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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5174

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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 exceed the amount provided under RCW 28A.160.150 through  
9    28A.160.192 and any excess transportation costs reimbursed by  
10   federal, state, tribal, or local child welfare agencies. A  
11   transportation safety net award may not exceed a school district's  
12   excess expenditures directly attributable to serving special  
13   passengers in the pupil transportation program.

14        (2)    For the purposes of this section, "special passengers"  
15   include:

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

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

22        (c)    Foster students receiving transportation as required under  
23   the federal every student succeeds act, Title 20 U.S.C. Sec.  
24   6312(c)(5)(b).

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

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

38        (5)    Charter schools established under chapter 28A.710 RCW and  
39   state-tribal education compact schools established under chapter  
40   28A.715 RCW are also eligible for awards under this section.

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

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

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

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

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

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

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