
SUBSTITUTE SENATE BILL 5873

State of Washington

68th Legislature

2024 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wellman, C. Wilson, Hasegawa, Hunt, Kuderer, Nguyen, Nobles, Trudeau, and Valdez)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to providing adequate and predictable student
2 transportation; amending RCW 28A.160.170 and 28A.160.140; and adding
3 new sections to chapter 28A.160 RCW.

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

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

7 (1) The legislature recognizes that many school districts do not
8 receive adequate funding for student transportation under the current
9 student transportation allocation reporting system formula. The
10 legislature further finds that the formula does not provide
11 sufficient funding to address the needs of special student
12 populations, including students receiving special education services,
13 students experiencing homelessness, students in foster care, and
14 students attending skill centers. Furthermore, the formula does not
15 address the unique transportation challenges faced by rural and high
16 population density urban districts. Therefore, the legislature
17 intends to direct the office of the superintendent of public
18 instruction to gather and disaggregate student transportation data
19 and develop a comprehensive funding model that is inclusive of the
20 diverse needs of students and school districts.

1 (2) The legislature also recognizes the increased costs of
2 transporting students experiencing homelessness due to the heavy
3 reliance on individualized transport systems to get these students to
4 and from school. To address this, the legislature intends to
5 establish a flat rate funding model that allocates per-pupil funding
6 for qualifying students.

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

9 (1) By June 1, 2027, the office of the superintendent of public
10 instruction must provide an analysis of school district
11 transportation costs and allocations following the 2025-26 school
12 year to the education and fiscal committees of the legislature. This
13 analysis must include the mileage, ridership, and costs for each
14 district, disaggregated by the following student demographic
15 categories: (a) Students requiring special transportation services to
16 access special education services that are documented in a properly
17 formed and approved individualized education program; (b) students
18 requiring special transportation due to requirements of the McKinney
19 Vento homeless assistance act or other federal program; (c) students
20 requiring special transportation due to a foster care placement out
21 of their regular school district boundary; (d) students attending
22 skill centers; and (e) all other students transported to and from
23 school.

24 (2)(a) The office of the superintendent of public instruction
25 must use the analysis conducted in subsection (1) of this section to
26 develop a transparent, predictable, and comprehensive student
27 transportation funding model that addresses the diverse needs of
28 students and the unique characteristics of school districts.

29 (b) The new funding model must be inclusive of student
30 transportation services for the following demographic groups: (i)
31 Students requiring special transportation services to access special
32 education services that are documented in a properly formed and
33 approved individualized education program; (ii) students requiring
34 special transportation due to requirements of the McKinney Vento
35 homeless assistance act or other federal program; (iii) students
36 requiring special transportation due to a foster care placement out
37 of their regular school district boundary; and (iv) students
38 attending skill centers.

1 (c) The new funding model must include mechanisms to address the
2 unique transportation challenges faced by high population density
3 urban school districts and rural, geographically large districts that
4 have a relatively low number of schools in proportion to the
5 geographic size of the school district.

6 (d) This section is not intended to limit the factors, variables,
7 demographic groups, or district characteristics that may be addressed
8 by the office of the superintendent of public instruction when
9 developing a new student transportation funding model.

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

12 Each district shall submit three times each year to the
13 superintendent of public instruction during October, February, and
14 May of each year a report containing the following:

15 (1)(a) The number of eligible students transported to and from
16 school as provided for in RCW 28A.160.150, along with identification
17 of stop locations and school locations(~~(, and)~~);

18 (b) (~~the~~) The number of miles driven for pupil transportation
19 services as authorized in RCW 28A.160.150 the previous school year;
20 and

21 (c) The number of students requiring special transportation due
22 to requirements of the McKinney Vento homeless assistance act.

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

33 Each district shall submit the information required in this
34 section on a timely basis as a condition of the continuing receipt of
35 school transportation moneys.

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

1 (1) In addition to the pupil transportation allocations provided
2 under this chapter, the superintendent of public instruction shall
3 provide additional funds to support the alternative transportation
4 costs associated with ensuring students experiencing homelessness are
5 transported to and from school.

6 (2) Funds allocated to school districts under this section must
7 be equal to \$400 for each student that requires special
8 transportation due to the requirements of the McKinney Vento homeless
9 assistance act, as reported under RCW 28A.160.170, and may only be
10 used to address transportation costs associated with such students.

11 **Sec. 5.** RCW 28A.160.140 and 1990 c 33 s 140 are each amended to
12 read as follows:

13 (1) As a condition of entering into a pupil transportation
14 services contract with a private nongovernmental entity, each school
15 district shall engage in an open competitive process at least once
16 every five years. This requirement shall not be construed to prohibit
17 a district from entering into a pupil transportation services
18 contract of less than five years in duration with a district option
19 to renew, extend, or terminate the contract, if the district engages
20 in an open competitive process at least once every five years after
21 July 26, 1987.

22 (2)(a) A school district may only enter into, renew, or extend a
23 pupil transportation services contract with a private nongovernmental
24 entity if that entity provides the following to, or on behalf of, its
25 employees who choose to opt in for coverage:

26 (i) An employer health benefits contribution equal to the
27 employer payment dollar amount in effect for the first year of the
28 contract for health care benefit rates (cockle rates), published
29 annually by the health care authority, for the school employees'
30 benefits board program for school employees; and

31 (ii) An amount equivalent to the salaries of the employees of the
32 private nongovernmental entity multiplied by the employer normal cost
33 contribution rate determined under the entry age cost method for the
34 school employees' retirement system, as published in the most recent
35 actuarial valuation report from the office of the state actuary for
36 the first year of the contract.

37 (b) All pupil transportation service contracts entered into or
38 modified after the effective date of this section must include a
39 detailed explanation of any contract cost increase by year,

1 expenditure type, and amount, including any increases in cost that
2 result from providing the benefits required under this section.

3 (3) As used in this section:

4 ~~((1))~~ (a) "Employees" means in-state employees of the private
5 nongovernmental entity working sufficient compensated hours
6 performing services pursuant to the contract with the school district
7 to meet the eligibility requirements for the school employees'
8 benefits board program if the employees were directly employed by a
9 school district;

10 (b) "Open competitive process" means either one of the following,
11 at the choice of the school district:

12 ~~((a))~~ (i) The solicitation of bids or quotations and the award
13 of contracts under RCW 28A.335.190; or

14 ~~((b))~~ (ii) The competitive solicitation of proposals and their
15 evaluation consistent with the process and criteria recommended or
16 required, as the case may be, by the office of financial management
17 for state agency acquisition of personal service contractors;

18 ~~((2))~~ (c) "Pupil transportation services contract" means a
19 contract for the operation of privately owned or school district
20 owned school buses, and the services of drivers or operators,
21 management and supervisory personnel, and their support personnel
22 such as secretaries, dispatchers, and mechanics, or any combination
23 thereof, to provide students with transportation to and from school
24 on a regular basis; and

25 ~~((3))~~ (d) "School bus" means a motor vehicle as defined in RCW
26 46.04.521 and under the rules of the superintendent of public
27 instruction.

28 NEW SECTION. Sec. 6. A new section is added to chapter 28A.160
29 RCW to read as follows:

30 (1) Subject to the availability of amounts appropriated for this
31 specific purpose, the office of the superintendent of public
32 instruction must provide a one-time supplemental transportation
33 allocation to school districts that experience an increase in costs
34 to pupil transportation services contracts due to RCW 28A.160.140.

35 (2) To be eligible for supplemental transportation allocations, a
36 school district must report to the office of the superintendent of
37 public instruction the number of employees under pupil transportation
38 services contracts that worked at least 630 hours in performing

1 services on the contract with the school district in the school year
2 prior to entering a contract subject to RCW 28A.160.140.

3 (3) Amounts provided under this section may only be used by
4 school districts as payments under pupil transportation services
5 contracts for employee compensation.

6 (4) A supplemental transportation allocation under this section
7 may not exceed \$200 per employee per month for contracted employees
8 reported under subsection (2) of this section.

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