
HOUSE BILL 1248

State of Washington

68th Legislature

2023 Regular Session

By Representatives Stonier and Harris

1 AN ACT Relating to pupil transportation; amending RCW
2 28A.160.170, 28A.160.180, 28A.160.193, and 28A.160.140; adding new
3 sections to chapter 28A.160 RCW; adding a new section to chapter
4 28A.320 RCW; repealing RCW 28A.160.192; and providing effective
5 dates.

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

7 **Sec. 1.** RCW 28A.160.170 and 2021 c 234 s 3 are each amended to
8 read as follows:

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

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

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

20 ~~((2))~~ (b) Other operational data and descriptions as required
21 by the superintendent to determine allocation requirements for each

1 district. The superintendent shall require that districts separate
2 the costs of operating the program for the transportation of eligible
3 students to and from school as defined by RCW 28A.160.160(3), non-to-
4 and-from-school pupil transportation costs, and costs to provide
5 expanded services under RCW 28A.160.185(1) in the annual financial
6 statement. The cost, quantity, and type of all fuel purchased by
7 school districts for use in to-and-from-school transportation shall
8 be included in the annual financial statement; and

9 (2) Monthly, a report of allowable transportation expenditures
10 for the following categories of special passengers: Students eligible
11 and receiving special education that require transportation as a
12 related service of their individualized education program, homeless
13 students requiring transportation under the McKinney-Vento act,
14 reauthorized as Title X, Part C, of the no child left behind act,
15 P.L. 107-110, in January 2002, and foster students receiving
16 transportation as required under section 1112(c)(5)(B) of the every
17 student succeeds act, P.L. 114-95, excluding excess costs covered by
18 state or local child welfare agencies.

19 ~~((Each district shall submit the information required in this~~
20 ~~section on a timely basis as a condition of the continuing receipt of~~
21 ~~school transportation moneys.))~~

22 **Sec. 2.** RCW 28A.160.180 and 2009 c 548 s 307 are each amended to
23 read as follows:

24 Each district's annual student transportation allocation shall be
25 determined by the superintendent of public instruction in the
26 following manner:

27 (1) The superintendent shall annually calculate the
28 transportation allocation for those services provided for in RCW
29 28A.160.150. The allocation formula may be adjusted (~~(to include such~~
30 ~~additional differential factors as basic and special passenger counts~~
31 ~~as defined by the superintendent of public instruction, average~~
32 ~~distance to school, and number of locations served)) based on
33 reimbursements for allowable special passenger expenditures provided
34 under subsection (2)(c) of this section.~~

35 (2) The allocation shall be (~~based on a regression analysis of~~
36 ~~the number of basic and special students transported and as many~~
37 ~~other site characteristics that are identified as being statistically~~
38 ~~significant)) equal to the greater of the sum of (a) and (b) of this
39 subsection, multiplied by the school district's regionalization~~

1 factor under RCW 28A.150.410(9), and (c) of this subsection, or the
2 school district's transportation allocation in the 2022-23 school
3 year increased annually by the transportation inflation factor.

4 (a) \$1,900, increased annually from the 2022-23 school year by
5 the transportation inflation factor, multiplied by the average number
6 of riders to and from school in the previous school year, multiplied
7 by 0.86.

8 (b) \$0.82, increased annually from the 2022-23 school year by the
9 transportation inflation factor, multiplied by the total mileage
10 transporting students to and from school, multiplied by 0.14.

11 (c) The reimbursement of allowable transportation expenditures
12 for special passengers as reported under RCW 28A.160.170(2) in excess
13 of the combined amount in (a) and (b) of this subsection. Allocations
14 for reimbursement of allowable transportation expenditures for
15 special passengers must be provided as follows:

16 (i) Allocations for reimbursable transportation expenditures
17 under this subsection (2)(c) must be provided monthly. Allocations
18 from September to December of a school year under this subsection
19 (2)(c)(i) must be based on expenditures reported under RCW
20 28A.160.170(2) for the prior school year. Allocations after December
21 must be adjusted based on monthly reports under RCW 28A.160.170(2) in
22 the current school year so that districts receive allocations for all
23 reimbursable transportation expenditures under this subsection (2)(c)
24 within a school year.

25 (ii) The superintendent of public instruction must recover
26 amounts that were distributed prospectively under this subsection
27 (2)(c) that exceed the school district's total allowable pupil
28 transportation expenditures for that school year.

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

39 (4) Prior to June 1st of each year the superintendent shall
40 submit to the office of financial management, and the education and

1 fiscal committees of the legislature, a report outlining the
2 methodology and rationale used in determining the statistical
3 coefficients for each site characteristic used to determine the
4 allocation for the following year.

5 (5) For purposes of this section, "transportation inflation
6 factor" means, for any school year, the implicit price deflator for
7 that fiscal year, using the official current base, compiled by the
8 bureau of economic analysis, United States department of commerce.

9 **Sec. 3.** RCW 28A.160.193 and 2018 c 266 s 103 are each amended to
10 read as follows:

11 (1) Subject to the availability of amounts appropriated for this
12 specific purpose, a transportation alternate funding grant program is
13 created.

14 (2) As part of the award process for the grants, the
15 superintendent of public instruction must include a review of the
16 school district's efficiency rating, key performance indicators, and
17 local school district characteristics such as unique geographic
18 constraints, low enrollment, geographic density of students, (~~the~~
19 ~~percentage of students served under the McKinney-Vento homeless~~
20 ~~assistance act from outside the district,~~) or whether the district
21 is a nonhigh district.

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

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

1 discussions and reviews of the overall student transportation
2 allocation model to remain transparent and predictable.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.320
4 RCW to read as follows:

5 Beginning in the 2024-25 school year and each year thereafter,
6 for any district where the reimbursement of costs under RCW
7 28A.160.180(2)(c) exceeds 105 percent of the state average per
8 special passenger, the state auditor shall include in their regular
9 audits of school districts a review of transportation costs to ensure
10 they are necessary and reasonable costs attributable to special
11 passengers as defined by the superintendent of public instruction and
12 reported under RCW 28A.160.170(2).

13 NEW SECTION. **Sec. 6.** RCW 28A.160.192 (Student transportation
14 allocation—Distribution formula) and 2011 1st sp.s. c 27 s 3, 2010 c
15 236 s 8, & 2009 c 548 s 311 are each repealed.

16 **Sec. 7.** RCW 28A.160.140 and 1990 c 33 s 140 are each amended to
17 read as follows:

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

27 (b) Any pupil transportation services contract entered into,
28 renewed, or extended after September 1, 2023, must require the
29 contractor to provide benefits comparable to the school employees'
30 benefits board program and school employees' retirement system to
31 employees and include:

32 (i) Sufficient funds specifically for the contracting employer to
33 provide the employees of the contractor with an employer health
34 benefits contribution equal to the monthly school employer funding
35 rate for the school employees' benefits board program, less the
36 retiree remittance for the public employees' benefits board; and

1 (ii) An amount equivalent to the plans 2 and 3 normal cost
2 employer contribution rate of the school employees' retirement
3 system, multiplied by the estimated salaries of the employees of the
4 contractor.

5 (2) As used in this section:

6 ~~((1))~~ (a) "Employees of the contractor" means employees working
7 sufficient compensated hours for the contracting employer performing
8 services on the contract with the school district to meet the
9 eligibility requirements for the school employees' benefits board
10 program if the employee was directly employed by a school district;

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

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

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

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

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

29 NEW SECTION. Sec. 8. A new section is added to chapter 28A.160
30 RCW to read as follows:

31 (1) Subject to amounts appropriated for this purpose, the office
32 of the superintendent of public instruction must provide a one-time
33 supplemental transportation allocation to school districts that
34 experience an increase in costs to pupil transportation services
35 contracts due to section 7 of this act.

36 (2) To be eligible for supplemental transportation allocations, a
37 school district must report to the office of the superintendent of
38 public instruction the number of employees under pupil transportation
39 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 section 7 of this act.

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.

9 NEW SECTION. **Sec. 9.** Section 1 of this act takes effect
10 September 1, 2023.

11 NEW SECTION. **Sec. 10.** Sections 2 through 6 of this act take
12 effect September 1, 2024.

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