 **Sec. 6.** RCW 28A.160.190 and 2009 c 548 s 308 are each amended to
4 read as follows:

5 ((The)) (1) Beginning in the 2023-24 school year, the
6 superintendent of public instruction shall reimburse school districts
7 on a monthly basis for 100 percent of the transportation expenditures
8 attributable to serving students in distinct passenger categories, as
9 reported under RCW 28A.160.170(2). Districts must submit claims for
10 reimbursement monthly, on a schedule determined by the superintendent
11 of public instruction that is consistent with the methods used to
12 reimburse school districts for costs in other reimbursement-based
13 categorical programs.

14 (2)(a) For all other transportation allocations not included in
15 subsection (1) of this section, the superintendent shall notify
16 districts of their student transportation allocation before January
17 15th. The superintendent shall recalculate and prorate the district's
18 allocation for the transportation of pupils to and from school.

19 (b) The superintendent shall make the student transportation
20 allocation in accordance with the apportionment payment schedule in
21 RCW 28A.510.250. Such allocation payments may be based on the prior
22 school year's ridership report for payments to be made in September,
23 October, November, December, and January.

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

26 By January 1, 2025, the office of the superintendent of public
27 instruction must provide an analysis of school district
28 transportation costs and allocations following the 2023-24 school
29 year to the education and fiscal committees of the legislature. This
30 analysis must include the mileage, ridership, and costs for each
31 district, disaggregated by the following student demographic
32 categories: (1) Students requiring special transportation due to a
33 properly formed and approved individualized education program; (2)
34 students requiring special transportation due to requirements of the
35 McKinney-Vento act or other federal program; (3) students requiring
36 special transportation due to a foster care placement out of their
37 regular school district boundary; and (4) all other students
38 transported to and from school. The legislature intends to use this

1 data to inform their future discussions on revising the overall
2 student transportation allocation model to a more transparent and
3 predictable funding model.

--- **END** ---