

section 5, chapter 124, Laws of 1972 ex. sess., section 66, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.100;

(6) Section 6, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.110;

(7) Section 7, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.120; and

(8) Section 11, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.130.

NEW SECTION. Sec. 13. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 24, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

## CHAPTER 265

[Substitute Senate Bill No. 3845]

### SCHOOL DISTRICT AUTHORIZED TRANSPORTATION

AN ACT Relating to school district authorized transportation; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter \_\_\_\_ (Substitute Senate Bill No. 3845), Laws of 1981 and RCW 28A.41.160; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 122, Laws of 1980 and RCW 28A.24.055; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 80, Laws of 1977 and RCW 28A.24.100; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; repealing section 28A.24.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.060; repealing section 28A.24.080, chapter 223, Laws of 1969 ex. sess., section 104, chapter 176, Laws of 1969 ex. sess., section 32, chapter 282, Laws of 1971 ex. sess., section 54, chapter 275, Laws of 1975 1st ex. sess., section 1, chapter 80, Laws of 1977 and RCW 28A.24.080; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in sections 1 through 4 of this act shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under sections 1 through 4 of this amendatory act shall be funded at one hundred percent or as close thereto as reasonably possible for the following pupil transportation services:

(1) Transportation of an eligible student from the student's assigned route stop to the student's school at the beginning of the student's school day, and from the student's school to the student's assigned route stop at the end of the school day in a transportation vehicle. Recognition of nonpassenger miles shall be included as part of transportation to and from school.

(2) Transportation between schools or learning centers of students whose basic education or other programs are offered in two or more locations. Field trips are not eligible for funds allocated for transportation costs.

(3) Transportation for student participants in activities planned, supervised, and administered by the Washington interscholastic activities association or other voluntary nonprofit entity pursuant to RCW 28A.58.125, as now or hereafter amended, if eligible for state transportation funding under rules adopted by the state board of education.

Operational costs, as determined under sections 1 through 4 of this amendatory act, for those pupil transportation services provided for in subsection (1) of this section shall be funded state-wide at one hundred percent before any funds are provided for operating costs of services provided for in subsections (2) and (3) of this section.

**NEW SECTION.** Sec. 2. For purposes of sections 1 through 5 of this amendatory act, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student whose residence or assigned route stop is more than one mile from the student's school, except if the student to be transported is handicapped under RCW 28A.13.010, as now or hereafter amended, and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.

(2) "Nonpassenger miles" means road miles necessary for the following purposes when no student is being transported in a vehicle: (a) Inspection of vehicles by the state patrol; (b) mileage incurred as a result of major maintenance repairs; (c) mandated bus driver training; and (d) mileage between a school, bus garage, or storage facility and the first student route stop and the mileage between the last student route stop and the school, bus garage, or storage facility.

(3) "Superintendent" means the superintendent of public instruction.

**NEW SECTION.** Sec. 3. Each district shall submit to the superintendent of public instruction by May 1st of each year a report containing the following:

(1) The number of students anticipated to be eligible for to and from school transportation as provided for in section 1(1) of this amendatory act for the ensuing school year, along with a map describing student route stop locations and school locations;

(2) The actual number of miles driven for pupil transportation services provided for in section 1(2) of this amendatory act during the current school year, and the number of miles anticipated for the ensuing school year for such services;

(3) The number of scheduled miles for pupil transportation services provided for in section 1(3) of this amendatory act for the ensuing school year. Miles reported shall be limited to those that are scheduled and required for participation in activities planned, supervised, and administered by the Washington interscholastic activities association or other voluntary nonprofit entity, and approved for state transportation funding by the state board of education; and

(4) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district.

**NEW SECTION.** Sec. 4. Each district's annual student transportation allocation shall be based on differential rates determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate a standard student mile allocation rate for each district. "Standard student mile allocation rate," as used in this section, means the per mile allocation rate for transporting an eligible student. The standard student mile allocation rate may consist of no more than five differential rates state-wide, as determined by the superintendent, and shall include but not be limited to such factors as climate and terrain; nonpassenger miles; and the costs of insurance, district or contract-employee salaries, and benefits, maintenance, fuel, supplies, and materials. The standard student mile allocation rate shall be used to determine the transportation allocation for those services provided for in section 1(1) of this act.

(2) The superintendent shall annually calculate a standard unit mile rate for each district. "Standard unit mile rate," as used in this section, means the cost of operating an approved transportation vehicle for one mile. The standard unit mile rate may consist of no more than five differential rates state-wide, as determined by the superintendent, and shall be based on the factors used in subsection (1) of this section. The standard unit mile rate shall be used to determine the transportation allocation for those services provided for in section 1(2) and (3) of this amendatory act. For purposes of allocating funds for section 1(2) of this amendatory act, the superintendent shall use the average number of miles reported by the district for the two school years.

(3) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the committees on education and ways and means of the senate and house of representatives a report outlining the methodology and rationale used in determining the student mile and unit mile rates to be used the following year.

**NEW SECTION.** Sec. 5. The superintendent shall determine the preliminary, estimated student transportation allocation for each district and notify districts of their preliminary student transportation allocation by June 15. The superintendent shall include not less than twenty-five percent of the estimated student transportation allocation in the following September apportionment payment to school districts. By the following October 15th, every district shall notify the superintendent of any changes in the data utilized in calculating the preliminary student transportation allocation. The superintendent shall then make necessary corrections and shall notify districts of their final student transportation allocation before the following December 1st, and shall make the balance of the student transportation allocation in approximately equal parts as a part of the December, February, and April apportionment payments to school districts.

**NEW SECTION.** Sec. 6. The superintendent shall determine the vehicle acquisition allocation in the following manner:

(1) By May 1st of each year, the superintendent shall develop preliminary categories of student transportation vehicles to ensure adequate student transportation fleets for districts. The superintendent shall take into consideration the types of vehicles purchased by individual school districts in the state. The categories shall include, but not be limited to, variables such as vehicle capacity, type of chassis, type of fuel, engine and body type, special equipment, and life of vehicle. The categories shall be developed in conjunction with the local districts and shall be applicable to the following school year. The categories shall be designed to produce minimum long-range operating costs, including costs of equipment and all costs incurred in operating the vehicles. Each category description shall include the estimated state-determined purchase price, which shall be based on the actual costs of the vehicles purchased for that comparable category in the state during the preceding twelve months and the anticipated market price for the next school fiscal year. By June 15th of each year, the superintendent shall notify districts of the preliminary vehicle categories and state-determined purchase price for the ensuing school year. By October 15th of each year, the superintendent shall finalize the categories and the associated state-determined purchase price and shall notify districts of any changes. While it is the responsibility of each district to select each student transportation vehicle to be purchased by the district, each district shall be paid a sum based only on the amount of the state-determined purchase price and inflation as recognized by the reimbursement schedule established in this section as set by the superintendent for the category of vehicle purchased.

(2) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to the replacement

value of the vehicle less its salvage value at the end of its anticipated lifetime. The superintendent shall revise at least annually the reimbursement payments based on the current and anticipated future cost of comparable categories of transportation equipment. Reimbursements to school districts for approved transportation equipment shall be placed in a separate vehicle transportation fund established for each school district under section 7 of this amendatory act.

(3) To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the class of vehicles by the superintendent. School districts shall properly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction. If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the district by deducting from future reimbursements under this section an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime or miles the vehicle failed to operate.

(4) The superintendent shall annually develop a depreciation schedule to recognize the cost of depreciation to districts contracting with private carriers for student transportation. Payments on this schedule shall be a straight line depreciation based on the original cost of the appropriate category of vehicle.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) There is created a fund on deposit with each county treasurer for each school district of the county, which shall be known as the transportation vehicle fund. Money to be deposited into the transportation vehicle fund shall include, but is not limited to, the following:

(a) The balance of accounts held in the general fund of each school district for the purchase of approved transportation equipment and for major transportation equipment repairs under RCW 28A.41.160, as now or hereafter amended. The amount transferred shall be the balance of the account as of September 1, 1982;

(b) Reimbursement payments provided for in section 6 of this amendatory act except those provided under section 6(4) of this amendatory act that are necessary for contracted payments to private carriers;

(c) Earnings from transportation vehicle fund investments as authorized in RCW 28A.58.430, as now or hereafter amended; and

(d) The district's share of the proceeds from the sale of transportation vehicles, as determined by the superintendent of public instruction.

(2) Funds in the transportation vehicle fund may be used for the following purposes:

(a) Purchase of pupil transportation vehicles pursuant to section 6 of this amendatory act and RCW 28A.41.160, as now or hereafter amended;

(b) Payment of conditional sales contracts for the purchase of pupil transportation vehicles as authorized in RCW 28A.58.550, as now or hereafter amended;

(c) Major repairs to pupil transportation vehicles.

The superintendent of public instruction shall promulgate rules which shall establish the standards, conditions, and procedures governing the establishment and use of the transportation vehicle fund. The rules shall not permit the transfer of funds from the transportation vehicle fund to any other fund of the district.

Sec. 8. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to the basic education allocation. Transportation costs shall be reimbursed as follows:

(1) School districts shall be reimbursed up to one hundred percent of the operational costs for established bus routes for the transportation of students to and from common schools as recommended by the educational service district superintendent or his or her designee, and as approved by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible; and

(2) Costs of acquisition of approved transportation equipment shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be held within the general fund exclusively for the current or future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170 and chapter 28A.65 RCW.

Sec. 9. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter \_\_\_ (Substitute Senate Bill No. 3845), Laws of 1981 and RCW 28A.41.160 are each amended to read as follows:

~~((Reimbursement for transportation costs shall be in addition to the basic education allocation. Transportation costs shall be reimbursed as follows:~~

~~(1) School districts shall be reimbursed up to one hundred percent of the operational costs for established bus routes for the transportation of students to and from common schools as recommended by the educational service district superintendent or his or her designee, and as approved by the~~

~~state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible; and~~

~~(2)) Costs of acquisition of approved transportation equipment purchased prior to September 1, 1982, shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be ((held within the general fund exclusively for the)) placed in the transportation vehicle fund for the current or future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized ((and promulgated under RCW 28A.41.170 and chapter 28A.65 RCW)) in section 7 of this amendatory act.~~

Sec. 10. Section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 122, Laws of 1980 and RCW 28A.24.055 are each amended to read as follows:

~~((Every board of directors shall provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse:))~~ The operation of each local school district's student transportation program is declared to be the responsibility of the respective board of directors, and each board of directors shall determine such matters as which individual students shall be transported and what routes shall be most efficiently utilized. State moneys allocated to local districts for student transportation shall be spent only for student transportation activities, but need not be spent by the local district in the same manner as calculated and allocated by the state.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

In addition to the right to contract for the use of buses provided in RCW 28A.24.170 and 28A.24.172, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for elderly persons at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses in an amount not exceeding one thousand dollars per person per injury for the benefit of persons injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the persons notwithstanding the provisions of RCW 28A.58.420.

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable.

Sec. 11. Section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 80, Laws of 1977 and RCW 28A.24.100 are each amended to read as follows:

Individual transportation, board and room, and other arrangements may be authorized or provided and, in whole or part, paid for or reimbursed by a school district, when approved by the educational service district superintendent or his or her designee pursuant to rules promulgated by the superintendent of public instruction for that purpose: PROVIDED, That the total of payments for board and room and transportation incidental thereto shall not exceed the amount which would otherwise be paid for such individual transportation. (~~No district shall be required to transport any pupil living within two miles of the school which such pupil attends: PROVIDED, That all handicapped children as defined in RCW 28A.13.010 who are not ambulatory and/or who are not capable of protecting their own welfare while traveling to and/or from the school or agency where special educational aid services are provided shall be provided with transportation at school district~~

~~or districts expense. Except as otherwise provided pursuant to this section and except for the handicapped students described in this section, pupils residing within two miles of an established route may be required to travel to the route at their own expense.))~~

NEW SECTION. Sec. 12. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

The state board of education shall adopt rules and regulations for the purpose of approving activities eligible for state transportation funding under section 1(3) of this amendatory act. Any activities delegated after September 1, 1981, to the Washington interscholastic activities association or any other voluntary nonprofit entity under RCW 28A.58.125, as now or hereafter amended, shall be reviewed by the state board and approved or disapproved for state transportation funding based on criteria that emphasizes the educational value of the activity.

NEW SECTION. Sec. 13. The superintendent of public instruction shall submit a report to the legislature comparing the distribution of transportation funds to each local school district under the existing methodology and that established pursuant to sections 1 through 4 of this amendatory act for the 1982-83 school year. The report shall also contain a fiscal impact analysis of vehicle reimbursement payments under section 6 of this amendatory act. A preliminary report shall be submitted on or before September 1, 1981, and a final report utilizing updated information from the 1980-81 school year shall be submitted on or before December 15, 1981.

NEW SECTION. Sec. 14. Sections 1 through 6 of this amendatory act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A-.41 RCW.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 28A.24.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.060; and

(2) Section 28A.24.080, chapter 223, Laws of 1969 ex. sess., section 104, chapter 176, Laws of 1969 ex. sess., section 32, chapter 282, Laws of 1971 ex. sess., section 54, chapter 275, Laws of 1975 1st ex. sess., section 1, chapter 80, Laws of 1977 and RCW 28A.24.080.

NEW SECTION. Sec. 16. With the exception of sections 8 and 13 of this amendatory act, the effective date of this amendatory act is September 1, 1982. The superintendent of public instruction and the office thereof prior to the effective date of this amendatory act may take such actions as necessary for the orderly implementation thereof and during such period may carry out such data collection activities and district notification provisions as provided for herein.

NEW SECTION. Sec. 17. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of

the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 26, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

CHAPTER 266

[Senate Bill No. 3191]

JUVENILE COMMUNITY SERVICE WORKERS—INSURANCE AND INDUSTRIAL INSURANCE COVERAGE

AN ACT Relating to juvenile community service workers; amending section 1, chapter 20, Laws of 1971 as last amended by section 17, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.035; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; and adding a new section to chapter 51.12 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 51.12 RCW a new section to read as follows:

Juveniles performing community services under chapter 13.40 RCW may be deemed employees and/or workers for all purposes relating to medical aid benefits under chapter 51.36 RCW at the option of the county under whose authorization the services are performed. Any premiums or assessments due under this title for community services work shall be the obligation of and be paid for by the county in which the juvenile performed the community services from the fund created in section 2(2) of this act or from any other source. Coverage under this section commences when a county has given notice to the director that it wishes to cover juveniles performing community services before the occurrence of an injury or contraction of an occupational disease.

NEW SECTION. Sec. 2. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

(1) The legislative authority of a county may purchase liability insurance in an amount it deems reasonable to protect the county, its officers, and employees against liability for the wrongful acts of a juvenile, or injury or damage incurred by a juvenile, in the course of community service agreed to or ordered under chapter 13.40 RCW, and may elect to treat juveniles as employees and/or workers for all purposes relating to medical aid benefits under chapter 51.36 RCW.

(2) The legislative authority of any county desiring to purchase insurance or electing to treat juveniles as employees and/or workers under this section may, by ordinance, establish a cumulative reserve fund to be used for purchasing and maintaining insurance and industrial insurance coverage. The fund shall be known as the community service insurance fund and