
HOUSE BILL 2041

State of Washington

61st Legislature

2009 Regular Session

By Representatives Finn, Cox, Haigh, Priest, Hunt, Sullivan, Van De Wege, Ormsby, and Goodman; by request of Superintendent of Public Instruction

Read first time 02/06/09. Referred to Committee on Education Appropriations.

1 AN ACT Relating to student transportation funding; amending RCW
2 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, and 28A.160.190;
3 adding new sections to chapter 28A.160 RCW; creating new sections; and
4 providing effective dates.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the current
7 student transportation funding formula is outdated and does not
8 adequately address the costs incurred by school districts in
9 transporting students. The legislature further finds that an
10 appropriate new formula based on reliable data from a uniform reporting
11 system used by all districts, providing incentives for efficient use of
12 state resources, and maintaining local school district control over
13 operational decisions within the transportation program has been
14 developed under a contract with the office of financial management.
15 Therefore, it is the legislature's intent to respond to the findings of
16 the 2006 pupil transportation funding study by the joint legislative
17 audit and review committee by providing additional payments to
18 districts to mitigate funding discrepancies identified by the study,

1 until such time as the new funding formula can be implemented in a
2 thoughtful and deliberative manner no later than the 2011-12 school
3 year.

4 **Sec. 2.** RCW 28A.160.150 and 1996 c 279 s 1 are each amended to
5 read as follows:

6 Funds allocated for transportation costs shall be in addition to
7 the basic education allocation. The distribution formula developed in
8 RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes
9 only and shall not be construed as mandating specific levels of pupil
10 transportation services by local districts. Operating costs as
11 determined under RCW 28A.160.150 through 28A.160.180 shall be funded at
12 one hundred percent or as close thereto as reasonably possible for
13 transportation of an eligible student to and from school as defined in
14 RCW 28A.160.160(3). In addition, funding shall be provided for
15 transportation services for students living within (~~one radius mile~~
16 ~~from~~) the walk to school area as determined under RCW
17 (~~(28A.160.180(2))~~) 28A.160.160(5).

18 **Sec. 3.** RCW 28A.160.160 and 1996 c 279 s 2 are each amended to
19 read as follows:

20 For purposes of RCW 28A.160.150 through 28A.160.190, except where
21 the context shall clearly indicate otherwise, the following definitions
22 apply:

23 (1) "Eligible student" means any student served by the
24 transportation program of a school district or compensated for
25 individual transportation arrangements authorized by RCW 28A.160.030
26 whose route stop is (~~more than one radius mile from the~~) outside the
27 walk area for a student's school, except if the student to be
28 transported is disabled under RCW 28A.155.020 and is either not
29 ambulatory or not capable of protecting his or her own welfare while
30 traveling to or from the school or agency where special education
31 services are provided, in which case no mileage distance restriction
32 applies.

33 (2) "Superintendent" means the superintendent of public
34 instruction.

35 (3) "To and from school" means the transportation of students for
36 the following purposes:

- 1 (a) Transportation to and from route stops and schools;
2 (b) Transportation to and from schools pursuant to an interdistrict
3 agreement pursuant to RCW 28A.335.160;
4 (c) Transportation of students between schools and learning centers
5 for instruction specifically required by statute; and
6 (d) Transportation of students with disabilities to and from
7 schools and agencies for special education services.

8 Academic extended day transportation for programs provided under
9 RCW 28A.150.200 (basic education act), chapter 28A.155 RCW (special
10 education), RCW 28A.165.015 through 28A.165.075 (learning assistance
11 program), or RCW 28A.180.010 through 28A.180.080 (transitional
12 bilingual instruction program) shall ((not)) be considered part of
13 transportation of students "to and from school" for the purposes of
14 ((chapter 61, Laws of 1983 1st ex. sess)) this section. Transportation
15 for field trips may not be considered part of transportation of
16 students "to and from school" under this section.

17 (4) "Transportation services" for students living within one radius
18 mile from school means school transportation services including the use
19 of buses, funding of crossing guards, and matching funds for local and
20 state transportation projects intended to mitigate hazardous walking
21 conditions. Priority for transportation services shall be given to
22 students in grades kindergarten through five.

23 (5) The "walk area" means that area around a school with an
24 adequate roadway configuration to provide students access to school
25 with a walking distance of less than one mile. Mileage must be
26 measured along the shortest roadway or maintained public walkway where
27 hazardous conditions do not exist. The hazardous conditions must be
28 documented by a process established in rule by the superintendent of
29 public instruction and must include roadway, environmental, and social
30 conditions. Each elementary school shall identify walk routes within
31 the walk area.

32 **Sec. 4.** RCW 28A.160.170 and 2007 c 139 s 1 are each amended to
33 read as follows:

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

1 (1)(a) The number of eligible students transported to and from
2 school as provided for in RCW 28A.160.150 (~~for the current school year~~
3 ~~and the number of miles estimated to be driven for pupil transportation~~
4 ~~services~~), along with (~~a map describing student route~~)
5 identification of stop locations and school locations, and (b) the
6 number of miles driven for pupil transportation services as authorized
7 in RCW 28A.160.150 the previous school year; and

8 (2) Other operational data and descriptions as required by the
9 superintendent to determine allocation requirements for each district.
10 The superintendent shall require that districts separate the costs of
11 operating the program for the transportation of eligible students to
12 and from school as defined by RCW 28A.160.160(3) from non-to-and-from-
13 school pupil transportation costs in the annual financial statement.
14 The cost, quantity, and type of all fuel purchased by school districts
15 for use in to-and-from-school transportation will be included in the
16 annual financial statement.

17 Each district shall submit the information required in this section
18 on a timely basis as a condition of the continuing receipt of school
19 transportation moneys.

20 **Sec. 5.** RCW 28A.160.180 and 1996 c 279 s 3 are each amended to
21 read as follows:

22 Each district's annual student transportation allocation shall be
23 (~~based on differential rates~~) determined by the superintendent of
24 public instruction in the following manner:

25 (1) The superintendent shall annually calculate (~~a standard~~
26 ~~student mile allocation rate for determining~~) the transportation
27 allocation for those services provided for in RCW 28A.160.150.
28 (~~"Standard student mile allocation rate," as used in this chapter,~~
29 ~~means the per mile allocation rate for transporting an eligible~~
30 ~~student.~~) The (~~standard student mile~~) allocation (~~rate~~) formula
31 may be adjusted to include such additional differential factors as
32 (~~distance; restricted~~) basic and special passenger (~~load;~~
33 ~~circumstances that require use of special types of transportation~~
34 ~~vehicles; student with disabilities load; and small fleet maintenance~~)
35 counts, average distance to school, and number of locations served.

36 (2) (~~For transportation services for students living within one~~
37 ~~radius mile from school,~~) The allocation shall be based on a

1 regression analysis of the number of basic and special students ((in
2 grades kindergarten through five living within one radius mile as
3 specified in the biennial appropriations act)) transported and as many
4 other site characteristics that are identified as being statistically
5 significant.

6 (3) (~~The superintendent of public instruction shall annually~~
7 ~~calculate allocation rate(s), which shall include vehicle amortization,~~
8 ~~for determining)) The transportation allocation for transporting
9 students in district-owned passenger cars, as defined in RCW 46.04.382,
10 pursuant to RCW 28A.160.010 for services provided for in RCW
11 28A.160.150 if a school district deems it advisable to use such
12 vehicles after the school district board of directors has considered
13 the safety of the students being transported as well as the economy of
14 utilizing a district-owned passenger car in lieu of a school bus is the
15 private vehicle reimbursement rate in effect on September 1st of each
16 school year. Students transported in district-owned passenger cars
17 must be included in the corresponding basic or special passenger
18 counts.~~

19 (4) Prior to June 1st of each year the superintendent shall submit
20 to the office of financial management, and the education and fiscal
21 committees ((on education and ways and means of the senate and house of
22 representatives)) of the legislature, a report outlining the
23 methodology and rationale used in determining the statistical
24 coefficients for each site characteristic used to determine the
25 allocation ((rates to be used)) for the following year.

26 **Sec. 6.** RCW 28A.160.190 and 1990 c 33 s 145 are each amended to
27 read as follows:

28 The superintendent shall notify districts of their student
29 transportation allocation before January 15th. (~~If the number of~~
30 ~~eligible students in a school district changes ten percent or more from~~
31 ~~the October report, and the change is maintained for a period of twenty~~
32 ~~consecutive school days or more, the district may submit revised~~
33 ~~eligible student data to the superintendent of public instruction.))
34 The superintendent shall(~~, to the extent funds are available,~~)
35 recalculate and prorate the district's allocation for the
36 transportation of pupils to and from school.~~

1 The superintendent shall make the student transportation allocation
2 in accordance with the apportionment payment schedule in RCW
3 28A.510.250. Such allocation payments may be based on (~~estimated~~
4 ~~amounts~~) the prior school year's ridership report for payments to be
5 made in September, October, November, December, and January.

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

8 The superintendent of public instruction shall ensure that the
9 allocation formula results in adequate appropriation for low enrollment
10 districts, nonhigh districts, districts involved in cooperative
11 transportation agreements, and cooperative special transportation
12 services operated by educational service districts. If necessary, the
13 superintendent shall develop a separate process to adjust the
14 allocation of the districts.

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

17 The superintendent of public instruction shall encourage efficient
18 use of state resources by providing a linear programming process that
19 compares school district transportation operations. If a school
20 district's operation is calculated to be less than ninety percent
21 efficient, the regional transportation coordinators shall provide an
22 individual review to determine what measures are available to the
23 school district to improve efficiency. The evaluation will include
24 such measures as:

- 25 (1) Efficient routing of buses;
- 26 (2) Efficient use of vehicle capacity; and
- 27 (3) Reasonable controls on compensation costs.

28 The superintendent shall submit to the fiscal and education
29 committees of the legislature no later than December 1st of each year
30 a report summarizing the efficiency reviews and the resulting changes
31 implemented by school districts in response to the recommendations of
32 the regional transportation coordinators.

33 NEW SECTION. **Sec. 9.** (1) The superintendent of public instruction
34 shall implement the new distribution formula for allocating state funds

1 to school districts for transportation of students to and from school,
2 beginning with the 2011-12 school year.

3 (a) The formula must be developed and revised on an ongoing basis
4 using the major cost factors in student transportation, including basic
5 and special student loads, school district land area, average distance
6 to school, roadway miles, and number of locations served. Factors will
7 include all those site characteristics that are statistically
8 significant after analysis of the data required by the revised
9 reporting process.

10 (b) The formula must allocate funds to school districts based on
11 the average predicted costs of transporting students to and from
12 school, using a regression analysis.

13 (2) The superintendent shall develop, implement, and provide a copy
14 of the rules specifying the student transportation reporting
15 requirements to the legislature and school districts no later than
16 December 1, 2009.

17 (3) Beginning in December 2009, and continuing until December 2014,
18 the superintendent shall provide quarterly updates and progress reports
19 to the fiscal committees of the legislature on the implementation and
20 testing of the distribution formula.

21 NEW SECTION. **Sec. 10.** Sections 2 through 7 of this act take
22 effect September 1, 2011.

23 NEW SECTION. **Sec. 11.** Section 8 of this act takes effect
24 September 1, 2013.

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