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**SENATE BILL 5326**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senator Robinson

1 AN ACT Relating to health and pension benefits for school bus  
2 drivers employed by private nongovernmental entities; amending RCW  
3 28A.160.140; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that school bus  
6 drivers play a crucial role in ensuring students' safe passage to and  
7 from school, preventing absences, and extending a positive school  
8 climate beyond the classroom. By delivering this essential service,  
9 school bus drivers provide a significant time and convenience benefit  
10 to thousands of Washington families, remove cars from the road,  
11 reduce overall emissions, and increase traffic safety. However, a  
12 recent national survey revealed that 94 percent of bus contractors  
13 experience driver shortages, with 21 percent reporting their  
14 shortages as severe. With this act, the state of Washington intends  
15 to encourage the retention of bus drivers who provide vital services  
16 to local communities.

17 **Sec. 2.** RCW 28A.160.140 and 1990 c 33 s 140 are each amended to  
18 read as follows:

19 (1) As a condition of entering into a pupil transportation  
20 services contract with a private nongovernmental entity, each school

1 district shall engage in an open competitive process at least once  
2 every five years. This requirement shall not be construed to prohibit  
3 a district from entering into a pupil transportation services  
4 contract of less than five years in duration with a district option  
5 to renew, extend, or terminate the contract, if the district engages  
6 in an open competitive process at least once every five years after  
7 July 26, 1987.

8 (2) (a) A school district may only enter into a pupil  
9 transportation services contract with a nongovernmental entity if  
10 that entity provides the following to its employees:

11 (i) An employer health benefits contribution equal to the monthly  
12 school employer funding rate for the state health benefits program  
13 for school employees, less the retiree remittance for the public  
14 employees' benefits board, for employees not eligible for health  
15 benefits through another employer-based group health insurance plan  
16 or through a spouse or domestic partner's employer-based group plan  
17 that has benefits and premiums with an actuarial value of not less  
18 than 95 percent of the actuarial value of the health plan available  
19 to school employees with the largest enrollment; and

20 (ii) An amount equivalent to the plans 2 and 3 normal cost  
21 employer contribution rate of the school employees' retirement  
22 system, multiplied by the estimated salaries of the employees of the  
23 private nongovernmental entity.

24 (b) Subsection (2) (a) of this section applies only to pupil  
25 transportation service contracts entered into, renewed, or extended  
26 after the effective date of this section.

27 (3) As used in this section:

28 ~~((1))~~ (a) "Employee" means an employee who works sufficient  
29 compensated hours for the nongovernmental entity performing services  
30 on the contract with the school district to meet the eligibility  
31 requirements for the state health benefits program for school  
32 employees if the employee was directly employed by the school  
33 district;

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

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

38 ~~((b))~~ (ii) The competitive solicitation of proposals and their  
39 evaluation consistent with the process and criteria recommended or

1 required, as the case may be, by the office of financial management  
2 for state agency acquisition of personal service contractors;

3 ~~((2))~~ (c) "Pupil transportation services contract" means a  
4 contract for the operation of privately owned or school district  
5 owned school buses, and the services of drivers or operators,  
6 management and supervisory personnel, and their support personnel  
7 such as secretaries, dispatchers, and mechanics, or any combination  
8 thereof, to provide students with transportation to and from school  
9 on a regular basis; and

10 ~~((3))~~ (d) "School bus" means a motor vehicle as defined in RCW  
11 46.04.521 and under the rules of the superintendent of public  
12 instruction.

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