



## **RCW-WAC Reference for Washington State Student Transportation**

Current as of May 2018

[RCW 28A.160](#) Student Transportation

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[WAC 392-141](#) Transportation—State allocation for operations.

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# RCW-WAC Reference for Student Transportation

Current: January 2018

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## **Always ensure the language is current.**

Immediately following each section is a link to the Office of the Code Reviser web page that provides the latest language for that section.

Most student transportation related links are contained within this document. Links to internet locations for additional reference are indicated with [highlighting](#).

This document has been prepared by the Student Transportation section at the Office of Superintendent of Public Instruction (OSPI).

For questions, please contact OSPI at (360) 725-6120.

Please notify OSPI Student Transportation if you find an error.

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**RCW 28A.160.010 Operation of student transportation program — Responsibility of local district — Scope — Transporting of elderly — Insurance.**

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.

A school district is authorized to provide for the transportation of students enrolled in the school or schools of the district both in the case of students who reside within the boundaries of the district and of students who reside outside the boundaries of the district.

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.

School districts may use school buses and drivers hired by the district or commercial chartered bus service 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.160.080](#) and [28A.160.090](#), 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 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.400.350](#).

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.

[1990 c 33 § 132; 1986 c 32 § 1; 1983 1st ex.s. c 61 § 1; 1981 c 265 § 10; 1980 c 122 § 2; 1973 c 45 § 1; 1971 c 24 § 3; 1969 ex.s. c 153 § 3; 1969 ex.s. c 223 § 28A.24.055. Prior: (i) 1969 c 53 § 1; 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part; prior: 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 90 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28.58.100, part. (ii) 1965 ex.s. c 86 § 1. Formerly RCW 28A.24.055, 28.58.421.]

Notes:

Severability -- 1983 1st ex.s. c 61: "If any provision of this 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." [1983 1st ex.s. c 61 § 9.]

Effective date -- Severability -- 1981 c 265: See notes following RCW 28A.160.150.  
Elderly persons defined -- Program limitation: RCW 28A.160.070.

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## **RCW 28A.160.020 Authorization for private school students to ride buses — Conditions.**

Every school district board of directors may authorize children attending a private school approved in accordance with [RCW 28A.195.010](#) to ride a school bus or other student transportation vehicle to and from school so long as the following conditions are met:

- (1) The board of directors shall not be required to alter those bus routes or stops established for transporting public school students;
- (2) Private school students shall be allowed to ride on a seat-available basis only;  
and
- (3) The board of directors shall charge an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation.

[1990 c 33 § 133; 1981 c 307 § 1. Formerly RCW 28A.24.065.]

Notes:

Severability -- 1981 c 307: "If any provision of this 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." [1981 c 307 § 2.]

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## **RCW 28A.160.030 Authorizing individual transportation or other arrangements.**

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.

[1981 c 265 § 11; 1977 c 80 § 2; 1971 ex.s. c 66 § 10; 1969 ex.s. c 223 § 28A.24.100. Prior: 1965 ex.s. c 154 § 9. Formerly RCW 28A.24.100, 28.24.100.]

Notes:

Effective date -- Severability -- 1981 c 265: See notes following RCW 28A.160.150.

Severability -- 1977 c 80: "If any provision of this 1977 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." [1977 c 80 § 5.]

Severability -- Effective date -- 1971 ex.s. c 66: See notes following RCW 28A.155.010.

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**RCW 28A.160.040 Lease of buses to transport children with disabilities and elderly — Limitation.**

The directors of school districts are authorized to lease school buses to nonprofit organizations to transport children with disabilities and elderly persons to and from the site of activities or programs deemed beneficial to such persons by such organizations: PROVIDED, that commercial bus transportation is not reasonably available for such purposes.

[1995 c 77 § 16; 1973 c 45 § 2; 1971 c 78 § 1. Formerly RCW 28A.24.110.]

Notes:

Elderly persons defined -- Program limitation: RCW 28A.160.070.

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**RCW 28A.160.050 Lease of buses to transport children with disabilities and elderly — Directors to authorize.**

The directors of school districts may authorize leases under [RCW 28A.160.040](#) through [28A.160.060](#): PROVIDED, that such leases do not conflict with regular school purposes.

[1990 c 33 § 134; 1971 c 78 § 2. Formerly RCW 28A.24.111.]

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**RCW 28A.160.060 Lease of buses to transport children with disabilities and elderly — Lease at local level — Criteria.**

The lease of the equipment shall be handled by the school directors at a local level. The school directors may establish criteria for bus use and lease, including, but not limited to, minimum costs, and driver requirements.

[1971 c 78 § 3. Formerly RCW 28A.24.112.]

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**RCW 28A.160.070 Lease of buses to transport children with disabilities and elderly — Elderly persons defined — Program limitation.**

For purposes of RCW [28A.160.010](#) and [28A.160.040](#), "elderly person" shall mean a person who is at least sixty years of age. No school district funds may be used for the operation of such a program.

[1990 c 33 § 135; 1973 c 45 § 3. Formerly RCW 28A.24.120.]

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**RCW 28A.160.080 School buses, rental or lease for emergency purposes — Authorization.**

It is the intent of the legislature and the purpose of RCW [28A.160.010](#), [28A.160.080](#), and [28A.160.090](#) that in the event of major forest fires, floods, or other natural emergencies that boards of directors of school districts, in their discretion, may rent or lease school buses to governmental agencies for the purposes of transporting personnel, supplies and/or evacuees.

[1990 c 33 § 136; 1971 c 24 § 1. Formerly RCW 28A.24.170.]

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**RCW 28A.160.090 School buses, rental or lease for emergency purposes — Board to determine district policy — Conditions if rent or lease.**

Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of RCW [28A.160.080](#), and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the \*director of community, trade, and economic development or any of his or her agents so authorized has, at the request of an involved governmental agency, declared that an emergency exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto.

[1995 c 399 § 20; 1990 c 33 § 137; 1986 c 266 § 21; 1985 c 7 § 88; 1974 ex.s. c 171 § 1; 1971 c 24 § 2. Formerly RCW 28A.24.172.]

Notes:

\*Reviser's note: The "director of community, trade, and economic development" was changed to the "director of commerce" by 2009 c 565.

Severability -- 1986 c 266: See note following RCW 38.52.005.

[Legislative Website for RCW 28A.160.090](#)

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## **RCW 28A.160.100 School buses, transport of general public to interscholastic activities — Limitations.**

In addition to the authority otherwise provided in RCW [28A.160.010](#) through [28A.160.120](#) to school districts for the transportation of persons, whether school children, school personnel, or otherwise, any school district authorized to use school buses and drivers hired by the district for the transportation of school children to and from a school activity, along with such school employees as necessary for their supervision, shall, if such school activity be an interscholastic activity, be authorized to transport members of the general public to such event and utilize the school district's buses, transportation equipment and facilities, and employees therefor: PROVIDED, That provision shall be made for the reimbursement and payment to the school district by such members of the general public of not less than the district's actual costs and the reasonable value of the use of the district's buses and facilities provided in connection with such transportation: PROVIDED FURTHER, That wherever private transportation certified or licensed by the utilities and transportation commission or public transportation is reasonably available, this section shall not apply.

[2006 c 263 § 907; 1990 c 33 § 138; 1980 c 91 § 1. Formerly RCW 28A.24.175.]

### Notes:

Findings -- Purpose -- Part headings not law -- 2006 c 263: See notes following RCW 28A.150.230.

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**RCW 28A.160.110 School buses, authorization for parent, guardian or custodian of a student to ride — Limitations.**

Every school district board of directors may authorize any parent, guardian or custodian of a student enrolled in the district to ride a school bus or other student transportation vehicle at the request of school officials or employees designated by the board: PROVIDED, That excess seating space is available on the vehicle after the transportation needs of students have been met: PROVIDED FURTHER, That private or other public transportation of the parent, guardian or custodian is not reasonable in the board's judgment.

[1980 c 122 § 1. Formerly RCW 28A.24.178.]

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## **RCW 28A.160.115 Bus routes.**

On highways divided into separate roadways as provided in RCW [46.61.150](#) and highways with three or more marked traffic lanes, public school district bus routes and private school bus routes shall serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW [46.04.600](#) or an adult crossing guard within three hundred feet of the bus stop to assist students while crossing such multiple-lane highways.

[1990 c 241 § 11.]

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## **RCW 28A.160.117 Transportation efficiency reviews — Reports.**

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

- (a) Efficient routing of buses;
- (b) Efficient use of vehicle capacity; and
- (c) Reasonable controls on compensation costs.

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

[2009 c 548 § 310.]

Notes:

Effective date -- 2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.

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## **RCW 28A.160.120 Agreements with other governmental entities for transportation of public or other noncommon school purposes — Limitations.**

Any school district board of directors or any intermediate school district board may enter into agreements pursuant to chapter [39.34](#) RCW or chapter [35.58](#) RCW, as now or hereafter amended, with any city, town, county, metropolitan municipal corporation, and any federal or other state governmental entity, or any combination of the foregoing, for the purpose of providing for the transportation of students and/or members of the public through the use, in whole or part, of the school district's buses, transportation equipment and facilities, and employees: PROVIDED, That any agreement entered into for purposes of transportation pursuant to this section shall conform with the provisions of RCW [35.58.250](#) where applicable and shall provide for the reimbursement and payment to the school district of not less than the district's actual costs and the reasonable value of the use of the district's buses, and transportation equipment and supplies which are incurred and otherwise provided in connection with the transportation of members of the public or other noncommon school purposes: PROVIDED FURTHER, That wherever public transportation, or private transportation certified or licensed by the Washington utilities and transportation commission is not reasonably available, the school district or intermediate school district may transport members of the public so long as they are reimbursed for the cost of such transportation, and such transportation has been approved by any metropolitan municipal corporation performing public transportation pursuant to chapter [35.58](#) RCW in the area to be served by the district.

[1974 ex.s. c 93 § 1. Formerly RCW 28A.24.180.]

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**RCW 28A.160.130 Transportation vehicle fund — Deposits in — Use — Rules for establishment and use.**

(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.150.280](#). The amount transferred shall be the balance of the account as of September 1, 1982;

(b) Reimbursement payments provided for in RCW [28A.160.200](#) except those provided under RCW [28A.160.200](#)(3) that are necessary for contracted payments to private carriers;

(c) Earnings from transportation vehicle fund investments as authorized in RCW [28A.320.300](#); 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 RCW [28A.160.200](#) and [28A.150.280](#);

(b) Payment of conditional sales contracts as authorized in [RCW 28A.335.200](#) or payment of obligations authorized in RCW [28A.530.080](#), entered into or issued for the purpose of pupil transportation vehicles;

(c) Major repairs to pupil transportation vehicles;

(d) For the 2009-2011 biennium, a school district that is wholly contained on an island and has a student enrollment greater than two hundred fifty students and fewer than five hundred and fifty students may transfer from the transportation vehicle fund to the school district's general fund such amounts as necessary for instructional costs.

The superintendent of public instruction shall adopt 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, except as provided under subsection (2)(d) of this section.

[2009 c 564 § 919; 1991 c 114 § 2; 1990 c 33 § 139; 1981 c 265 § 7. Formerly RCW 28A.58.428.]

Notes:

Effective date -- 2009 c 564: See note following RCW 2.68.020.

Effective date -- Severability -- 1981 c 265: See notes following RCW 28A.160.150.

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**RCW 28A.160.140 Contract for pupil transportation services with private nongovernmental entity — Competitive bid procedures.**

As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987. As used in this section:

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

(a) The solicitation of bids or quotations and the award of contracts under RCW [28A.335.190](#); or

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

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

(3) "School bus" means a motor vehicle as defined in RCW [46.04.521](#) and under the [rules](#) of the superintendent of public instruction.

[1990 c 33 § 140; 1987 c 141 § 2. Formerly RCW 28A.58.133.]

Notes: Severability -- 1987 c 141: See note following RCW 28A.335.170.

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## **RCW 28A.160.150 Student transportation allocation — Operating costs, determination and funding.**

Funds allocated for transportation costs, except for funds provided for transportation and transportation services to and from school shall be in addition to the basic education allocation. The distribution formula developed in RCW [28A.160.150](#) through [28A.160.180](#) 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 RCW [28A.160.150](#) through [28A.160.180](#) shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW [28A.160.160\(3\)](#). In addition, funding shall be provided for transportation services for students living within the walk area as determined under [RCW 28A.160.160\(5\)](#).

[2009 c 548 § 304; 1996 c 279 § 1; 1990 c 33 § 141; 1983 1st ex.s. c 61 § 2; 1981 c 265 § 1. Formerly RCW 28A.41.505.]

Notes:

Effective date -- 2009 c 548 §§ 304-311: "Sections 304 through 311 of this act take effect September 1, 2011." [2010 c 236 § 16; 2009 c 548 § 805.]

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.

Application -- 1996 c 279: "This act shall be effective for school transportation programs in the 1996-97 school year and thereafter." [1996 c 279 § 4.]

Severability -- 1983 1st ex.s. c 61: See note following RCW 28A.160.010.

Effective date -- 1981 c 265: "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." [1981 c 265 § 16.]

Severability -- 1981 c 265: "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." [1981 c 265 § 17.]

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### **RCW 28A.160.160 Student transportation allocation — Definitions.**

For purposes of RCW [28A.160.150](#) through [28A.160.190](#), except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW [28A.160.030](#) whose route stop is outside the walk area for a student's school, except if the student to be transported is disabled under RCW [28A.155.020](#) 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) "Superintendent" means the superintendent of public instruction.

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

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW [28A.335.160](#);

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; and

(d) Transportation of students with disabilities to and from schools and agencies for special education services.

Academic extended day transportation for the instructional program of basic education under RCW [28A.150.220](#) shall be considered part of transportation of students "to and from school" for the purposes of this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

(4) "Transportation services" for students living within the walk area includes the coordination of walk-to-school programs, the funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

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

[2009 c 548 § 305; 1996 c 279 § 2; 1995 c 77 § 17; 1990 c 33 § 142; 1983 1st ex.s. c 61 § 3; 1981 c 265 § 2. Formerly RCW 28A.41.510.]

#### Notes:

Effective date -- 2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.  
Application -- 1996 c 279: See note following RCW 28A.160.150.  
Severability -- 1983 1st ex.s. c 61: See note following RCW 28A.160.010.  
Effective date -- Severability -- 1981 c 265: See notes following RCW 28A.160.150.

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## **RCW 28A.160.170 Student transportation allocation — District's reports to superintendent.**

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

(1)(a) The number of eligible students transported to and from school as provided for in RCW [28A.160.150](#), along with identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW [28A.160.150](#) the previous school year; and

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

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

[2009 c 548 § 306; 2007 c 139 § 1; 1990 c 33 § 143; 1983 1st ex.s. c 61 § 4; 1981 c 265 § 3. Formerly RCW 28A.41.515.]

### Notes:

Effective date -- 2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.

Effective date -- 2007 c 139 § 1: "Section 1 of this act takes effect September 1, 2007." [2007 c 139 § 3.]

Severability -- 1983 1st ex.s. c 61: See note following RCW 28A.160.010.

Effective date -- Severability -- 1981 c 265: See notes following RCW 28A.160.150.

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## **RCW 28A.160.180 Student transportation allocation determination — Report.**

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

(1) The superintendent shall annually calculate the transportation allocation for those services provided for in RCW [28A.160.150](#). The allocation formula may be adjusted to include such additional differential factors as basic and special passenger counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.

(2) The allocation shall be based on a regression analysis of the number of basic and special students transported and as many other site characteristics that are identified as being statistically significant.

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

(4) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the education and fiscal committees of the legislature, a report outlining the methodology and rationale used in determining the statistical coefficients for each site characteristic used to determine the allocation for the following year.

[2009 c 548 § 307; 1996 c 279 § 3; 1995 c 77 § 18; 1990 c 33 § 144; 1985 c 59 § 1; 1983 1st ex.s. c 61 § 5; 1982 1st ex.s. c 24 § 2; 1981 c 265 § 4. Formerly RCW 28A.41.520.]

### Notes:

Effective date -- 2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.

Application -- 1996 c 279: See note following RCW 28A.160.150.

Severability -- 1983 1st ex.s. c 61: See note following RCW 28A.160.010.

Effective date -- 1982 1st ex.s. c 24: "Sections 2 and 3 of this amendatory act shall take effect September 1, 1982." [1982 1st ex.s. c 24 § 6.]

Severability -- 1982 1st ex.s. c 24: "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." [1982 1st ex.s. c 24 § 7.]

Effective date -- Severability -- 1981 c 265: See notes following RCW 28A.160.150.

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## **RCW 28A.160.190 Student transportation allocation — Notice — Payment schedule.**

The superintendent shall notify districts of their student transportation allocation before January 15th. The superintendent shall recalculate and prorate the district's allocation for the transportation of pupils to and from school.

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

[2009 c 548 § 308; 1990 c 33 § 145; 1985 c 59 § 2; 1983 1st ex.s. c 61 § 6; 1982 1st ex.s. c 24 § 3; 1981 c 265 § 5. Formerly RCW 28A.41.525.]

### Notes:

Effective date -- 2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.

Severability -- 1983 1st ex.s. c 61: See note following RCW 28A.160.010.

Effective date -- Severability -- 1982 1st ex.s. c 24: See notes following RCW 28A.160.180.

Effective date -- Severability -- 1981 c 265: See notes following RCW 28A.160.150.

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**RCW 28A.160.191 Student transportation allocation — Adequacy for certain districts — Adjustment.**

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

[2009 c 548 § 309.]

Notes:

Effective date -- 2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.

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## **RCW 28A.160.192 Student transportation allocation — Distribution formula.**

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall begin no later than the 2011-2013 biennium and be fully implemented by the 2013-2015 biennium.

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

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis. Only factors that are statistically significant shall be used in the regression analysis. Employee compensation costs included in the allowable transportation expenditures used for the purpose of establishing each school district's independent variable in the regression analysis shall be limited to the base salary or hourly wage rates, fringe benefit rates, and applicable health care rates provided in the omnibus appropriations act.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the federal restricted indirect rate as calculated in the district annual financial report;

(b) Annually, the amount identified in (a) of this subsection shall be adjusted for any budgeted increases provided in the omnibus appropriations act for salaries or fringe benefits;

(c) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) adjusted by (b) of this subsection and the amount determined under the formula in [RCW 28A.160.180](#); and

(d) Allocations provided to recognize the cost of depreciation to districts contracting with private carriers for student transportation shall be deducted from the allowable transportation expenditures in (a) of this subsection.

[2011 1st sp.s. c 27 § 3; 2010 c 236 § 8; 2009 c 548 § 311.]

Notes:

Effective date -- 2011 1st sp.s. c 27 §§ 1-3: See note following RCW 28A.150.220.

Effective date -- 2010 c 236 §§ 2, 3, 4, 8, 10, 13, and 14: See note following RCW 28A.150.260.

Effective date -- 2009 c 548 §§ 304-311: See note following RCW 28A.160.150.

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.

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**RCW 28A.160.1921 Student transportation reporting requirements — Updates and progress reports. (Expires June 30, 2015.)**

(1) The superintendent of public instruction shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2010.

(2) Beginning in December 2010, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.

(3) This section expires June 30, 2015.

[2010 c 236 § 9.]

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**RCW 28A.160.195 Vehicle acquisition — School bus categories — Competitive specifications — Purchase — Reimbursement — Rules.**

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts. The superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes for base buses from school bus dealers to be in effect for one year and shall establish a list of all accepted price quotes in each category obtained under this subsection. The superintendent shall also solicit price quotes for optional features and equipment.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote for the base bus in each category. School districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted under RCW [28A.335.190](#) or through the state bid process established by this section.

(4) Notwithstanding RCW [28A.335.190](#), school districts and educational service districts may purchase at the quoted price directly from any dealer who is on the list established under subsection (2) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under subsection (3) of this section and RCW [28A.160.200](#). District-selected options shall not be reimbursed by the state.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

[2005 c 492 § 1; 2004 c 276 § 904; 1995 1st sp.s. c 10 § 1.]

Notes:

Severability -- Effective date -- 2004 c 276: See notes following RCW 43.330.167.

Effective dates -- 1995 1st sp.s. c 10 §§ 1 and 2: "(1) Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [June 14, 1995].

(2) Section 2 of this act shall take effect September 1, 1995." [1995 1st sp.s. c 10 § 5.]

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**RCW 28A.160.200 Vehicle acquisition — Reimbursement schedule —  
Maintenance and operation — Depreciation schedule.**

(1) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. While it is the responsibility of each district to select and pay for each student transportation vehicle purchased by the district, each district shall be paid a sum based on the category of vehicle, anticipated lifetime of vehicles of this category, and state reimbursement rate for the category plus inflation as recognized by the reimbursement schedule established in this section as set by the superintendent. Categories and reimbursement rates of vehicles shall be those established under RCW [28A.160.195](#). The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to the replacement cost 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 transportation vehicle fund established for each school district under RCW [28A.160.130](#). However, educational service districts providing student transportation services pursuant to RCW [28A.310.180](#)(4) and receiving moneys generated pursuant to this section shall establish and maintain a separate transportation vehicle account in the educational service district's general expense fund for the purposes and subject to the conditions under RCW [28A.160.130](#) and [28A.320.300](#).

(2) 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 category 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.

(3) 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.

[1995 1st sp.s. c 10 § 2; 1990 c 33 § 146; 1987 c 508 § 4; 1981 c 265 § 6. Formerly RCW 28A.41.540.]

Notes:

Effective dates -- 1995 1st sp.s. c 10 §§ 1 and 2: See note following RCW 28A.160.195.

Effective date -- Severability -- 1981 c 265: See notes following RCW 28A.160.150.  
Transportation vehicle fund -- Deposits in -- Use -- Rules for establishment and use:  
RCW 28A.160.130.

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## **RCW 28A.160.205 School bus replacement incentive program — Rules.**

(1) The office of the superintendent of public instruction shall implement a school bus replacement incentive program. As part of the program, the office shall fund up to ten percent of the cost of a new 2007 or later model year school bus that meets the 2007 federal motor vehicle emission control standards and is purchased by a school district by no later than June 30, 2009, provided that the new bus is replacing a 1994 or older school bus in the school district's fleet. Replacement of the oldest buses must be given highest priority.

(2) The office of the superintendent of public instruction shall ensure that buses being replaced through this program are surplused under RCW [28A.335.180](#). As part of the surplus process, school districts must provide written documentation to the office of the superintendent of public instruction demonstrating that buses being replaced are scrapped and not purchased for road use. The documentation must include bus make, model, year, vehicle identification number, engine make, engine serial number, and salvage yard receipts; and must demonstrate that the engine and body of the bus being replaced has been rendered unusable.

(3) The office of the superintendent of public instruction may adopt any rules necessary for the implementation of chapter 348, Laws of 2007.

[2007 c 348 § 101.]

Notes:

Reviser's note: 2007 c 348 directed that this section be added to chapter 28A.300 RCW. This section has been added to chapter 28A.160 RCW, which relates more directly to school bus acquisition.

Findings -- Part headings not law -- 2007 c 348: See RCW 43.325.005 and 43.325.903.

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### **RCW 28A.160.210 School bus drivers — Training and qualifications — Rules.**

In addition to other powers and duties, the superintendent of public instruction shall adopt rules governing the training and qualifications of school bus drivers. Such rules shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules shall insure that school bus drivers are provided a due process hearing before any certification required by such rules is cancelled: PROVIDED FURTHER, That such rules shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with chapter [46.25](#) RCW. The superintendent of public instruction may obtain a copy of the driving record, as maintained by the department of licensing, for consideration when evaluating a school bus driver's driving skills.

[2006 c 263 § 906; 1989 c 178 § 20; 1981 c 200 § 1; 1979 c 158 § 89; 1969 ex.s. c 153 § 4. Formerly RCW 28A.04.131.]

#### Notes:

Findings -- Purpose -- Part headings not law -- 2006 c 263: See notes following RCW 28A.150.230.

Severability -- Effective dates -- 1989 c 178: See RCW 46.25.900 and 46.25.901.

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## **RCW 28A.160.225 Condensed compliance reports — Second-class districts.**

Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW [28A.330.250](#).

[2011 c 45 § 5.]

### Notes:

Conflict with federal requirements -- 2011 c 45: See note following RCW 28A.330.250.

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## **RCW 28A.150 General Provisions**

RCW 28A.150.200 Program of basic education.

(1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the changing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW 28A.190.020 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities;

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180; and

(e) Statewide salary allocations necessary to hire and retain qualified staff for the state's statutory program of basic education.

[2017 3rd sp.s. c 13 § 401; 2009 c 548 § 101; 1990 c 33 § 104; 1977 ex.s. c 359 § 1. Formerly RCW 28A.58.750.]

### Notes:

Effective date—2017 3rd sp.s. c 13 §§ 401-413: "Sections 401 through 413 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect September 1, 2017." [ 2017 3rd sp.s. c 13 § 414.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Effective date—2009 c 548 §§ 101-110 and 701-710: "Sections 101 through 110 and 701 through 710 of this act take effect September 1, 2011." [ 2009 c 548 § 804.]

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Effective date—1977 ex.s. c 359: "This 1977 amendatory act shall take effect September 1, 1978." [ 1977 ex.s. c 359 § 22.]

Severability—1977 ex.s. c 359: "If any provision of this 1977 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." [ 1977 ex.s. c 359 § 21.]

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## **RCW 28A.150 General Provisions**

RCW 28A.150.203 Definitions.

(11) "School year" includes the minimum number of school days required under RCW [28A.150.220](#) and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

[2017 c 237 § 15; 2009 c 548 § 102.]

Notes:

Effective date -- 2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.

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## **RCW 28A.150 General Provisions**

RCW 28A.150.220 Basic education — Minimum instructional requirements — Program accessibility — Rules.

(1) In order for students to have the opportunity to develop the basic education knowledge and skills under [RCW 28A.150.210](#), school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased beginning in the 2015-16 school year to at least one thousand eighty instructional hours for students enrolled in grades nine through twelve and at least one thousand instructional hours for students in grades one through eight, all of which may be calculated by a school district using a district-wide annual average of instructional hours over grades one through twelve; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under [RCW 28A.150.315](#).

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW [28A.655.070](#);

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, beginning with the graduating class of 2019 or as otherwise provided in [RCW 28A.230.090](#). Course distribution requirements may be established by the state board of education under [RCW 28A.230.090](#);

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under [RCW 28A.165.005](#) through [28A.165.065](#);

(e) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under [RCW 28A.180.010](#) through [28A.180.080](#);

(f) The opportunity for an appropriate education at public expense as defined by [RCW 28A.155.020](#) for all eligible students with disabilities as defined in [RCW 28A.155.020](#); and

(g) Programs for highly capable students under [RCW 28A.185.010](#) through [28A.185.030](#).

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5)(a) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by [RCW 28A.225.160](#), and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under [RCW 28A.150.315](#).

(b) Schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory.

(c) In the case of students who are graduating from high school, a school district may schedule the last five school days of the one hundred eighty day school year for noninstructional purposes including, but not limited to, the observance of graduation and early release from school upon the request of a student. All such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of [RCW 28A.150.250](#) and [28A.150.260](#). Any hours scheduled by a school district for noninstructional purposes during the last five school days for such students shall count toward the instructional hours requirement in subsection (2)(a) of this section.

(6) Subject to [RCW 28A.150.276](#), nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, [RCW 28A.150.250](#) and [28A.150.260](#), and such related supplemental program approval requirements as the state board may establish.

[2017 3rd sp.s. c 13 § 506; 2014 c 217 § 201; 2013 2nd sp.s. c 9 § 2; 2013 c 323 § 2; 2011 1st sp.s. c 27 § 1; 2009 c 548 § 104; 1993 c 371 § 2; (1995 c 77 § 1 and 1993 c 371 § 1 expired September 1, 2000); 1992 c 141 § 503; 1990 c 33 § 105; 1982 c 158 § 1; 1979 ex.s. c 250 § 1; 1977 ex.s. c 359 § 3. Formerly RCW 28A.58.754.]

Notes:

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Finding -- Intent -- 2014 c 217: "The legislature recognizes that preparing students to be successful in postsecondary education, gainful employment, and citizenship requires increased rigor and achievement, including attaining a meaningful high school diploma with the opportunity to earn twenty-four credits. The legislature finds that an investment was made in the 2013-2015 omnibus appropriations act to implement an increase in instructional hours in the 2014-15 school year. School districts informed the legislature that the funding as provided in the 2013-2015 omnibus appropriations act would result in only a few minutes being added onto each class period and would not result in a

meaningful increase in instruction that would have the positive impact on student learning that the legislature expects. The school districts suggested that it would be a better educational policy to use the funds to implement the requirement of twenty-four credits for high school graduation, which will result in a meaningful increase of instructional hours. Based on input from school districts across the state, the legislature recognizes the need to provide flexibility for school districts to implement the increase in instructional hours while still moving towards an increase in the high school graduation requirements. Therefore, the legislature intends to shift the focus and intent of the investments from compliance with the minimum instructional hours offering to assisting school districts to provide an opportunity for students to earn twenty-four credits for high school graduation and obtain a meaningful diploma, beginning with the graduating class of 2019, with the opportunity for school districts to request a waiver for up to two years." [2014 c 217 § 1.]

Intent -- 2013 2nd sp.s. c 9: "The legislature intends to fund a plan to carry out the reforms enacted in chapter 548, Laws of 2009, and chapter 236, Laws of 2010, and to make the statutory changes necessary to support this plan." [2013 2nd sp.s. c 9 § 1.]

Effective dates -- 2013 2nd sp.s. c 9: "(1) Sections 2 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect September 1, 2013.

(2) Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2013.

(3) Sections 5, 6, and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [June 30, 2013]." [2013 2nd sp.s. c 9 § 9.]

Effective date -- 2011 1st sp.s. c 27 §§ 1-3: "Sections 1 through 3 of this act take effect September 1, 2011." [2011 1st sp.s. c 27 § 8.]

Effective date -- 2009 c 548 §§ 101-110 and 701-710: See note following RCW 28A.150.200.

Intent -- 2009 c 548: See RCW 28A.150.1981.

Finding -- 2009 c 548: See note following RCW 28A.410.270.

Intent -- Finding -- 2009 c 548: See note following RCW 28A.305.130.

Contingent expiration date -- 1995 c 77 § 1: "Section 1 of this act shall expire September 1, 2000. However, section 1 of this act shall not expire if, by September 1, 2000, a law is not enacted stating that a school accountability and academic assessment system is not in place." [1995 c 77 § 32.] That law was not enacted by September 1, 2000.

Contingent effective date -- 1993 c 371 § 2: "Section 2 of this act shall take effect September 1, 2000. However, section 2 of this act shall not take effect if, by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place." [1993 c 371 § 5.] That law was not enacted by September 1, 2000.

Contingent effective date -- 1992 c 141 §§ 502-504, 506, and 507: See note following RCW 28A.150.205.

Findings -- Part headings -- Severability -- 1992 c 141: See notes following RCW 28A.410.040.

Severability -- 1982 c 158: "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." [1982 c 158 § 8.]

Effective date -- 1979 ex.s. c 250: "This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and except as otherwise provided in subsection (5) of section 1, and section 2 of this amendatory act, shall take effect August 15, 1979." [1979 ex.s. c 250 § 10.]

Severability -- 1979 ex.s. c 250: "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." [1979 ex.s. c 250 § 11.]

Effective date -- Severability -- 1977 ex.s. c 359: See notes following RCW 28A.150.200.

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### **RCW 28A.150 General Provisions**

RCW 28A.150.280 Reimbursement for acquisition of approved transportation equipment — Method.

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 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 in RCW [28A.160.130](#).

[1993 c 111 § 1. Prior: 1990 c 33 § 110; 1990 c 33 § 109; 1981 c 343 § 1; 1981 c 265 § 9; 1981 c 265 § 8; 1977 ex.s. c 359 § 6; 1977 c 80 § 3; 1975 1st ex.s. c 275 § 60; 1972 ex.s. c 85 § 1; 1971 c 48 § 14; 1969 ex.s. c 223 § 28A.41.160; prior: 1965 ex.s. c 154 § 5. Formerly RCW 28A.41.160, 28.41.160.]

Notes:

Effective date -- Severability -- 1981 c 265: See notes following RCW 28A.160.150.

Effective date -- Severability -- 1977 ex.s. c 359: See notes following RCW 28A.150.200.

Severability -- 1977 c 80: See note following RCW 28A.160.030.

Severability -- 1971 c 48: See note following RCW 28A.310.250.

Program of basic education, RCW 28A.150.280 as part of: RCW 28A.150.200.

Transportation vehicle fund -- Deposits in -- Use -- Rules for establishment and use: RCW 28A.160.130.

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## **RCW 28A.150 General Provisions**

RCW 28A.150.290 State superintendent to make rules and regulations — Unforeseen conditions or actions to be recognized — Paperwork limited.

(1) The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter and RCW [28A.160.150](#) through \* [28A.160.220](#), [28A.300.170](#), and [28A.500.010](#) not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW [28A.160.150](#) through \* [28A.160.220](#), [28A.300.170](#), and [28A.500.010](#).

(2) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in RCW [28A.150.250](#) when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the annual average total instructional hour offering imposed by RCW [28A.150.220](#) and [28A.150.260](#) due to one or more of the following conditions:

(a) An unforeseen natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(3) The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter and RCW [28A.160.150](#) through \* [28A.160.220](#), [28A.300.170](#), and [28A.500.010](#); to simplify the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and

standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests.

[1992 c 141 § 504; 1990 c 33 § 111; 1981 c 285 § 1; 1979 ex.s. c 250 § 6; 1973 1st ex.s. c 78 § 1; 1972 ex.s. c 105 § 4; 1971 c 46 § 1; 1969 ex.s. c 3 § 2; 1969 ex.s. c 223 § 28A.41.170. Prior: 1965 ex.s. c 154 § 6. Formerly RCW 28A.41.170, 28.41.170.]

Notes:

\*Reviser's note: RCW 28A.160.220 was recodified as RCW 28A.300.035 pursuant to 1994 c 113 § 2.

Contingent effective date -- 1992 c 141 §§ 502-504, 506, and 507: See note following RCW 28A.150.205.

Findings -- Part headings -- Severability -- 1992 c 141: See notes following RCW 28A.410.040.

Effective date -- Severability -- 1979 ex.s. c 250: See notes following RCW 28A.150.220.

Effective date -- Severability -- 1972 ex.s. c 105: See notes following RCW 28A.150.250.

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## **RCW 28A.155 Special Education**

RCW 28A.155.020 Administration of program in the office of the superintendent of public instruction — Adoption of definitions by rule — Local school district powers not limited.

There is established in the office of the superintendent of public instruction an administrative section or unit for the education of children with disabilities who require special education.

Students with disabilities are those children whether enrolled in school or not who through an evaluation process are determined eligible for special education due to a disability.

In accordance with part B of the federal individuals with disabilities education improvement act and any other federal or state laws relating to the provision of special education services, the superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all children with disabilities between the ages of three and twenty-one, but when the twenty-first birthday occurs during the school year, the educational program may be continued until the end of that school year. The superintendent of public instruction, by rule, shall establish for the purpose of excess cost funding, as provided in RCW [28A.150.390](#), [28A.160.030](#), and [28A.155.010](#) through [28A.155.160](#), functional definitions of special education, the various types of disabling conditions, and eligibility criteria for special education programs for children with disabilities, including referral procedures, use of positive behavior interventions, the education curriculum and statewide or district-wide assessments, parent and district requests for special education due process hearings, and procedural safeguards. For the purposes of RCW [28A.155.010](#) through [28A.155.160](#), an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the children with disabilities who are enrolled either full time or part time in a school district. School districts are strongly encouraged to provide parental training in the care and education of the children and to involve parents in the classroom.

Nothing in this section shall prohibit the establishment or continuation of existing cooperative programs between school districts or contracts with other agencies approved by the superintendent of public instruction, which can meet the obligations of school districts to provide education for children with disabilities, or prohibit the continuation of needed related services to school districts by the department of social and health services.

This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW [28A.155.070](#).

[2015 c 206 § 2; 2007 c 115 § 2; 1995 c 77 § 8; 1990 c 33 § 121; 1985 c 341 § 4; 1984 c 160 § 1; 1971 ex.s. c 66 § 2; 1969 ex.s. c 2 § 2; 1969 ex.s. c 223 § 28A.13.010. Prior: 1951 c 92 § 1; prior: (i) 1943 c 120 § 1; Rem. Supp. 1943 § 4679-25. (ii) 1943 c 120 § 2, part; Rem. Supp. 1943 § 4679-26, part. Formerly RCW 28A.13.010, 28.13.010.]

NOTES:

Finding—2015 c 206: "The legislature finds that there is no educational or therapeutic benefit to children from physically restraining or isolating them as part of their public school programs when not necessary for immediate safety. The use of seclusion or restraints in nonemergency situations poses significant physical and psychological danger to students and school staff. The legislature declares that it is the policy of the state of Washington to prohibit the planned use of aversive interventions, to promote positive interventions when a student with disabilities is determined to need specially designed instruction to address behavior, and to prohibit schools from physically restraining or isolating any student except when the student's behavior poses an imminent likelihood of serious harm to that student or another person." [2015 c 206 § 1.]

Effective date -- 1985 c 341 §§ 4 and 13: "Sections 4 and 13 of this act shall take effect August 1, 1985." [1985 c 341 § 18.]

Severability -- 1984 c 160: "If any provision of this 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." [1984 c 160 § 6.]

Severability -- Effective date -- 1971 ex.s. c 66: See notes following RCW 28A.155.010.

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## **RCW 28A.310 Educational Service Districts**

RCW 28A.310.180 ESD board — Compliance with rules and regulations — Depository and distribution center — Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation.

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the educational service district: PROVIDED, That the district may also provide the services of the depository and distribution center to private schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW [28A.320.080](#)(3): PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation. However, for the provision of state-funded pupil transportation for special education cooperatives programs for special education conducted under RCW [28A.155.010](#) through [28A.155.100](#), the educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose: PROVIDED, That the board of directors and superintendent of a local school district request the educational service district to perform said service or services: PROVIDED FURTHER, That the educational service district board of directors and superintendents agree to provide the requested services: PROVIDED, FURTHER, That the provisions of chapter [39.34](#) RCW are strictly adhered to: PROVIDED FURTHER, That the educational service district board of directors may contract with the Washington state center for childhood deafness and hearing loss and the school for the blind to provide transportation services or other services necessary for the regional delivery of educational services for children who are deaf or hearing impaired.

[2009 c 381 § 26; 1990 c 33 § 276; 1988 c 65 § 2; 1987 c 508 § 3; 1982 c 46 § 1; 1979 ex.s. c 66 § 1; 1975 1st ex.s. c 275 § 16; 1971 ex.s. c 282 § 11. Formerly RCW 28A.21.086.]

Notes:

Findings -- Intent -- 2009 c 381: See note following RCW 72.40.015.

Severability -- 1979 ex.s. c 66: "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." [1979 ex.s. c 66 § 3.]

Severability -- 1971 ex.s. c 282: See note following RCW 28A.310.010.

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## **RCW 28A.320 Provisions Applicable To All Districts**

RCW 28A.320.300 Investment of funds, including funds received by ESD — Authority — Procedure.

Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee, officer, or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW 28A.320.310 and 28A.320.320 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for the immediate necessities of the common school district as determined by the school district board of directors or its delegatee, and shall be invested in behalf of the common school district pursuant to the terms of RCW 28A.320.310, 28A.320.320, 36.29.020, 36.29.022, or 36.29.024 as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW 28A.310.220.

[1999 c 18 § 1; 1990 c 33 § 335; 1982 c 191 § 5; 1975 c 47 § 1. Formerly RCW 28A.58.430.]

Notes:

Severability -- 1982 c 191: See note following RCW 28A.335.210.

Transportation vehicle fund -- Deposits in -- Use -- Rules for establishment and use: RCW 28A.160.130.

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## **RCW 28A.330 Provisions Applicable To School Districts**

RCW 28A.330.250 Condensed compliance reports.

(1) Beginning September 1, 2011, second-class districts may annually submit a condensed compliance report to the superintendent of public instruction.

(2) The boards of directors of second-class districts that choose to submit a condensed compliance report must:

(a) Dedicate a public meeting for reviewing the report and receiving public testimony;

(b) Adopt the report at a public meeting; and

(c) Require the report to be signed by the school district superintendent and chair of the board and acknowledged before a notary public.

(3) Compliance requests from the superintendent of public instruction not tied to funding are voluntary for second-class districts submitting a condensed compliance report.

(4) For the purposes of this section, compliance requests do not include data requests required to be submitted in accordance with federal or state law or for purposes of program evaluation or accountability, including data for a comprehensive K-12 education data improvement system.

[2011 c 45 § 1.]

Notes:

Conflict with federal requirements -- 2011 c 45: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2011 c 45 § 51.]

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## **RCW 28A.335 School Districts' Property**

RCW 28A.335.160 Joint educational facilities — Rules.

Any school district may cooperate with one or more school districts in the joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, pursuant to such rules adopted relating to state approval of school construction.

[2006 c 263 § 323; 1995 c 335 § 604; 1990 c 33 § 359; 1969 c 130 § 12. Formerly RCW 28A.58.075.]

Notes:

Findings -- Purpose -- Part headings not law -- 2006 c 263: See notes following RCW 28A.150.230.

Part headings, table of contents not law -- 1995 c 335: See note following RCW 28A.150.360.

Conditional sales contracts for acquisition of property or property rights: RCW 28A.335.200.

Education of children with disabilities: RCW 28A.155.040.

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## **RCW 28A.335 School Districts' Property**

RCW 28A.335.180 Surplus texts and other educational aids, notice of availability — Student priority as to texts.

(1) Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing in a newspaper of general circulation in the school district and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or approved private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.320.230(2) shall have priority as to such texts. The notice requirement in this section does not apply to the sale or transfer of assistive devices under RCW 28A.335.205 or chapter 72.40 RCW. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least thirty days following publication of notice in a newspaper of general circulation in the school district.

(2) In lieu of complying with subsection (1) of this section, school districts and educational service districts may elect to grant surplus personal property to a federal, state, or local governmental entity, or to indigent persons, at no cost on the condition the property be used for preschool through twelfth grade educational purposes, or elect to loan surplus personal property to a nonreligious, nonsectarian private entity on the condition the property be used for the preschool through twelfth grade education of members of the public on a nondiscriminatory basis.

[1997 c 264 § 1; 1997 c 104 § 1; 1991 c 116 § 1; 1990 c 33 § 361; 1981 c 306 § 1; 1977 ex.s. c 303 § 1. Formerly RCW 28A.02.110.]

Notes:

Reviser's note: This section was amended by 1997 c 104 § 1 and by 1997 c 264 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability -- 1981 c 306: "If any provision of this 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." [1981 c 306 § 5.]

Disposal of obsolete or surplus reading materials by school districts and libraries: RCW 39.33.070.

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## **RCW 28A.335 School Districts' Property**

RCW 28A.335.190 Advertising for bids — Competitive bid procedures — Purchases from inmate work programs — Telephone or written quotation solicitation, limitations — Emergencies.

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the threshold levels specified in subsections (2) and (4) of this section, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids and that specifications and other information may be examined at the office of the board or any other officially designated location. The cost of any public work, improvement, or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment, or supplies, except books, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from forty thousand dollars up to seventy-five thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of seventy-five thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Any school district may purchase goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections pursuant to RCW 72.09.100, including but not limited to furniture, equipment, or supplies. School districts are encouraged to set as a target to contract, beginning after June 30, 2006, to purchase up to one percent of the total goods required by the school districts each year, goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(4) The board may make improvements or repairs to the property of the district through a department within the district without following the public bidding process provided in subsection (1) of this section when the total of such improvements or repairs does not exceed the sum of seventy-five thousand dollars. Whenever the estimated cost of a building, improvement, repair, or other public works project is one hundred thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed unless the contract is let using the small works roster process in RCW 39.04.155 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the school district under the provisions of RCW 39.04.155.

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as described in RCW [39.26.160](#)(2) but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(6) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

(7) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with RCW [28A.160.195](#).

(8) This section does not apply to the purchase of Washington grown food.

(9) At the discretion of the board, a school district may develop and implement policies and procedures to facilitate and maximize to the extent practicable, purchases of Washington grown food including, but not limited to, policies that permit a percentage price preference for the purpose of procuring Washington grown food.

(10) As used in this section, "Washington grown" has the definition in RCW 15.64.060.

(11) As used in this section, "price percentage preference" means the percent by which a responsive bid from a responsible bidder whose product is a Washington grown food may exceed the lowest responsive bid submitted by a responsible bidder whose product is not a Washington grown food.

[2013 c 223 § 1; 2008 c 215 § 6. Prior: 2005 c 346 § 2; 2005 c 286 § 1; 2000 c 138 § 201; 1995 1st sp.s. c 10 § 3; 1994 c 212 § 1; 1990 c 33 § 362; 1985 c 324 § 1; 1980 c 61 § 1; 1975-'76 2nd ex.s. c 26 § 1; 1969 ex.s. c 49 § 2; 1969 ex.s. c 223 § 28A.58.135; prior: 1961 c 224 § 1. Formerly RCW 28A.58.135, 28.58.135.]

Notes:

Findings -- Intent -- Short title -- Captions not law -- Conflict with federal requirements -- 2008 c 215: See notes following RCW 15.64.060.

Purpose -- Part headings not law -- 2000 c 138: See notes following RCW 39.04.155.

Alternative public works contracting procedures: Chapter 39.10 RCW.

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## **RCW 28A.335 School Districts' Property**

RCW 28A.335.200 Conditional sales contracts for acquisition of property or property rights.

Any school district may execute an executory conditional sales contract with any other municipal corporation, the state or any of its political subdivisions, the government of the United States or any private party for the purchase of any real or personal property, or property rights, in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters: PROVIDED, That if such a proposed contract would result in a total indebtedness in excess of the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters: PROVIDED FURTHER, That any school district may jointly with another school district execute contracts authorized by this section.

[1970 ex.s. c 42 § 11; 1969 ex.s. c 223 § 28A.58.550. Prior: 1965 c 62 § 1. Formerly RCW 28A.58.550, 28.58.550.]

### Notes:

Severability -- Effective date -- 1970 ex.s. c 42: See notes following RCW 39.36.015.  
Transportation vehicle fund -- Deposits in -- Use -- Rules for establishment and use:  
RCW 28A.160.130.

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## **RCW 28A.400 Employees**

RCW 28A.400.303 Record checks for employees.

(1) School districts, educational service districts, the Washington state center for childhood deafness and hearing loss, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children or developmentally disabled persons shall require a record check through the Washington state patrol criminal identification system under RCW [43.43.830](#) through [43.43.834](#), [10.97.030](#), and [10.97.050](#) and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity may provide a copy of the record report to the applicant at the applicant's request. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district, the Washington state center for childhood deafness and hearing loss, the state school for the blind, or contractor may waive the requirement. Except as provided in subsection (2) of this section, the district, pursuant to chapter [41.59](#) or [41.56](#) RCW, the Washington state center for childhood deafness and hearing loss, the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

(2) Federal bureau of Indian affairs-funded schools may use the process in subsection (1) of this section to perform record checks for their employees and applicants for employment.

(3)(a) School districts, educational service districts, the Washington state center for childhood deafness and hearing loss, the state school for the blind, federal bureau of Indian affairs-funded schools, charter schools established under chapter [28A.710](#) RCW, schools that are the subject of a state-tribal education compact under chapter [28A.715](#) RCW, and their contractors may use the process in subsection (1) of this section to perform record checks for any prospective volunteer who will have regularly scheduled unsupervised access to children under eighteen years of age or developmentally disabled persons, during the course of his or her involvement with the school or organization under circumstances where access will or may involve the following:

- (i) Groups of five or fewer children under twelve years of age;
- (ii) Groups of three or fewer children between twelve and eighteen years of age; or
- (iii) Developmentally disabled persons.

(b) For purposes of (a) of this subsection, "unsupervised" means not in the presence of:

- (i) Another employee or volunteer from the same school or organization; or
- (ii) Any relative or guardian of any of the children or developmentally disabled persons to which the prospective employee or volunteer has access during the course of his or her involvement with the school or organization.

(4) Individuals who hold a valid portable background check clearance card issued by the \*department of early learning consistent with \*\*RCW [43.215.215](#) can meet the requirements in subsection (1) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background report results to the office of the superintendent of public instruction.

(5) The cost of record checks must include: The fees established by the Washington state patrol and the federal bureau of investigation for the criminal history background checks; a fee paid to the superintendent of public instruction for the cost of administering this section and RCW [28A.195.080](#) and [28A.410.010](#); and other applicable fees for obtaining the fingerprints.

[2017 3rd sp.s. c 33 § 1; 2014 c 50 § 1; 2009 c 381 § 29; 2007 c 35 § 1; 2001 c 296 § 3; 1992 c 159 § 2.]

Notes:

Reviser's note: \*(1) The department of early learning was abolished and its powers, duties, and functions transferred to the department of children, youth, and families by 2017 3rd sp.s. c 6 § 802, effective July 1, 2018. \*\*(2) RCW 43.215.215 was recodified as RCW 43.216.270 pursuant to 2017 3rd sp.s. c 6 § 821, effective July 1, 2018.

Findings -- Intent -- 2009 c 381: See note following RCW 72.40.015.

Intent -- 2001 c 296: See note following RCW 9.96A.060.

Findings -- 1992 c 159: "The legislature finds that additional safeguards are necessary to ensure the safety of Washington's school children. The legislature further finds that the results from state patrol record checks are more complete when fingerprints of individuals are provided, and that information from the federal bureau of investigation also is necessary to obtain information on out-of-state criminal records. The legislature further finds that confidentiality safeguards in state law are in place to ensure that the rights of applicants for certification or jobs and newly hired employees are protected." [1992 c 159 § 1.]

Criminal history record information -- School volunteers: RCW 28A.320.155.

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## **RCW 28A.400 Employees**

RCW 28A.400.320 Crimes against children — Mandatory termination of classified employees — Appeal — Recovery of salary or compensation by district.

(1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime specified under RCW 28A.400.322.

(2) The employee shall have a right of appeal under chapter 28A.645 RCW including any right of appeal under a collective bargaining agreement. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under RCW 28A.400.322, and the time termination becomes final.

[2009 c 396 § 2; 1990 c 33 § 383; 1989 c 320 § 3. Formerly RCW 28A.58.1001.]

Notes:

Severability -- 1989 c 320: See note following RCW 28A.410.090.

Notification of conviction or guilty plea of certain felony crimes: RCW 43.43.845.

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## **RCW 29A.400 Employees**

RCW 28A.400.350 Medical, dental, vision, liability, life, accident, disability, and salary insurance authorized—Expiration of authority for basic and optional benefits—Health savings accounts—Premiums—Noncompliance.

(1) The board of directors of any of the state's school districts or educational service districts may make available medical, dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter [48.150](#) RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to chapter [48.62](#) RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW [48.150.050](#).

(2)(a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW [28A.400.275](#) and [28A.400.280](#).

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter [41.05](#) RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to

assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters [18.22](#), 18.25, 18.53, 18.57, and [18.71](#) RCW.

(5)(a) Until the creation of the school employees' benefits board under RCW [41.05.740](#), school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in \*RCW [41.05.655](#);

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(e) Upon notification from the office of the insurance commissioner of a school district's substantial noncompliance with the data reporting requirements of RCW [28A.400.275](#), and the failure is due to the action or inaction of the school district, and if the noncompliance has occurred for two reporting periods, the superintendent is authorized and required to limit the school district's authority provided in subsection (1) of this section regarding employee health benefits to the provision of health benefit coverage provided by the state health care authority.

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019. Beginning January 1, 2020, school districts and educational service districts shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board.

[2017 3rd sp.s. c 13 § 816; 2012 2nd sp.s. c 3 § 3; 2011 c 269 § 2; 2001 c 266 § 2.  
Prior: 1995 1st sp.s. c 6 § 18; 1995 c 126 § 1; 1993 c 492 § 226; prior: 1990 1st ex.s. c 11 § 3; 1990 c 74 § 1; 1988 c 107 § 16; 1985 c 277 § 8; 1977 ex.s. c 255 § 1; 1973 1st ex.s. c 9 § 1; 1971 ex.s. c 269 § 2; 1971 c 8 § 3; 1969 ex.s. c 237 § 3; 1969 ex.s. c 223 § 28A.58.420 ; prior: 1967 c 135 § 2, part; 1959 c 187 § 1, part. Formerly RCW 28A.58.420, 28.76.410, part.]

Notes:

\*Reviser's note: RCW 41.05.655 was repealed by 2017 3rd sp.s. c 25 § 23.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Findings -- Goals -- Intent -- 2012 2nd sp.s. c 3: See note following RCW 28A.400.275.

Effective date -- 1995 1st sp.s. c 6: See note following RCW 28A.400.410.

Findings -- Intent -- 1993 c 492: See notes following RCW 43.72.005.

Short title -- Severability -- Savings -- Captions not law -- Reservation of legislative power -- Effective dates -- 1993 c 492: See RCW 43.72.910 through 43.72.915.

Intent -- 1990 1st ex.s. c 11: See note following RCW 28A.400.200.

Implementation -- Effective dates -- 1988 c 107: See RCW 41.05.901.

Retrospective application -- 1985 c 277: See note following RCW 48.01.050.

Severability -- 1971 ex.s. c 269: "If any provision of this 1971 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." [1971 ex.s. c 269 § 4.]

Hospitalization and medical insurance authorized: RCW 41.04.180.

Operation of student transportation program responsibility of local district -- Scope --

Transporting of elderly -- Insurance: RCW 28A.160.010.

Retirement allowance deductions for health care benefit plans: RCW 41.04.235.

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**RCW 28A.510 Apportionment To District — District Accounting**

RCW 28A.510.250 By state superintendent.

(1) On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

September . . . . .	9%
October . . . . .	9%
November . . . . .	5.5%
December . . . . .	9%
January . . . . .	9%
February . . . . .	9%
March . . . . .	9%
April . . . . .	9%
May . . . . .	5.5%
June . . . . .	6.0%
July . . . . .	10.0%
August . . . . .	10.0%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September first [1st] and continuing through August thirty-first [31st].

Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year, except as provided in subsection (2) of this section. The apportionment from the state general fund for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month:

PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If the superintendent determines in the affirmative, he or she may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

(2) In the 2010-11 school year, the June apportionment payment to school districts shall be reduced by one hundred twenty-eight million dollars, and an additional

apportionment payment shall be made on July 1, 2011, in the amount of one hundred twenty-eight million dollars. This July 1st payment shall be in addition to the regularly calculated July apportionment payment.

[2011 1st sp.s. c 4 § 1; 1990 c 33 § 426; 1982 c 136 § 1; 1981 c 282 § 1; 1981 c 5 § 32; 1980 c 6 § 5; 1979 ex.s. c 237 § 1; 1975-'76 2nd ex.s. c 118 § 27; 1975 1st ex.s. c 275 § 67; 1974 ex.s. c 89 § 1; 1972 ex.s. c 146 § 1; 1970 ex.s. c 15 § 15. Prior: 1969 ex.s. c 184 § 3; 1969 ex.s. c 176 § 108; 1969 ex.s. c 223 § 28A.48.010; prior: 1965 ex.s. c 162 § 1; 1959 c 276 § 3; prior: 1945 c 141 § 3, part; 1923 c 96 § 1; 1911 c 118 § 1; 1909 c 97 p 312 §§ 1, 2, 3; Rem. Supp. 1945 § 4940-3, part. Formerly RCW 28A.48.010, 28.48.010.]

Notes:

Effective date -- 2011 1st sp.s. c 4: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 31, 2011]." [2011 1st sp.s. c 4 § 2.]

Certain 1982-83 school year monthly payments delayed -- Interest -- 1982 c 136: "For the 1982-83 school year, one-half of the September, October, March, and April payments under RCW 28A.48.010 shall be made on the last business day of the respective month and the remainder on the fifteenth day of the following month. Interest shall be paid on the amounts deferred under this section at the rate for state interfund loans as established by the state finance committee." [1982 c 136 § 2.]

Effective date -- 1982 c 136: "Section 3 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1982]. The remainder to [of] this act shall take effect September 1, 1982." [1982 c 136 § 5.]

Severability -- 1980 c 6: See note following RCW 28A.515.320.

Severability -- 1975-'76 2nd ex.s. c 118: See note following RCW 28A.505.010.

Effective date -- 1972 ex.s. c 146: "This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and section 1 shall take effect July 1, 1972, and section 2 shall take effect immediately [February 25, 1972]." [1972 ex.s. c 146 § 3.]

Severability -- 1970 ex.s. c 15: See note following RCW 28A.230.160.

Student transportation allocation -- Notice -- Payment schedule: RCW 28A.160.190.

Vehicle acquisition -- Reimbursement schedule -- Maintenance and operation --

Depreciation schedule: RCW 28A.160.200.

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## **RCW 28A.530 District Bonds For Land, Buildings, And Equipment**

RCW 28A.530.080 Additional authority to contract indebtedness — Notice.

(1) In addition to the authority granted under RCW 28A.530.010, a school district may contract indebtedness for any purpose specified in RCW 28A.530.010 (2), (4), and (5) or for the purpose of purchasing any real or personal property, or property rights, in connection with the exercise of any powers or duties which it is now or hereafter authorized to exercise, and issue bonds, notes, or other evidences of indebtedness therefor without a vote of the qualified electors of the district, subject to the limitations on indebtedness set forth in RCW 39.36.020(3).

(2) Before issuing nonvoted bonds in excess of two hundred fifty thousand dollars, a school district shall publish notice of intent to issue such bonds and shall hold a public hearing on the proposal at any regular or special meeting of the school board. The notice shall designate: The date, time, and place of the hearing; the purpose and amount of the bonds; the type, terms, and conditions of bonds; and the means identified for repayment. The notice shall also state that any person may appear and be heard on the issue of issuing such bonds. The notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or if there is none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately before the hearing. At the conclusion of public comment, the board of directors may proceed to determine, by resolution, whether to issue such bonds.

(3) The public notice and hearing requirements in subsection (2) of this section shall not apply to any refinancing or refunding of outstanding nonvoted or voted bonds.

(4) Such bonds, notes, or other evidences of indebtedness shall be issued and sold in accordance with chapter 39.46 RCW, and the proceeds thereof shall be deposited in the capital projects fund, the transportation vehicle fund, or the general fund, as applicable.

[2010 c 241 § 1; 1999 c 314 § 2; 1991 c 114 § 1.]

Notes:

Application -- 2010 c 241: "This act applies prospectively only." [2010 c 241 § 2.]

Findings -- Intent -- 1999 c 314: "The legislature finds that current law authorizes school districts to use nonvoter-approved debt to acquire real or personal property but not to construct or repair school district property. It is the intent of the legislature to authorize school districts to use nonvoter-approved debt, within existing debt limits, to finance the acquisition, remodel, and repair of school facilities." [1999 c 314 § 1.]

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## **RCW 28A.545 Payment To High School Districts**

RCW 28A.545.100 Amount due reflects cost of education and transportation of students.

Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts which are established as due by a nonhigh school district pursuant to RCW 28A.545.030 through 28A.545.110 and 84.52.0531, as now or hereafter amended, shall constitute the entire amount which is due by a nonhigh school district for the school year for the education of any and all students with or without disabilities residing in the nonhigh school district who attend a high school district pursuant to RCW 28A.225.210, and for the transportation of such students by a high school district.

[1995 c 77 § 26; 1990 c 33 § 494; 1983 1st ex.s. c 61 § 7; 1981 c 264 § 8. Formerly RCW 28A.44.220.]

Notes:

Severability -- 1983 1st ex.s. c 61: See note following RCW 28A.160.010.

Severability -- 1981 c 264: See note following RCW 28A.545.030.

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## **RCW 46.04 Definitions**

RCW 46.04.140 Commercial vehicle.

"Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

[1961 c 12 § 46.04.140. Prior: 1959 c 49 § 15; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

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## **RCW 46.04 Definitions**

RCW 46.04.382 Passenger Car.

"Passenger car" means every motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons.

[1963 c 154 § 29.]

Notes:

Effective date -- 1963 c 154: See note following RCW 46.37.010.

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## **RCW 46.04 Definitions**

RCW 46.04.416 Private carrier bus.

"Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission. [1970 ex.s. c 100 § 3.]

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## **RCW 46.04 Definitions**

RCW 46.04.521 School bus.

School bus means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the state superintendent of public instruction, but does not include buses operated by common carriers in urban transportation of school children or private carrier buses operated as school buses in the transportation of children to and from private schools or school activities.

[1995 c 141 § 1; 1965 ex.s. c 155 § 90.]

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**RCW 46.04 Definitions**

RCW 46.04.600 Traffic control signal.

"Traffic control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled.

[1961 c 12 § 46.04.600. Prior: 1959 c 49 § 65; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

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## **RCW 46.08 General Provisions**

### **RCW 46.08.065 Publicly owned vehicles to be marked**

(1) It is unlawful for any public officer having charge of any vehicle owned or controlled by any county, city, town, or public body in this state other than the state of Washington and used in public business to operate the same upon the public highways of this state unless and until there shall be displayed upon such automobile or other motor vehicle in letters of contrasting color not less than one and one-quarter inches in height in a conspicuous place on the right and left sides thereof, the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the said vehicle is used. This section shall not apply to vehicles of a sheriff's office, local police department, or any vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes. This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing public mass transportation; (b) any vehicle governed by the requirements of subsection (4) of this section; nor to (c) any motor vehicle on loan to a school district for driver training purposes. It shall be lawful and constitute compliance with the provisions of this section, however, for the governing body of the appropriate county, city, town, or public body other than the state of Washington or its agencies to adopt and use a distinctive insignia which shall be not less than six inches in diameter across its smallest dimension and which shall be displayed conspicuously on the right and left sides of the vehicle. Such insignia shall be in a color or colors contrasting with the vehicle to which applied for maximum visibility. The name of the public body owning or operating the vehicle shall also be included as part of or displayed above such approved insignia in colors contrasting with the vehicle in letters not less than one and one-quarter inches in height. Immediately below the lettering identifying the public entity and agency operating the vehicle or below an approved insignia shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle. The appropriate governing body may provide by rule or ordinance for marking of passenger motor vehicles as prescribed in subsection (2) of this section or for exceptions to the marking requirements for local governmental agencies for the same purposes and under the same circumstances as permitted for state agencies under subsection (3) of this section.

(2) Except as provided by subsections (3) and (4) of this section, passenger motor vehicles owned or controlled by the state of Washington, and purchased after July 1, 1989, must be plainly and conspicuously marked on the lower left-hand corner of the rear window with the name of the operating agency or institution or the words "state motor pool," as appropriate, the words "state of Washington — for official use only," and the seal of the state of Washington or the appropriate agency or institution insignia, approved by the department of enterprise services. Markings must be on a transparent adhesive material and conform to the standards established by the department of enterprise services. For the purposes of this section, "passenger motor vehicles" means sedans, station wagons, vans, light trucks, or other motor vehicles under ten thousand pounds gross vehicle weight.

(3) Subsection (2) of this section shall not apply to vehicles used by the Washington state patrol for general undercover or confidential investigative purposes. Traffic control

vehicles of the Washington state patrol may be exempted from the requirements of subsection (2) of this section at the discretion of the chief of the Washington state patrol. The department of enterprise services shall adopt general rules permitting other exceptions to the requirements of subsection (2) of this section for other vehicles used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes, for vehicles leased or rented by the state on a casual basis for a period of less than ninety days, and those provided for in RCW 46.08.066. The exceptions in this subsection, subsection (4) of this section, and those provided for in RCW 46.08.066 shall be the only exceptions permitted to the requirements of subsection (2) of this section.

(4) Any motorcycle, vehicle over 10,000 pounds gross vehicle weight, or other vehicle that for structural reasons cannot be marked as required by subsection (1) or (2) of this section that is owned or controlled by the state of Washington or by any county, city, town, or other public body in this state and used for public purposes on the public highways of this state shall be conspicuously marked in letters of a contrasting color with the words "State of Washington" or the name of such county, city, town, or other public body, together with the name of the department or office that owns or controls the vehicle.

(5) All motor vehicle markings required under the terms of this chapter shall be maintained in a legible condition at all times.

[2015 c 225 § 98; 1998 c 111 § 4; 1989 c 57 § 9; 1975 1st ex.s. c 169 § 1; 1961 c 12 § 46.08.065. Prior: 1937 c 189 § 46; RRS § 6360-46. Formerly RCW 46.36.140.]

Notes:

Effective date -- 1989 c 57: See note following RCW 43.19.620.

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## **RCW 46.16A Registration**

RCW 46.16A.170 Exemptions from vehicle license fees — State and publicly owned vehicles.

(1) The following vehicles are exempt from the payment of vehicle license fees:

(a) Any vehicle owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington and used exclusively by them;

(b) Vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty;

(c) Vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, and used exclusively in its service;

(d) Any bus or vehicle owned and operated by a private school or schools meeting the requirements of RCW [28A.195.010](#) and used by that school or schools primarily to transport children to and from school or to transport children in connection with school activities. A registration issued by the department for these buses or vehicles is exempt from the motor vehicle excise tax provided in chapter [82.44](#) RCW;

(e) Vehicles owned and used exclusively by the United States government and are clearly identified by displaying registration numbers or license plates assigned by the United States government if the vehicle is registered and displays license plates assigned to it by the United States government; and

(f) Except for payment of the license plate fee required under RCW [46.17.240](#), vehicles owned and used exclusively by the United States government and are clearly identified by displaying registration numbers or license plates assigned by the state of Washington if the vehicle is registered and displays license plates assigned to it by the state of Washington.

(2) The department shall assign a license plate or plates to each vehicle or may assign a block of license plates to an agency or political subdivision for further assignment by the agency or political subdivision to individual vehicles registered to it. The agency, political subdivision, or Indian tribe, except a foreign government or international body, shall pay the fee required in RCW [46.17.240](#) for the license plate or plates for each vehicle.

(3) An Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior is not entitled to register any tribal government service vehicle under this section if that tribe itself registers any tribal government service vehicles under tribal law.

(4) A vehicle registration or license plates may not be issued to any vehicle under this section for the transportation of school children unless the vehicle has been first inspected by the director or the director's authorized representative.

[2010 c 161 § 407; 1986 c 30 § 1; 1975 1st ex.s. c 169 § 5; 1973 1st ex.s. c 132 § 22; 1967 c 32 § 14; 1965 ex.s. c 106 § 1; 1961 c 12 § 46.16.020. Prior: 1939 c 182 § 4;

1937 c 188 § 21; RRS § 6312-21; 1925 ex.s. c 47 § 1; 1921 c 96 § 17; 1919 c 46 § 2; 1917 c 155 § 12; 1915 c 142 § 17; RRS § 6329. Formerly RCW 46.16.020.]

Notes:

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW 46.04.013.

Severability -- 1973 1st ex.s. c 132: See RCW 46.16A.900, 46.70.920.

Marking of publicly owned vehicles: RCW 46.08.065 through 46.08.068.

Special license plates issued without fee

Congressional Medal of Honor recipients: RCW 46.18.230.

Surviving spouse or surviving domestic partner of deceased prisoner of war: RCW 73.04.115.

Veterans with disabilities, prisoners of war: RCW 46.18.235.

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## **RCW 46.20 Drivers' Licenses — Identicards**

RCW 46.20.045 School bus, for hire drivers — Age.

A person who is under the age of eighteen years shall not drive:

- (1) A school bus transporting school children; or
- (2) A motor vehicle transporting persons for compensation.

[1999 c 6 § 10; 1971 ex.s. c 292 § 43; 1965 ex.s. c 121 § 6.]

Notes:

Intent -- 1999 c 6: See note following RCW 46.04.168.

Severability -- 1971 ex.s. c 292: See note following RCW 26.28.010.

**OSPI Additional Comment: See [WAC 392-144-101 \(1\)](#)**

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## **RCW 46.25 Uniform Commercial Driver's License Act**

### RCW 46.25.010 Definitions.

The definitions set forth in this section apply throughout this chapter.

(6) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds or more), whichever is greater; or

(b) Has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater; or

(c) Is designed to transport sixteen or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of hazardous materials as defined in this section; or

(e) Is a school bus regardless of weight or size.

[2017 c 334 § 4; 2017 c 194 § 1; 2013 c 224 § 3; 2013 c 224 § 2; 2011 c 227 § 1; 2009 c 181 § 2. Prior: 2006 c 327 § 2; 2006 c 50 § 1; 2005 c 325 § 2; 2004 c 187 § 2; 1996 c 30 § 1; 1989 c 178 § 3.]

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## **RCW 46.25 Uniform Commercial Driver's License Act**

RCW 46.25.050 Commercial driver's license required — Exceptions, restrictions, reciprocity.

(1) Drivers of commercial motor vehicles must obtain a commercial driver's license as required under this chapter. Except when driving under a commercial learner's permit and a valid driver's license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving. However, this requirement does not apply to any person:

(a) Who is the operator of a farm vehicle, and the vehicle is:

(i) Controlled and operated by a farmer;

(ii) Used to transport either agricultural products, which in this section include Christmas trees and wood products harvested from private tree farms and transported by vehicles weighing no more than forty thousand pounds licensed gross vehicle weight, farm machinery, farm supplies, animal manure, animal manure compost, or any combination of those materials to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within one hundred fifty miles of the person's farm; or

(b) Who is a firefighter or law enforcement officer operating emergency equipment, and:

(i) The firefighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The firefighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course; or

(c) Who is operating a recreational vehicle for noncommercial purposes. As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose; or

(d) Who is operating a commercial motor vehicle for military purposes. This exception is applicable to active duty military personnel; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. This exception is not applicable to United States reserve technicians.

(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW [46.20.342](#)(1).

(3) The department must, to the extent possible, enter into reciprocity agreements with adjoining states to allow the waivers described in subsection (1) of this section to apply to drivers holding commercial driver's licenses from those adjoining states.

[2013 c 224 § 4; 2011 c 142 § 1; 2006 c 327 § 3; 1995 c 393 § 1; 1990 c 56 § 1; 1989 c 178 § 7.]

Notes:

Effective date -- 2013 c 224: See note following RCW 46.01.130.

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## **RCW 46.25 Uniform Commercial Driver's License Act**

RCW 46.25.055 Medical examiner's certificate — Required.

A person may not drive a commercial motor vehicle unless he or she is physically qualified to do so and, except as provided in [49 C.F.R. Sec. 391.67](#), has on his or her person the original, or a photographic copy, of a medical examiner's certificate that he or she is physically qualified to drive a commercial motor vehicle.

[2003 c 195 § 3.]

Notes:

Findings -- 2003 c 195: See note following RCW 46.25.070.

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## **RCW 46.25 Uniform Commercial Driver's License Act**

RCW 46.25.057 Medical examiner's certificate — Failure to carry — Penalty.

(1) It is a traffic infraction for a licensee under this chapter to drive a commercial vehicle without having on his or her person the original, or a photographic copy, of a medical examiner's certificate that he or she is physically qualified to drive a commercial motor vehicle.

(2) A person who violates this section is subject to a penalty of two hundred fifty dollars. If the person appears in person before the court or submits by mail written proof that he or she had, at the time the infraction took place, the medical examiner's certificate, the court shall reduce the penalty to fifty dollars.

[2003 c 195 § 4.]

Notes:

Findings -- 2003 c 195: See note following RCW 46.25.070.

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## **RCW 46.25 Uniform Commercial Driver's License Act**

### **RCW 46.25.090 Disqualification — Grounds for, period of — Records.**

(1) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if a report has been received by the department pursuant to RCW [46.20.308](#) or [46.25.120](#), or if the person has been convicted of a first violation, within this or any other jurisdiction, of:

- (a) Driving a motor vehicle under the influence of alcohol or any drug;
- (b) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more or any measurable amount of THC concentration, or driving a noncommercial motor vehicle while the alcohol concentration in the person's system is 0.08 or more, or is 0.02 or more if the person is under age twenty-one, or with a THC concentration of 5.00 nanograms per milliliter of whole blood or more, or a THC concentration above 0.00 if the person is under the age of twenty-one, as determined by any testing methods approved by law in this state or any other state or jurisdiction;
- (c) Leaving the scene of an accident involving a motor vehicle driven by the person;
- (d) Using a motor vehicle in the commission of a felony;
- (e) Refusing to submit to a test or tests to determine the driver's alcohol concentration or the presence of any drug while driving a motor vehicle;
- (f) Driving a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle;
- (g) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular homicide and negligent homicide. If any of the violations set forth in this subsection occurred while transporting hazardous material, the person is disqualified for a period of not less than three years.

(2) A person is disqualified for life if it has been determined that the person has committed or has been convicted of two or more violations of any of the offenses specified in subsection (1) of this section, or any combination of those offenses, arising from two or more separate incidents.

(3) The department may adopt rules, in accordance with federal regulations, establishing guidelines, including conditions, under which a disqualification for life under subsection (2) of this section may be reduced to a period of not less than ten years.

(4) A person is disqualified from driving a commercial motor vehicle for life who uses a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, as defined by chapter [69.50](#) RCW, or possession with intent to manufacture, distribute, or dispense a controlled substance, as defined by chapter [69.50](#) RCW.

- (5)(a) A person is disqualified from driving a commercial motor vehicle for a period of:
- (i) Not less than sixty days if:
    - (A) Convicted of or found to have committed a second serious traffic violation while driving a commercial motor vehicle; or
    - (B) Convicted of reckless driving, where there has been a prior serious traffic violation;or
  - (ii) Not less than one hundred twenty days if:

(A) Convicted of or found to have committed a third or subsequent serious traffic violation while driving a commercial motor vehicle; or

(B) Convicted of reckless driving, where there has been two or more prior serious traffic violations.

(b) The disqualification period under (a)(ii) of this subsection must be in addition to any other previous period of disqualification.

(c) For purposes of determining prior serious traffic violations under this subsection, each conviction of or finding that a driver has committed a serious traffic violation while driving a commercial motor vehicle or noncommercial motor vehicle, arising from a separate incident occurring within a three-year period, must be counted.

(6) A person is disqualified from driving a commercial motor vehicle for a period of:

(a) Not less than one hundred eighty days nor more than one year if convicted of or found to have committed a first violation of an out-of-service order while driving a commercial vehicle;

(b) Not less than two years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed two violations of out-of-service orders while driving a commercial motor vehicle in separate incidents;

(c) Not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed three or more violations of out-of-service orders while driving commercial motor vehicles in separate incidents;

(d) Not less than one hundred eighty days nor more than two years if the person is convicted of or is found to have committed a first violation of an out-of-service order while transporting hazardous materials, or while operating motor vehicles designed to transport sixteen or more passengers, including the driver. A person is disqualified for a period of not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials, or while operating motor vehicles designed to transport sixteen or more passengers, including the driver.

(7) A person is disqualified from driving a commercial motor vehicle if a report has been received by the department under RCW [46.25.125](#) that the person has received a verified positive drug test or positive alcohol confirmation test as part of the testing program conducted under 49 C.F.R. 40. A disqualification under this subsection remains in effect until the person undergoes a drug and alcohol assessment by a substance abuse professional meeting the requirements of 49 C.F.R. 40, and the person presents evidence of satisfactory participation in or successful completion of a drug or alcohol treatment and/or education program as recommended by the substance abuse professional, and until the person has met the requirements of RCW [46.25.100](#). The substance abuse professional shall forward a diagnostic evaluation and treatment recommendation to the department of licensing for use in determining the person's eligibility for driving a commercial motor vehicle. Persons who are disqualified under this subsection more than twice in a five-year period are disqualified for life.

(8)(a) A person is disqualified from driving a commercial motor vehicle for the period of time specified in (b) of this subsection if he or she is convicted of or is found to have committed one of the following six offenses at a railroad-highway grade crossing while

operating a commercial motor vehicle in violation of a federal, state, or local law or regulation:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train or other on-track equipment;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement officer at the crossing;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(b) A person is disqualified from driving a commercial motor vehicle for a period of:

(i) Not less than sixty days if the driver is convicted of or is found to have committed a first violation of a railroad-highway grade crossing violation;

(ii) Not less than one hundred twenty days if the driver is convicted of or is found to have committed a second railroad-highway grade crossing violation in separate incidents within a three-year period;

(iii) Not less than one year if the driver is convicted of or is found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents within a three-year period.

(9) A person is disqualified from driving a commercial motor vehicle for not more than one year if a report has been received by the department from the federal motor carrier safety administration that the person's driving has been determined to constitute an imminent hazard as defined by 49 C.F.R. 383.5. A person who is simultaneously disqualified from driving a commercial motor vehicle under this subsection and under other provisions of this chapter, or under 49 C.F.R. 383.52, shall serve those disqualification periods concurrently.

(10) Within ten days after suspending, revoking, or canceling a commercial driver's license or disqualifying a driver from operating a commercial motor vehicle, the department shall update its records to reflect that action.

[2017 c 87 § 5; 2013 2nd sp.s. c 35 § 10; 2011 c 227 § 4; 2006 c 327 § 4; 2005 c 325 § 5; 2004 c 187 § 7. Prior: 2002 c 272 § 3; 2002 c 193 § 1; 1996 c 30 § 3; 1989 c 178 § 11.]

Notes:

Intent -- 2005 c 325: See note following RCW 46.25.010.

Effective date -- 2004 c 187 §§ 1, 5, 7, 8, and 10: See note following RCW 46.20.308.

Effective date -- 1996 c 30: See note following RCW 46.25.010.

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## **RCW 46.32 Vehicle Inspection**

RCW 46.32.010 Types of inspection authorized — Duties of state patrol — Penalties.

(1) The chief of the Washington state patrol may operate, maintain, or designate, throughout the state of Washington, stations for the inspection of commercial motor vehicles, school buses, and private carrier buses, with respect to vehicle equipment, drivers' qualifications, and hours of service and to set reasonable times when inspection of vehicles shall be performed.

(2) The state patrol may inspect a commercial motor vehicle while the vehicle is operating on the public highways of this state with respect to vehicle equipment, hours of service, and driver qualifications.

(3) It is unlawful for any vehicle required to be inspected to be operated over the public highways of this state unless and until it has been approved periodically as to equipment.

(4) Inspections shall be performed by a responsible employee of the chief of the Washington state patrol, who shall be duly authorized and who shall have authority to secure and withhold, with written notice to the director of licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate a vehicle placed out of service by an officer unless and until it has been placed in a condition satisfactory to pass a subsequent equipment inspection. The officer in charge of such vehicle equipment inspection shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

(5) In the event any insignia, sticker, or other marker is adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, it shall be displayed as required by the rules of the chief of the Washington state patrol, and it is a traffic infraction for any person to mutilate, destroy, remove, or otherwise interfere with the display thereof.

(6) It is a traffic infraction for any person to refuse to have his or her motor vehicle examined as required by the chief of the Washington state patrol, or, after having had it examined, to refuse to place an insignia, sticker, or other marker, if issued, upon the vehicle, or fraudulently to obtain any such insignia, sticker, or other marker, or to refuse to place his or her motor vehicle in proper condition after having had it examined, or in any manner, to fail to conform to the provisions of this chapter.

(7) It is a traffic infraction for any person to perform false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle.

[2010 c 8 § 9050; 2007 c 419 § 7; 1993 c 403 § 2; 1986 c 123 § 1; 1979 ex.s. c 136 § 67; 1979 c 158 § 156; 1967 c 32 § 48; 1961 c 12 § 46.32.010. Prior: 1947 c 267 § 1; 1945 c 44 § 1; 1937 c 189 § 7; Rem. Supp. 1947 § 6360-7.]

### Notes:

Findings -- Short title -- 2007 c 419: See notes following RCW 46.16A.010.

Effective date -- Severability -- 1979 ex.s. c 136: See notes following RCW 46.63.010.

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## **RCW 46.32 Vehicle Inspection**

RCW 46.32.070 Inspection of damaged vehicle.

If a vehicle required to be inspected becomes damaged or deteriorated in such a manner that such vehicle has become unsafe for operation upon the public highways of this state, it is unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator presents such vehicle for inspection of equipment within twenty-four hours after its return to service.

[1986 c 123 § 6; 1961 c 12 § 46.32.070. Prior: 1937 c 189 § 13; RRS § 6360-13.]

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## **RCW 46.37 Vehicle Lighting and Other Equipment**

RCW 46.37.190 Warning devices on vehicles — Other drivers yield and stop.

...

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle.

...

[2005 c 183 § 8; 1993 c 401 § 2; 1987 c 330 § 710; 1985 c 331 § 1; 1982 c 101 § 1; 1971 ex.s. c 92 § 1; 1970 ex.s. c 100 § 5; 1965 ex.s. c 155 § 53; 1963 c 154 § 14; 1961 c 12 § 46.37.190. Prior: 1957 c 66 § 1; 1955 c 269 § 19.]

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## **RCW 46.37 Vehicle Lighting and Other Equipment**

### RCW 46.37.193 Signs on buses.

Every school bus and private carrier bus, in addition to any other equipment or distinctive markings required by this chapter, shall bear upon the front and rear thereof, above the windows thereof, plainly visible signs containing only the words "school bus" on a school bus and only the words "private carrier bus" on a private carrier bus in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW [46.37.190](#). School districts may affix signs designed according to RCW [46.61.380](#) informing motorists of the monetary penalty for failure to stop for a school bus when the visual signals are activated.

However, a private carrier bus that regularly transports children to and from a private school or in connection with school activities may display the words "school bus" in a manner provided in this section and need not comply with the requirements set forth in the most recent edition of "Specifications for School Buses" published by the superintendent of public instruction.

[1997 c 80 § 3; 1995 c 141 § 2; 1990 c 241 § 10.]

Notes: School bus markings: RCW 46.61.380.

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## **RCW 46.37 Vehicle Lighting and Other Equipment**

RCW 46.37.195 Sale of emergency vehicle lighting equipment restricted — Removal of emergency vehicle equipment, when required — Exception.

(1) Except as provided in subsection (2) of this section, a public agency, business, entity, or person shall not sell or give emergency vehicle lighting equipment or other equipment to a person who may not lawfully operate the lighting equipment or other equipment on the public streets and highways. Prior to selling or giving an emergency vehicle to a person or entity that is not a public law enforcement or emergency agency within or outside the state, public law enforcement or emergency agency in another country, or private ambulance business within or outside the state, the seller or donor must remove all emergency lighting as defined in rules by the Washington state patrol, radios, and any other emergency equipment from the vehicle, except for reflective stripes and paint on fire trucks, that was not originally installed by the original vehicle manufacturer and that visibly identifies the vehicle as an emergency vehicle from the exterior, including spotlights and confinement or rear seat safety cages. If the equipment is not retained or transferred to another public law enforcement or emergency agency within or outside the state, public law enforcement or emergency agency in another country, or private ambulance business within or outside the state, the equipment must be dismantled with the individual parts being recycled or destroyed prior to being disposed of. The agency must also remove all decals, state and local designated law enforcement colors, and stripes that were not installed by the original vehicle manufacturer.

(2) The sale or donation to a broker specializing in the resale of emergency vehicles, or a charitable organization, intending to deliver the vehicle or equipment to a public law enforcement or emergency agency within or outside the state, public law enforcement or emergency agency in another country, or private ambulance business within or outside the state, is allowed with the emergency equipment still installed and intact. If the broker or charitable organization sells or donates the emergency vehicle to a person or entity that is not a public law enforcement or emergency agency, or private ambulance business, the broker or charitable organization must remove the equipment and designations and is accountable and responsible for the removal of the equipment and designations not installed on the vehicle by the original vehicle manufacturer. Equipment not sold or donated to a public law enforcement or emergency agency, or a private ambulance business, must be removed and transferred, destroyed, or recycled in accordance with subsection (1) of this section.

[2010 c 117 § 2; 1990 c 94 § 2.]

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## **RCW 46.37.215 Hazard warning lamps.**

(1) Any vehicle may be equipped with lamps for the purpose of warning other operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(2) After June 1, 1978, every motor home, bus, truck, truck tractor, trailer, semitrailer, or pole trailer eighty inches or more in overall width or thirty feet or more in overall length shall be equipped with lamps meeting the requirements of this section.

(3) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet in normal sunlight.

[1977 ex.s. c 355 § 19.]

Notes:

Severability -- 1977 ex.s. c 355: See note following RCW 46.37.010.

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## **RCW 46.37 Vehicle Lighting and Other Equipment**

RCW 46.37.290 Special lighting equipment on school buses and private carrier buses. The chief of the Washington state patrol is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

[1987 c 330 § 714; 1977 c 45 § 1; 1970 ex.s. c 100 § 6; 1961 c 12 § 46.37.290. Prior: 1955 c 269 § 29; prior: 1937 c 189 § 25, part; RRS § 6360-25, part; RCW 46.40.130, part; 1929 c 178 § 3, part; 1927 c 309 § 20, part; RRS § 6362-20, part.]

Notes:

Construction -- Application of rules -- Severability -- 1987 c 330: See notes following RCW 28B.12.050.

School buses -- Crossing arms: RCW 46.37.620.

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## **RCW 46.37 Vehicle Lighting and Other Equipment**

### **RCW 46.37.420 Tires — Restrictions.**

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

[2012 c 75 § 1; 2007 c 140 § 2; 1999 c 208 § 1; 1990 c 105 § 1; 1987 c 330 § 721; 1986 c 113 § 4; 1984 c 7 § 50; 1971 ex.s. c 32 § 1; 1969 ex.s. c 7 § 1; 1961 c 12 § 46.37.420. Prior: 1955 c 269 § 42; prior: (i) 1937 c 189 § 41; RRS § 6360-41; RCW 46.36.100. (ii) 1937 c 189 § 42; RRS § 6360-42; RCW 46.36.120; 1929 c 180 § 7; 1927 c 309 § 46; RRS § 6362-46.]

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## **RCW 46.37 Vehicle Lighting and Other Equipment**

RCW 46.37.620 School buses — Crossing arms.

Effective September 1, 1992, every school bus shall, in addition to any other equipment required by this chapter, be equipped with a crossing arm mounted to the bus that, when extended, will require students who are crossing in front of the bus to walk more than five feet from the front of the bus.

[1991 c 166 § 1.]

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## **RCW 46.37 Vehicle Lighting and Other Equipment**

RCW 46.37.630 Private school buses.

A private school bus is subject to the requirements set forth in the National Standards for School Buses established by the national safety council in effect at the time of the bus manufacture, as adopted by rule by reference by the chief of the Washington state patrol. A private school bus manufactured before 1980 must meet the minimum standards set forth in the 1980 edition of the National Standards for School Buses.

[1995 c 141 § 3.]

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## **RCW 46.44 Size, Weight and Load**

### RCW 46.44.030 Maximum lengths.

It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of forty feet. This restriction does not apply to (1) a municipal transit vehicle, (2) auto stage, private carrier bus, school bus, or motor home with an overall length not to exceed forty-six feet, (3) an articulated auto stage with an overall length not to exceed sixty-one feet, excluding a bike rack up to four feet in length, or (4) an auto recycling carrier up to forty-two feet in length manufactured prior to 2005.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a tractor and semitrailer that has a semitrailer length in excess of fifty-three feet or a combination consisting of a tractor and two trailers in which the combined length of the trailers exceeds sixty-one feet, with or without load.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or log truck and stinger-steered pole trailer, with an overall length, with or without load, in excess of seventy-five feet. "Stinger-steered," as used in this section, means the coupling device is located behind the tread of the tires of the last axle of the towing vehicle.

These length limitations do not apply to vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties, but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

Excluded from the calculation of length are certain devices that provide added safety, energy conservation, or are otherwise necessary, and are not designed or used to carry cargo. The length-exclusive devices must be identified in rules adopted by the department of transportation under [RCW 46.44.101](#).

[2017 c 76 § 2; 2012 c 79 § 1; 2005 c 189 § 2; 2000 c 102 § 1; 1995 c 26 § 1; 1994 c 59 § 2; 1993 c 301 § 1; 1991 c 113 § 1; 1990 c 28 § 1; 1985 c 351 § 1; 1984 c 104 § 1; 1983 c 278 § 2; 1979 ex.s. c 113 § 4; 1977 ex.s. c 64 § 1; 1975-'76 2nd ex.s. c 53 § 1; 1974 ex.s. c 76 § 2; 1971 ex.s. c 248 § 2; 1967 ex.s. c 145 § 61; 1963 ex.s. c 3 § 52; 1961 ex.s. c 21 § 36; 1961 c 12 § 46.44.030. Prior: 1959 c 319 § 25; 1957 c 273 § 14; 1951 c 269 § 22; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

#### Notes:

Effective date -- 1995 c 26: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995." [1995 c 26 § 2.]

Severability -- 1967 ex.s. c 145: See RCW 47.98.043.

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## **RCW 46.61 Rules of the Road**

### **RCW 46.61.150 Driving on divided highways.**

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by a median island not less than eighteen inches wide formed either by solid yellow pavement markings or by a yellow crosshatching between two solid yellow lines so installed as to control vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, or median island, except through an opening in such physical barrier or dividing section or space or median island, or at a crossover or intersection established by public authority.

[1972 ex.s. c 33 § 4; 1965 ex.s. c 155 § 25.]

Notes:Rules of court: Monetary penalty schedule -- IRLJ 6.2.

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## **RCW 46.61 Rules of The Road**

### RCW 46.61.261 Sidewalks, crosswalks — Pedestrians, bicycles.

(1) The driver of a vehicle shall yield the right-of-way to any pedestrian or bicycle on a sidewalk. The rider of a bicycle shall yield the right-of-way to a pedestrian on a sidewalk or crosswalk.

(2)(a) If a person is found to have committed an infraction under this section within a school, playground, or crosswalk speed zone created under RCW [46.61.440](#), the person must be assessed a monetary penalty equal to twice the penalty assessed under RCW [46.63.110](#). The penalty may not be waived, reduced, or suspended.

(b) Fifty percent of the moneys collected under this subsection must be deposited into the school zone safety account.

[2010 c 242 § 3; 2000 c 85 § 2; 1975 c 62 § 41.]

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## **RCW 46.61 Rules of The Road**

RCW 46.61.275 Reporting of certain speed zone violations — Subsequent law enforcement investigation.

(1) A crossing guard who is eighteen years of age or older and observes a violation of RCW [46.61.235](#)(5), [46.61.245](#)(2), or [46.61.261](#)(2) may prepare a written report on a form provided by the state patrol or another law enforcement agency indicating that a violation has occurred. A crossing guard or school official may deliver the report to a law enforcement officer of the state, county, or municipality in which the violation occurred, but not more than seventy-two hours after the violation occurred. The crossing guard must include in the report the time and location at which the violation occurred, the vehicle license plate number, and a description of the vehicle involved in the violation.

(2) The law enforcement officer may initiate an investigation of the reported violation after receiving the report described in subsection (1) of this section by contacting the owner of the motor vehicle involved in the reported violation and requesting the owner to supply information identifying the driver. If, after an investigation, the law enforcement officer is able to identify the driver and has reasonable cause to believe a violation of RCW [46.61.235](#)(5), [46.61.245](#)(2), or [46.61.261](#)(2) has occurred, the law enforcement officer shall prepare a notice of traffic infraction and have it served upon the driver of the vehicle.

[2010 c 242 § 5.]

Notes:

Effective date -- 2010 c 242: "This act takes effect July 1, 2010." [2010 c 242 § 6.]

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## **RCW 46.61 Rules of The Road**

RCW 46.61.350 Certain vehicles must stop at all railroad grade crossings — Exceptions — Definition.

(1)(a) The driver of any of the following vehicles must stop before the stop line, if present, and otherwise within fifty feet but not less than fifteen feet from the nearest rail at a railroad grade crossing unless exempt under subsection (3) of this section:

(i) A school bus or private carrier bus carrying any school child or other passenger;

... (b) While stopped, the driver must listen and look in both directions along the track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment. The driver may not proceed until he or she can do so safely.

(2) After stopping at a railroad grade crossing and upon proceeding when it is safe to do so, the driver must cross only in a gear that permits the vehicle to traverse the crossing without changing gears. The driver may not shift gears while crossing the track or tracks.

(3) This section does not apply at any railroad grade crossing where:

(a) Traffic is controlled by a police officer or flagger.

(b) A functioning traffic control signal is transmitting a green light.

(c) The tracks are used exclusively for a streetcar or industrial switching purposes.

(d) The utilities and transportation commission has approved the installation of an "exempt" sign in accordance with the procedures and standards under RCW [81.53.060](#).

(e) The crossing is abandoned and is marked with a sign indicating it is out-of-service.

(f) The utilities and transportation commission has identified a crossing where stopping is not required under RCW [81.53.060](#).

[2017 c 87 § 2; 2014 c 154 § 3; 2011 c 151 § 6. Prior: 2010 c 15 § 1; 2010 c 8 § 9069; 1977 c 78 § 1; 1975 c 62 § 31; 1970 ex.s. c 100 § 7; 1965 ex.s. c 155 § 48.]

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## **RCW 46.61 Rules of The Road**

RCW 46.61.370 Overtaking or meeting school bus, exceptions — Duties of bus driver — Penalty — Safety cameras.

(1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the roadway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in RCW [46.37.190](#) and said driver shall not proceed until such school bus resumes motion or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW [46.61.150](#) need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(3) The driver of a vehicle upon a highway with three or more marked traffic lanes need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(4) The driver of a school bus shall actuate the visual signals required by RCW [46.37.190](#) only when such bus is stopped on the roadway for the purpose of receiving or discharging school children.

(5) The driver of a school bus may stop completely off the roadway for the purpose of receiving or discharging school children only when the school children do not have to cross the roadway. The school bus driver shall actuate the hazard warning lamps as defined in RCW [46.37.215](#) before loading or unloading school children at such stops.

(6) Except as provided in subsection (7) of this section, a person found to have committed an infraction of subsection (1) of this section shall be assessed a monetary penalty equal to twice the total penalty assessed under RCW [46.63.110](#). This penalty may not be waived, reduced, or suspended. Fifty percent of the money so collected shall be deposited into the school zone safety account in the custody of the state treasurer and disbursed in accordance with RCW [46.61.440](#)(5).

(7) An infraction of subsection (1) of this section detected through the use of an automated school bus safety camera under RCW 46.63.180 is not a part of the registered owner's driving record under RCW 46.52.101 and 46.52.120, and must be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued for a violation of this section detected through the use of an automated school bus safety camera shall not exceed twice the monetary penalty for a violation of this section as provided under RCW 46.63.110.

[2011 c 375 § 3; 1997 c 80 § 1; 1990 c 241 § 8; 1965 ex.s. c 155 § 52.]

Notes:

Rules of court: Monetary penalty schedule -- IRLJ 6.2.

Intent -- 2011 c 375: See note following RCW 46.63.180.

Bus routes: RCW 28A.160.115.

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## **RCW 46.61 Rules of The Road**

RCW 46.61.371 School bus stop sign violators — Identification by vehicle owner.

If a law enforcement officer investigating a violation of RCW [46.61.370](#) has reasonable cause to believe that a violation has occurred, the officer may request the owner of the motor vehicle to supply information identifying the driver of the vehicle at the time the violation occurred. When requested, the owner of the motor vehicle shall identify the driver to the best of the owner's ability. The owner of the vehicle is not required to supply identification information to the law enforcement officer if the owner believes the information is self-incriminating.

[1992 c 39 § 1.]

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## **RCW 46.61 Rules of The Road**

RCW 46.61.372 School bus stop sign violators — Report by bus driver — Law enforcement investigation.

(1) The driver of a school bus who observes a violation of RCW [46.61.370](#) may prepare a written report on a form provided by the state patrol or another law enforcement agency indicating that a violation has occurred. The driver of the school bus or a school official may deliver the report to a law enforcement officer of the state, county, or municipality in which the violation occurred but not more than seventy-two hours after the violation occurred. The driver shall include in the report the time and location at which the violation occurred, the vehicle license plate number, and a description of the vehicle involved in the violation.

(2) The law enforcement officer shall initiate an investigation of the reported violation within ten working days after receiving the report described in subsection (1) of this section by contacting the owner of the motor vehicle involved in the reported violation and requesting the owner to supply information identifying the driver. Failure to investigate within the ten working day period does not prohibit further investigation or prosecution. If, after an investigation, the law enforcement officer is able to identify the driver and has reasonable cause to believe a violation of RCW [46.61.370](#) has occurred, the law enforcement officer shall prepare a notice of traffic infraction and have it served upon the driver of the vehicle.

[1992 c 39 § 2.]

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## **RCW 46.61 Rules of The Road**

### **RCW 46.61.375 Overtaking or meeting private carrier bus — Duties of bus driver.**

(1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the roadway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching such private carrier bus when there is in operation on said bus a visual signal as specified in RCW [46.37.190](#) and said driver shall not proceed until such bus resumes motion or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW [46.61.150](#) need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(3) The driver of a vehicle upon a highway with three or more lanes need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(4) The driver of a private carrier bus shall actuate the visual signals required by RCW [46.37.190](#) only when such bus is stopped on the roadway for the purpose of receiving or discharging passengers.

(5) The driver of a private carrier bus may stop a private carrier bus completely off the roadway for the purpose of receiving or discharging passengers only when the passengers do not have to cross the roadway. The private carrier bus driver shall actuate the hazard warning lamps as defined in RCW [46.37.215](#) before loading or unloading passengers at such stops.

[1990 c 241 § 9; 1970 ex.s. c 100 § 8.]

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## **RCW 46.61 Rules of The Road**

RCW 46.61.380 Rules for design, marking, and mode of operating school buses.

(1) The state superintendent of public instruction shall adopt and enforce rules not inconsistent with the law of this state to govern the design, marking, and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children.

(2) School districts shall not be prohibited from placing or displaying a flag of the United States on a school bus when it does not interfere with the vehicle's safe operation. The state superintendent of public instruction shall adopt and enforce rules not inconsistent with the law of this state to govern the size, placement, and display of the flag of the United States on all school buses referenced in subsection (1) of this section.

(3) Rules shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district is subject to such rules. It is unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such rules.

[2002 c 29 § 1; 1995 c 269 § 2501; 1984 c 7 § 70; 1961 c 12 § 46.48.150. Prior: 1937 c 189 § 131; RRS § 6360-131. Formerly RCW 46.48.150.]

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## **RCW 46.61 Rules of The Road**

RCW 46.61.385 School patrol — Appointment — Authority — Finance — Insurance.

The superintendent of public instruction, through the superintendent of schools of any school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed voluntary adult recruits as supervisors and, from the student body of any public or private school or institution of learning, students, who shall be known as members of the "school patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school patrol shall wear an appropriate designation or insignia identifying them as members of the school patrol when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol and their supervisors shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

School districts, at their discretion, may hire sufficient numbers of adults to serve as supervisors. Such adults shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while in performance of their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his or her vehicle when directed to do so by a school patrol sign or signal displayed by a member of the school patrol engaged in the performance of his or her duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to disregard any other reasonable directions of a member of the school patrol when acting in performance of his or her duties as such.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

Members of the school patrol shall be considered as employees for the purposes of RCW [28A.400.370](#).

[2010 c 8 § 9070; 1990 c 33 § 585; 1974 ex.s. c 47 § 1; 1961 c 12 § 46.48.160. Prior: 1953 c 278 § 1; 1937 c 189 § 130; RRS § 6360-130; 1927 c 309 § 42; RRS § 6362-42. Formerly RCW 46.48.160.]

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## **RCW 46.61 Rules of The Road**

### RCW 46.61.400 Basic rule and maximum limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

[1965 ex.s. c 155 § 54; 1963 c 16 § 1. Formerly RCW 46.48.011.]

Notes:

Rules of court: Monetary penalty schedule -- IRLJ 6.2.

Saving of existing orders, etc., establishing speed limits -- 1963 c 16: "This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions." [1963 c 16 § 7. Formerly RCW 46.48.016.]

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## **RCW 46.61 Rules of The Road**

RCW 46.61.687 Child passenger restraint required — Conditions — Exceptions — Penalty for violation — Dismissal — Noncompliance not negligence — Immunity.

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW [46.37.510](#) to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle or medium-speed electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

(5) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

[2007 c 510 § 4. Prior: 2005 c 415 § 1; 2005 c 132 § 1; 2003 c 353 § 5; 2000 c 190 § 2; 1994 c 100 § 1; 1993 c 274 § 1; 1987 c 330 § 745; 1983 c 215 § 2.]

### Notes:

Effective date -- 2007 c 510: See note following RCW 46.04.320.

Effective date -- 2005 c 132 § 1: "Section 1 of this act takes effect June 1, 2007."  
[2005 c 132 § 3.]

Effective date -- 2003 c 353: See note following RCW 46.04.320.

Intent -- 2000 c 190: "The legislature recognizes that fewer than five percent of all drivers use child booster seats for children over the age of four years. The legislature also recognizes that seventy-one percent of deaths resulting from car accidents could be eliminated if every child under the age of sixteen used an appropriate child safety seat, booster seat, or seat belt. The legislature further recognizes the National Transportation Safety Board's recommendations that promote the use of booster seats to increase the safety of children under eight years of age. Therefore, it is the legislature's intent to decrease deaths and injuries to children by promoting safety education and injury prevention measures, as well as increasing public awareness on ways to maximize the protection of children in vehicles." [2000 c 190 § 1.]

Short title -- 2000 c 190: "This act may be known and cited as the Anton Skeen Act."  
[2000 c 190 § 5.]

Effective date -- 2000 c 190: "This act takes effect July 1, 2002." [2000 c 190 § 6.]

Construction -- Application of rules -- Severability -- 1987 c 330: See notes following RCW 28B.12.050.

Severability -- 1983 c 215: See note following RCW 46.37.505.  
Standards for child passenger restraint systems: RCW 46.37.505.

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**Code of Federal Regulations**  
**Title 49--Transportation**  
**Chapter III--Federal Motor Carrier Safety Administration,**  
**Department Of Transportation**  
**Part 390--Federal Motor Carrier Safety Regulations**  
Subpart A--General Applicability and Definitions

Sec. 390.3 General applicability.

(a) The rules in subchapter B of this chapter are applicable to all employers, employees, and commercial motor vehicles, which transport property or passengers in interstate commerce.

...

(f) Exceptions. Unless otherwise specifically provided, the rules in this subchapter do not apply to--

(1) All school bus operations as defined in Sec. 390.5; 392.82 of this chapter.

(2) Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States;

Link to this CFR:

[Electronic Code of Federal Regulations - Title 49, Subtitle B, Chapter III, Subchapter B, Part 390](#)

**Washington State Patrol**  
**WAC 446-65-010 Transportation requirements.**

(1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (C.F.R.), in effect on the effective date of this section, for motor carriers used in intrastate or interstate commerce in their entirety:

(a) Part 40 Procedures for transportation workplace drug and alcohol testing programs.

...

(q) Part 390 General.

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NOTE: This is the CFR that (for instance) exempts school bus operations from the hours of service regulations. The WAC is the adoption of those regulations into WA law.

# WACs for Student Transportation

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[WAC 392-151-025](#) Route Plans

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WAC 392-172A Rules For The Provision Of Special Education    Update: 9/24/13

[WAC 392-172A-02095](#) Transportation.

WAC 204-21 State Patrol (Equipment) Lighting Requirements

[WAC 204-21-190](#) School bus warning lamps.

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## **WAC 392-141-300 Authority and purpose.**

The authority for this chapter is RCW [28A.150.290](#) which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of chapter [28A.150](#) RCW, which includes student transportation programs, RCW [28A.160.030](#), which includes individual and in lieu transportation arrangements, RCW [28A.160.160](#) which includes hazardous walking conditions, and RCW [28A.160.1921](#) which includes the transportation reporting requirements. The purpose of this chapter is to establish the method for the allocation of funding for the operation of public school student transportation programs.

[Statutory Authority: RCW 28A.150.290. WSR 11-15-007, § 392-141-300, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-310 Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "Superintendent" means the superintendent of public instruction.
- (2) "District" means either a school district or an educational service district.
- (3) "Charter school" means a public school operating under the provisions of chapter [28A.710](#) RCW.
- (4) The definition of "school" includes learning centers or other agencies where educational services are provided.
- (5) "Eligible student" means any student served by a district or charter school transportation program either by bus, district car, or individual arrangements meeting one or more of the following criteria:
  - (a) A student whose route stop is outside the walk area of the student's enrollment school site; or
  - (b) A student whose disability is defined by RCW [28A.155.020](#) and who is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from school.Districts determine which students are provided with transportation services; however, only eligible students qualify for funding under the operations allocation.
- (6) "To and from transportation" means all transportation between route stops and schools both before and after the school day. To and from transportation includes transportation between home and school and transportation between schools, commonly referred to as shuttles. Transportation not authorized for state allocations under this definition includes, but is not limited to, transportation for students participating in nonacademic extended day programs, field trips, and extracurricular activities.
- (7) "Home to school transportation" means all student transportation between route stops and schools both before and after the school day. Home to school transportation does not include transportation between schools.
- (8) "Basic program transportation" means students transported between home and school for their basic education. Basic program transportation includes those students who qualify under RCW [28A.155.020](#) for special services and are capable of protecting his or her own welfare while traveling to or from school and those students who are enrolled in gifted or bilingual programs or homeless students that do not require specialized transportation. Also included in basic program transportation is transportation required to comply with the school choice provisions of the Elementary and Secondary Education Act (ESEA).
- (9) "Special program transportation" means home to school transportation for one of the following specialized programs:
  - (a) Special education programs provided for by chapter [28A.155](#) RCW and where transportation as a related service is included on the student's individual education plan or where transportation is required under the provisions of Section 504 of the Rehabilitation Act of 1973; or
  - (b) Students who require special transportation to a bilingual program in a centralized location; or

(c) Students who require special transportation to a gifted program in a centralized location; or

(d) Students who require special transportation to their school of origin as required by the provisions of the McKinney-Vento Homeless Assistance Act or the foster care provisions in the ESEA Section 1112 (c)(5)(B); or

(e) Students who require special transportation to a district operated head start, district operated early childhood education assistance program, or other district operated early education program.

(10) "Private party contract" means the provision of home to school transportation service using a private provider (not in a school bus). Private party contracts shall require criminal background checks of drivers and other adults with unsupervised access to students and assurances that any students transported be provided with child safety restraint systems that are age and weight appropriate. Vehicles used must meet school bus specifications established in chapter [392-143](#) WAC if they have a manufacturer's design capacity of greater than ten passengers, including the driver. However, a vehicle manufactured to meet the federal specifications of a multifunction school activity bus may be used.

(11) "In lieu transportation" means a contract to provide home to school transportation with a parent, guardian or adult student, including transportation on rural roads to access a school bus stop.

(12) "Count period" is the three consecutive school day window used for establishing the reported student count on home to school routes.

(13) The school year is divided into three "report periods," as follows: September - October, November - January, and February - April. These report periods are also referred to respectively as the fall, winter and spring reports. The count period must not fall within five school days of the end of the report period.

(14) "Combined student count" is the total number of basic program or special program eligible student riders reported during each report period. The combined student counts for the determination of funding consist of the prorated basic program and special program student counts from the prior year's spring report and the current year's fall and winter reports. The prior school year's fall, winter and spring student counts are used for the determination of the efficiency rating. The combined student counts are prorated based on the number of months in the respective report period. For a charter school in the first year of operation, the current year fall count shall be used as the prior year spring count to determine the combined student count.

(15) "Average distance to school" means the average of the distances from each school bus stop measured by the shortest road path to the assigned student's school of enrollment.

(16) "Prorated average distance" is calculated by taking the average distance to school weighted by the number of months in the corresponding report period. The prorated average distance used in calculating district allocation consists of the prorated average distance from the prior year's spring report and the current year's fall and winter reports. The prior school year's fall, winter and spring average distances are used for the determination of the efficiency rating.

(17) "Prorated number of destinations" is calculated by taking the number of learning centers a school district provides with home-to-school transportation service weighted

by the number of months in the corresponding report period. The prorated number of destinations used in calculating district allocation consists of the prorated number of destinations from the prior year's spring report and the current year's fall and winter reports. The prior school year's fall, winter, and spring number of destinations are used for the determination of the efficiency rating.

(18) "Land area" is the area of the school district in square miles, excluding water and public lands, as determined by the superintendent. For educational service districts, the land area value will be determined by the superintendent from the contiguous area provided with transportation service.

(19) "Roadway miles" refers to the number of public roadway miles within the land area of the school district, as determined by the superintendent. For educational service districts, the roadway mile value will be determined by the superintendent from the roadway miles within the contiguous area provided with transportation service.

(20) "Walk area" is defined as the area around a school where the shortest safe walking route to school is less than one mile.

(21) "District car route" means to and from school transportation where a district motor pool vehicle (not a school bus) is used to transport an eligible student or students. Any regularly scheduled home to school transportation in a district car is required to be driven by an authorized school bus driver.

(22) "District car allocation" is calculated by multiplying the total annual district car route mileage by the rate of reimbursement per mile that is authorized for state employees for the use of private motor vehicles in connection with state business in effect on September 1st of each year.

(23) A "low ridership district" is defined as a district with an annual student count less than two hundred eighteen students.

(24) A "nonhigh" district is defined as a district meeting the eligibility requirements for a nonhigh district as established by the superintendent of public instruction's school apportionment and financial services section.

(25) A "transportation cooperative" is defined as two or more districts sharing transportation operations administrative functions. An interdistrict agreement for the provision of maintenance services on school buses does not constitute a transportation cooperative for the purposes of this chapter, regardless if the agreement qualifies as a transportation cooperative under the provisions of chapter [392-346](#) WAC, unless shared operations administrative functions are also included in the interdistrict agreement. A transportation cooperative has the option of reporting as a single entity.

(26) "Alternate funding system" means an additional funding system as provided in RCW [28A.160.191](#), defined by OSPI to adjust the allocation for low enrollment school districts, nonhigh school districts, school districts participating in interdistrict transportation cooperatives, and educational service districts operating special transportation services.

(27) "Prior year expenditures" means the total of school district transportation operations costs for to-and-from transportation for the prior school year. All revenue reported in transportation except for the state allocation for transportation operations is deducted from reported costs, including in lieu of depreciation allocations under the provisions of WAC [392-142-245](#) for districts contracting transportation services. Any adjustments as a result of audits or other adjustments to prior year costs shall not be

included unless those adjustments are correcting the actual cost of transportation operations for the prior year. The basis for the prior year expenditures shall be the district financial statement. School districts are only required to report adjustments not reflected in the annual financial statement.

(28) "Expected allocation" means the initial amount of funding resulting from the regression analysis calculation.

(29) "Adjusted allocation" means the expected allocation plus any alternate funding system, calendar, or legislative adjustments.

(30) For a district, "actual allocation" means the lesser of the prior year expenditures including adjustments by the legislature or the adjusted allocation. For a charter school, the actual allocation is a final amount to be allocated for transportation services using the process described in this chapter, plus any funding provided under chapter [392-142](#) WAC.

(31) "Efficiency evaluation" refers to the statistical evaluation of efficiency of a school district's transportation operation using linear programming of the data required by the funding formula and the number of buses used on home-to-school routes. Each school district is separately compared to an individualized statistical model of a district having similar site characteristics. The efficiency evaluation is expressed as a percentage efficiency rating.

(32) A district's "transportation funding percentage" is calculated by dividing the district's actual allocation by the district's prior year expenditures.

(33) The "state median percent funded" is determined by calculating each district's transportation funding percentage and taking the median value by sorting the total number of reporting districts in descending order and selecting the middle value. If there is an even number of districts, the bottom value in the top half shall be used.

[Statutory Authority: RCW 28A.150.290. WSR 16-22-073, § 392-141-310, filed 11/1/16, effective 12/2/16; WSR 16-05-062, § 392-141-310, filed 2/12/16, effective 3/14/16; WSR 15-11-075, § 392-141-310, filed 5/19/15, effective 6/19/15; WSR 13-17-110, § 392-141-310, filed 8/21/13, effective 9/21/13; WSR 11-15-007, § 392-141-310, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-320 Reporting requirements.**

- (1) Reports shall be submitted by each district or charter school to the superintendent no later than the last business day in October, the first business day in February, and the first business day in May. These reports shall reflect to the extent practical the planned student transportation program for the entire report period and which is in operation during the ridership count period. The superintendent shall have the authority to make modifications or adjustments in accordance with the intent of RCW [28A.160.150](#). Each district or charter school shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations.
- (2) In each report period, districts shall report such operational data and descriptions, as required by the superintendent to determine the operations allocation for each district, including:
- (a) School bus route information;
  - (b) Student count information; and
  - (c) An update to the estimated total car mileage for the current school year.
- (3) For the fall report, districts shall report to the superintendent as required:
- (a) An annual school bus mileage report including the total to and from school bus miles for the previous school year, and other categories as requested;
  - (b) An annual report of each type of fuel purchased for student transportation service for the previous school year, including quantity and cost. This report shall be considered part of the district's annual financial statement for the purposes of RCW [28A.160.170](#)(2); and
  - (c) An annual report as required by RCW [28A.300.540](#) of the number of students transported to their school of origin as required by the McKinney-Vento Homeless Assistance Act and the foster care provisions in the ESEA Section 1112 (c)(5)(B) for the previous school year, and the total mileage and additional cost of such transportation. These costs may include, but are not limited to:
    - (i) Transportation service that serves only student(s) under McKinney-Vento and the foster care provisions in the ESEA Section 1112 (c)(5)(B). Districts may determine costs based upon route mileage and an average per mile cost for operation of the bus or vehicle. Driver time may be taken from actual driver costs records if such records are maintained, or may be determined using an average driver costs factor.
    - (ii) Incremental revisions in route at the start or end of a route to accommodate McKinney-Vento and foster care transportation, if separately identified, may be included based upon route mileage and an average per mile cost for operation of the bus or vehicle.
    - (iii) Costs for public transportation or other contracted services for transporting McKinney-Vento and foster care student(s).
    - (iv) Nondriver transportation staff positions whose job duties are predominately overseeing or routing services to McKinney-Vento and foster care students. If the position duties encompass other non-McKinney-Vento and foster care areas, then only the costs directly related to McKinney-Vento and foster care transportation shall be included and such costs shall be determined using federal time and effort reporting procedures.
- No indirect or allocated costs may be included in this reporting.

(4) In each report period, charter schools shall report student counts.

[Statutory Authority: RCW 28A.150.290. WSR 16-22-073, § 392-141-320, filed 11/1/16, effective 12/2/16; WSR 16-05-062, § 392-141-320, filed 2/12/16, effective 3/14/16; WSR 15-11-075, § 392-141-320, filed 5/19/15, effective 6/19/15; WSR 13-17-110, § 392-141-320, filed 8/21/13, effective 9/21/13; WSR 11-15-007, § 392-141-320, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-330 School bus driver daily logs.**

Districts shall require drivers to maintain a daily route log that includes the school bus driver's name, bus number, route number, destinations and student counts by destination, pretrip and posttrip verification, with the date and school bus driver's signature. These daily route logs shall be completed in ink and shall be maintained in the district files in accordance with the district record retention schedule. Electronic data collection systems or files may be used for any of this information.

Daily route logs are required to be completed at least once each week. If a district does not require daily route logs on a daily basis, the district must ensure that during each report period a daily log is collected on at least one additional weekday corresponding to each of the days of the count period.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-075, § 392-141-330, filed 5/19/15, effective 6/19/15; WSR 11-15-007, § 392-141-330, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-340 Determination of the walk area.**

(1) Each district or charter school shall determine the walk area for each school building or learning center where students are enrolled, attend class and transportation is provided. The district or charter school is required to use a process to determine the walk area that involves as many of the following groups as possible: Parents, school administrators, law enforcement representatives, traffic engineers, public health or walking advocates and other interested parties. Hazardous conditions requiring transportation service will be documented and will include all roadways, environmental and social conditions included in the evaluation process. The process will be consistent with the one described in [School Walk and Bike Routes: A Guide for Planning and Improving Walk and Bike to School Options for Students](#) published by the Washington state department of transportation.

(2) The process will identify preferred walking routes from each neighborhood to each elementary school as required by [RCW 28A.160.160](#)(5). Walk areas will be reviewed as conditions change or every two years.

(3) Districts and charter schools are allowed to provide transportation service within the walk area, but basic program students who are provided transportation from school bus stops within the walk area are not eligible for funding. It is the responsibility of each district or charter school to ensure that noneligible students who are provided with transportation service within the walk area are correctly reported during the count period.

(4) A district or charter school is not required to document the process used to determine that transportation will not be provided from an area. Districts and charter schools are only required to document the process used to make a decision to transport within one road mile of a school if such transportation is provided due to hazardous conditions and those students are reported for funding

[Statutory Authority: RCW 28A.150.290. WSR 15-11-075, § 392-141-340, filed 5/19/15, effective 6/19/15; WSR 11-15-007, § 392-141-340, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-350 Authorization and limitation on district payments for individual and in lieu transportation arrangements.**

Districts may commit to individual transportation or in lieu arrangements subject to approval by the educational service district superintendent or his or her designee. The following arrangements and limitations apply:

(1) A district shall contract with the custodial parent, parents, guardian(s), person(s) in loco parentis, or adult student(s) to pay the lesser of the following in lieu of transportation by the district:

(a) Mileage and tolls for home to school transportation (in whole or part) for not more than two necessary round trips per school day, unless additional trips are required due to the provisions of the student's individualized education program; or

(b) Mileage and tolls for home to school transportation for not more than five round trips per school year, plus room and board.

(2) The in lieu of transportation mileage, tolls and board and room rates of reimbursement which a district is hereby authorized to pay shall be computed as follows:

(a) Mileage reimbursement shall be computed by multiplying the actual road distance from home to school (or other location specified in the contract) with any type of transportation vehicle that is operated for the purpose of carrying one or more students by the maximum rate of reimbursement per mile that is authorized by law for state employees for the use of private motor vehicles in connection with state business;

(b) Toll reimbursement shall be computed by adding the actual fees paid as a condition to the passage of a transportation vehicle and its student passengers or its operator, or both, across a bridge or upon a ferry, and similar fees imposed as a condition to the passage, ingress, or egress of such vehicle and its student passengers or its operator, or both, while traveling to and from school; and

(c) Board and room reimbursement shall be computed at the rates established by the department of social and health services (inclusive of the basic rates and, in the case of disabled students, the additional amounts for students with special needs, but exclusive of any rates or amounts for clothing and supplies).

[Statutory Authority: RCW 28A.150.290. WSR 13-17-110, § 392-141-350, filed 8/21/13, effective 9/21/13; WSR 11-15-007, § 392-141-350, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-360 Operation allocation computation.**

- (1) The operation allocation shall be calculated using the following factors:
  - (a) The combined student count of basic program students;
  - (b) The combined student count of special program students;
  - (c) The district's prorated average distance;
  - (d) The district's total land area;
  - (e) The district's prorated number of destinations;
  - (f) If the district is a nonhigh district, the answer to the following question: Does the district provide transportation service for the high school students residing in the district?
  - (g) Any other district data element as described by the superintendent in the annual operations bulletin. In order for a data element to be included, it must be found to be statistically significant for two consecutive school years.

For each district, an expected allocation is determined using the coefficients resulting from a regression analysis of (a) through (g) of this subsection, evaluated statewide against the total of all school district's prior year expenditures. If a data element is determined not to be statistically significant, it shall not be included in the calculation of the allocation. The coefficients will be determined using the prior school year fall, winter, and spring reports and prior year expenditures.

- (2) For the calculation of the regression analysis coefficients, the prior year expenditures for each district shall be adjusted as required by the legislature.
- (3) The adjusted allocation is the result of modifying the expected allocation by:
  - (a) Adding any district car mileage reimbursement; and
  - (b) Adding any adjustment resulting from the alternate funding systems identified in WAC [392-141-380](#); and
  - (c) Making any deduction resulting from an alternate school year calendar approved by the state board of education under the provisions of RCW [28A.305.141](#); and
  - (d) Making any adjustment as required by the legislature.
- (4) Each district's actual allocation for student transportation operations is the lesser of the district's prior year expenditures adjusted as required by the legislature or the adjusted allocation.
- (5) The funding assumption for the transportation operation allocation is that kindergarten through twelfth grade (K-12, or whatever grades are enrolled in district schools) school transportation services are provided by the district five days per week, to and from school, before and after the regular school day and operating one hundred eighty days per school year. K-12 service being provided on any other basis is subject to corresponding proration of the operation allocation.

[Statutory Authority: RCW 28A.150.290. WSR 16-05-062, § 392-141-360, filed 2/12/16, effective 3/14/16; WSR 15-11-075, § 392-141-360, filed 5/19/15, effective 6/19/15; WSR 13-17-110, § 392-141-360, filed 8/21/13, effective 9/21/13; WSR 11-15-007, § 392-141-360, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-375 Funding for charter schools.**

For a charter school, the per-student allocation for student transportation is calculated using the actual allocation for the previous school year for the district in which the charter school is located, divided by the district's prior year's combined student count. This per-student amount is provided to the charter school based on the charter school's current year combined student count.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-075, § 392-141-375, filed 5/19/15, effective 6/19/15.]

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**WAC 392-141-380 Alternate funding systems for low enrollment districts, nonhigh districts, districts participating in interdistrict transportation cooperatives, and educational service districts operating special transportation services.**

The superintendent shall adjust the amount of the transportation operation allocation for low ridership, nonhigh, districts in interdistrict transportation cooperatives, and educational service districts operating special transportation services in the following manner:

- (1) The district's prior school year's transportation funding percentage is compared to the state median percent funded;
- (2) If the district's prior year transportation funding percentage is greater than the state median percent funded no adjustment is made; and
- (3) If the district's prior year transportation funding percentage is less than the state median percent funded, the allocation shall be adjusted by the difference between the state median percent funded and the district's prior year transportation funding percentage.

[Statutory Authority: RCW 28A.150.290. WSR 16-05-062, § 392-141-380, filed 2/12/16, effective 3/14/16; WSR 15-11-075, § 392-141-380, filed 5/19/15, effective 6/19/15; WSR 13-17-110, § 392-141-380, filed 8/21/13, effective 9/21/13; WSR 11-15-007, § 392-141-380, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-390 Allocation schedule for state payments.**

The superintendent shall apportion the transportation operation allocation according to the schedule in RCW [28A.510.250](#). Such allocation may be based on estimated amounts for payments made in September, October, November, December, and January. Prior to the 15th of January of each year the superintendent shall notify districts of the regression analysis coefficients to be used in the calculation of district transportation allocation.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-075, § 392-141-390, filed 5/19/15, effective 6/19/15; WSR 11-15-007, § 392-141-390, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-400 Efficiency evaluation review.**

(1) Each school district's efficiency evaluation will be reviewed annually by the regional transportation coordinators. If a school district's efficiency rating is less than ninety percent, the regional transportation coordinator shall review the school district's transportation operation to identify the factors impacting the ability of the school district to operate an efficient student transportation system. Such factors will include those within the school district's controls and those factors that are beyond the school district's control.

(2) Completed regional transportation coordinator reports on the review of school district efficiency evaluation will be provided to the legislature prior to December 1st of each year. School districts will be provided an opportunity to respond to the conclusions of the regional transportation coordinator evaluation and such comments will be included in the report to the legislature. Also included in the report are any actions identified by a school district in response to the regional transportation coordinator evaluation.

[Statutory Authority: RCW 28A.150.290. WSR 16-05-062, § 392-141-400, filed 2/12/16, effective 3/14/16; WSR 15-11-075, § 392-141-400, filed 5/19/15, effective 6/19/15; WSR 11-15-007, § 392-141-400, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-410 Recovery of transportation funds.**

The superintendent of public instruction shall recover (take back) state pupil transportation allocations that are not expended for the allowable student transportation program costs under the accounting guidance provided by the superintendent. The amount of the recovery shall be calculated as follows:

- (1) Determine the district's state allocation for student transportation operations for the school year.
- (2) Determine the district's allowable student transportation costs as follows:
  - (a) Sum the following amounts:
    - (i) The district's direct expenditures for general fund program 99 pupil transportation, and for educational service district student transportation operations expenditures in program 70 transportation excluding expenditures associated with the regional coordinator and bus driver training grants;
    - (ii) Allowable indirect charges equal to the expenditures as calculated pursuant to (a)(i) of this subsection times the state recovery rate as calculated in the district annual financial report;
  - (b) Subtract the district's revenues for the school year for revenue account 7199 (transportation revenues from other districts).
- (3) If the allowable program costs are less than the state allocation, OSPI shall recover the difference.

Funds transferred into the transportation vehicle fund shall not be included as allowable transportation program costs for recovery calculations.

[Statutory Authority: RCW 28A.150.290. WSR 13-17-110, § 392-141-410, filed 8/21/13, effective 9/21/13; WSR 11-15-007, § 392-141-410, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-420 District recordkeeping requirements.**

All data and forms necessary to develop the district's student transportation report shall be maintained in accordance with the district record retention schedule and shall include the following:

- (1) All school bus route logs and school bus driver daily logs including those required in [WAC 392-141-330](#). If student lists are maintained for each school bus route, a copy (electronic or paper) of the list in effect for each count period;
- (2) All documentation used to verify the number of students boarding the bus at bus stops within the walk area of their school of enrollment;
- (3) All documentation used to report and verify the location of school bus stops used in home to school transportation, including school destinations and transfer points;
- (4) All documentation used to develop the annual school bus mileage report;
- (5) All documentation used to develop the annual fuel report;
- (6) All documentation used to develop the annual report of McKinney-Vento Homeless Act transportation;
- (7) All documentation used to develop the district car mileage report;
- (8) Copies of any and all correspondence, publications, or other materials distributed to parents describing the transportation funding process. Districts may provide educational material regarding the funding process for student transportation. However, districts may not promote or publicize specific count periods. Districts shall not utilize incentive programs that provide tangible gifts to reward increases in ridership counts; and
- (9) Other operational data and descriptions, as required by the superintendent to determine the operation allocation requirements for each district.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-075, § 392-141-420, filed 5/19/15, effective 6/19/15; WSR 11-15-007, § 392-141-420, filed 7/7/11, effective 8/7/11.]

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## **WAC 392-141-430 Charter school recordkeeping requirements.**

All data and forms necessary to develop the charter school's student transportation report shall be maintained in accordance with the charter school's record retention schedule and shall include the following:

- (1) Any school bus route logs and school bus driver daily logs for each count period;
- (2) All documentation used to calculate the combined student count for each report period; and
- (3) All documentation used to calculate the number of students boarding the bus at bus stops within the walk area of their school of enrollment.

Charter schools shall not promote or publicize specific count periods or utilize incentive programs that provide tangible gifts to reward ridership during specific time periods.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-075, § 392-141-420, filed 5/19/15, effective 6/19/15.]

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## **WAC 392-142-005 Authority and purpose.**

The authority for this chapter is RCW [28A.150.290](#) which authorizes the superintendent of public instruction to adopt rules and regulations for the proper administration of RCW [28A.160.195](#) and [28A.160.200](#). The purpose of this chapter is to specify and implement the rules for the school bus depreciation and replacement systems.

[Statutory Authority: RCW 28A.150.290. WSR 12-19-098, § 392-142-005, filed 9/19/12, effective 10/20/12. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). WSR 95-17-011, § 392-142-005, filed 8/4/95, effective 9/4/95. Statutory Authority: 1990 c 33. WSR 91-16-011 (Order 91-12), § 392-142-005, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-005, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170. WSR 83-22-031 (Order 83-16), § 392-142-005, filed 10/26/83.]

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## **WAC 392-142-100 Definitions.**

For the purposes of this chapter, the following definitions apply:

- (1) "Superintendent" means the superintendent of public instruction.
- (2) "District" means a public school district or educational service district.
- (3) "Charter school" means a public school operating under the provisions of chapter 28A.710 RCW.
- (4) "School bus" means a vehicle:
  - (a) With a seating capacity of more than ten persons including the driver;
  - (b) Used for transportation of students to and from school or in connection with school activities; and
  - (c) That meets the requirements of the school bus specifications manual published by the superintendent.
- (5) "Replacement system" is the reimbursement process used for school buses when a district is the legal owner.
- (6) "Depreciation system" is the reimbursement process used for contractor-owned school buses operated under a contract with a district to provide regularly scheduled to-and-from student transportation services.
- (7) "Charter school system" is the reimbursement process used when a charter school is contracting transportation services.
- (8) "School bus categories" are defined annually by the superintendent, taking into account such factors as student capacity, fuel type, and special equipment.
- (9) "System lifetime" means the minimum number of months that a category of school bus is expected to be in use as determined by the superintendent.
- (10) "Eligible months" are defined as the number of months a school bus is eligible for reimbursement payments within a school year. If a newly acquired school bus is eligible for reimbursement, such eligibility is determined by the issue date of the school bus operation permit as defined in WAC 392-143-010(4). If the issue date is prior to the 15th of any month, eligibility begins with the first of the month; otherwise eligibility begins with the first of the following month. The total number of eligible months in all school years shall not be more than the system lifetime.
- (11) A school bus is defined as "improperly maintained or operated" when it is unable to pass the Washington state patrol inspection process within ninety days of the date requested for presentation. The school district may request the superintendent for an additional ninety days to arrange for repairs to the school bus. Improper operation includes use of a school bus without a valid school bus operation permit issued by the superintendent.
- (12) The "state school bus quote" means the annual sealed bid process used by the superintendent as authorized by [RCW 28A.160.195](#) to establish prices for districts to purchase school buses for a school year. Districts may purchase school buses from any school bus dealer's accepted bid.
- (13) The "low price quote" means the lowest competitive price quote for each category of school bus received from school bus dealers in the state school bus quote. The low price quote is determined prior to the inclusion of any sales or use tax. Included in the low price quote are:
  - (a) Freight to the district; and

(b) Cost associated with full payment within thirty days of delivery.

In the state school bus quote process, the superintendent may include options for districts to purchase that are not included in the low price quote.

(14) "State-determined purchase price" is defined as the low price quote including any sales and use taxes at the highest rate that could be charged to any district in the state by the school bus dealer submitting that quote.

(15) "Average price" is defined as the five-year average of the low price quote for each school bus category. The average price is determined using the current and four previous school years' state school bus quote.

(16) "System price" means the price used to calculate the payment in a given school year, as follows:

(a) For the replacement system, the system price for a school bus for all years except the final year is the average price. For the final year, the system price is the current state determined purchase price.

(b) For the depreciation system, the system price for a school bus for all years is the first year's state determined purchase price.

(17) "Total school bus replacement payments" means the sum of all replacement payments for a school bus for prior school years.

(18) "Assumed interest earnings" means the sum of interest which is assumed to be earned on money assumed to be available in the transportation vehicle fund from any prior replacement payments and any previous interest earnings for a school bus. The rate used to calculate assumed interest earnings shall be the average of the ninety-day treasury bill rate during the previous state fiscal year calculated on the basis of simple interest.

(19) The "salvage value" of a school bus is defined as twenty-five percent of the first year's state determined purchase price divided by the system lifetime in years.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-076, § 392-142-100, filed 5/19/15, effective 6/19/15; WSR 12-19-098, § 392-142-100, filed 9/19/12, effective 10/20/12. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-100, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-142-205 Assignment and changes to school bus categories.**

To determine the average price for a school bus assigned to a category that was not defined in the previous four years, the superintendent shall assign the school bus to the most appropriate category. When a school bus category is no longer available or when the definition of a school bus category is changed, the superintendent shall place any school bus still eligible for reimbursement into the most appropriate existing category. The superintendent shall provide a public meeting for interested parties prior to any change in school bus categories.

[Statutory Authority: RCW 28A.150.290. WSR 12-19-098, § 392-142-205, filed 9/19/12, effective 10/20/12; WSR 04-08-116, § 392-142-205, filed 4/6/04, effective 5/7/04. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). WSR 95-17-011, § 392-142-205, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-205, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-142-214 Alternative bid process.**

Districts are not required to use the state school bus quote process to purchase a school bus. However, a district using another process shall only be reimbursed for a school bus if the school district uses a lowest-price competitive bid process conducted in accordance with the requirements of [RCW 28A.335.190](#). Regardless of purchase process, all school buses must meet the requirements established in the [school bus specifications manual](#).

[Statutory Authority: RCW 28A.150.290. WSR 15-11-076, § 392-142-214, filed 5/19/15, effective 6/19/15; WSR 12-19-098, § 392-142-214, filed 9/19/12, effective 10/20/12.]

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## **WAC 392-142-225 Placement of used school buses on the state reimbursement system.**

A used school bus not previously on the reimbursement system shall be placed on the reimbursement system as if it had been issued a school bus operation permit on the first of September in the year of manufacture. A used school bus previously on the reimbursement system shall be placed on the system using the original initial eligible month and assuming no break in eligible months. The superintendent shall calculate reimbursement for used school buses using the assumption that all possible prior system payments were paid along with any assumed interest earnings.

[Statutory Authority: RCW 28A.150.290. WSR 12-19-098, § 392-142-225, filed 9/19/12, effective 10/20/12; WSR 05-19-072, § 392-142-225, filed 9/16/05, effective 10/17/05; WSR 03-13-049, § 392-142-225, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-225, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-142-240 Calculation of replacement system payments.**

To calculate the replacement system payment for a district-owned school bus, the superintendent shall:

- (1) Assign the school bus to the appropriate category;
- (2) Divide the current year system price by the system lifetime;
- (3) Multiply by the total number of past and current year eligible months;
- (4) Subtract the total amount of all school bus replacement payments made in prior school years (if any);
- (5) Subtract the assumed interest earnings (if any); and
- (6) Subtract the salvage value if the current school year is the final year of the school bus's system life.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-076, § 392-142-240, filed 5/19/15, effective 6/19/15; WSR 12-19-098, § 392-142-240, filed 9/19/12, effective 10/20/12; WSR 05-19-072, § 392-142-240, filed 9/16/05, effective 10/17/05; WSR 03-13-049, § 392-142-240, filed 6/12/03, effective 7/13/03. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). WSR 95-17-011, § 392-142-240, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.150.290 and 28A.160-130-200. WSR 93-13-083 (Order 93-10), § 392-142-240, filed 6/18/93, effective 7/19/93. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-240, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-142-245 Calculation of depreciation system payments.**

To calculate the depreciation system payment for a contractor-owned school bus, the superintendent shall:

- (1) Assign the school bus to the appropriate category;
- (2) Divide the first year state supported price by the system lifetime; and
- (3) Multiply the result by the number of eligible months in the current school year.

[Statutory Authority: RCW 28A.150.290. WSR 12-19-098, § 392-142-245, filed 9/19/12, effective 10/20/12; WSR 05-19-072, § 392-142-245, filed 9/16/05, effective 10/17/05; WSR 03-13-049, § 392-142-245, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-245, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-142-248 Calculation of charter school system payments.**

To calculate the charter school system payment for a charter school, the superintendent shall:

(1) Calculate the total amount of replacement system and depreciation system payments for the prior school year for the district in which the charter school is located.

(2) Calculate the combined student count for the prior year as defined in chapter [392-141 WAC](#) for the district in which the charter school is located.

(3) Divide the amount in subsection (1) of this section by the number in subsection (2) of this section.

(4) Multiply the amount in subsection (3) of this section by the charter school's current year combined student count.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-076, § 392-142-248, filed 5/19/15, effective 6/19/15.]

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## **WAC 392-142-250 Calculation and allocation schedule.**

The superintendent shall calculate annual school bus reimbursement payments for existing school buses by September 15th of each year. Calculation of reimbursement for a school bus entering the system during a school year shall be based on the number of remaining eligible months in the school year. The superintendent shall apportion school bus reimbursement payments as follows:

- (1) Replacement system payments shall be distributed to school districts on the final business day of August of each year; and
- (2) Depreciation system payments shall be distributed to school districts in accordance with the schedule set forth in RCW [28A.510.250](#).
- (3) Charter school system payments shall be distributed in accordance with the schedule set forth in RCW 28A.510.250.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-076, § 392-142-250, filed 5/19/15, effective 6/19/15; WSR 12-19-098, § 392-142-250, filed 9/19/12, effective 10/20/12; WSR 05-19-072, § 392-142-250, filed 9/16/05, effective 10/17/05; WSR 03-13-049, § 392-142-250, filed 6/12/03, effective 7/13/03. Statutory Authority: 1990 c 33. WSR 91-16-011 (Order 91-12), § 392-142-250, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-250, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-142-255 Deposit of payments in the transportation vehicle fund.**

Districts shall deposit net proceeds for the rent, sale, lease, or other disposition of school buses and replacement payments for school district-owned vehicles in the transportation vehicle fund. Depreciation system and charter system payments are not required to be deposited in the transportation vehicle fund.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-076, § 392-142-255, filed 5/19/15, effective 6/19/15; WSR 12-19-098, § 392-142-255, filed 9/19/12, effective 10/20/12; WSR 10-02-088, § 392-142-255, filed 1/6/10, effective 2/6/10; WSR 05-19-072, § 392-142-255, filed 9/16/05, effective 10/17/05; WSR 03-13-049, § 392-142-255, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-255, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-142-260 Allowable uses of the transportation vehicle fund.**

Districts shall only use money in the transportation vehicle fund for the following purposes:

- (1) The purchase of school buses;
- (2) Performing major repairs to a school bus receiving prior approval by the superintendent.

Funds may be transferred from the transportation vehicle fund to the debt service fund for the payment of debt and interest associated with purchase agreements for school buses, including lease purchase agreements.

[Statutory Authority: RCW 28A.150.290. WSR 15-11-076, § 392-142-260, filed 5/19/15, effective 6/19/15; WSR 12-19-098, § 392-142-260, filed 9/19/12, effective 10/20/12; WSR 10-02-088, § 392-142-260, filed 1/6/10, effective 2/6/10; WSR 03-13-049, § 392-142-260, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 91-23-071 (Order 25), § 392-142-260, filed 11/19/91, effective 12/20/91. Statutory Authority: Chapter 28A.530 and HB 1224. WSR 91-23-042 (Order 21), § 392-142-260, filed 11/14/91, effective 12/15/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-260, filed 1/2/90, effective 2/2/90.] [Statutory Authority: RCW 28A.150.290. WSR 12-19-098, § 392-142-260, filed 9/19/12, effective 10/20/12; WSR 10-02-088, § 392-142-260, filed 1/6/10, effective 2/6/10; WSR 03-13-049, § 392-142-260, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 91-23-071 (Order 25), § 392-142-260, filed 11/19/91, effective 12/20/91. Statutory Authority: Chapter 28A.530 and HB 1224. WSR 91-23-042 (Order 21), § 392-142-260, filed 11/14/91, effective 12/15/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-260, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-142-265 Improper maintenance and operation.**

(1) If a school bus is otherwise eligible for reimbursement payments and is determined to have been improperly maintained or operated, the superintendent shall discontinue reimbursement system payments effective the first of the month following the initial determination. The superintendent shall use the following process for any future payments:

(a) For school buses that are restored to operational condition, the superintendent shall:

(i) Return the school bus to the reimbursement system effective the first of the month following the date of the Washington state patrol inspection; and

(ii) Not provide reimbursement for any months the school bus was determined to have been improperly maintained or operated. However, such months shall be included as eligible months in the calculation of the system lifetime of the vehicle.

(b) For school buses that the district disposes of without returning the vehicle to operational condition, the superintendent shall:

(i) Divide the total number of eligible months by the system life;

(ii) Multiplying the result by the current state-determined purchase price;

(iii) Subtract the total of all previous school bus replacement payments;

(iv) Subtract the total assumed interest earnings; and

(v) Subtract the salvage value.

(2) Such factors as fire, flood, explosion, storm, earthquake, or volcanic eruption shall not result in a school bus being determined to have been improperly maintained or operated. However, reimbursement payments shall be discontinued effective the first of the month following any such occurrence. Any future payments shall be calculated using the procedures listed in subsection (1) of this section. The superintendent shall assume any such school bus will be returned to service until such time as the district disposes of the school bus.

(3) If a district disposes of a school bus prior to the end of its useful lifetime, the superintendent shall discontinue reimbursement system payments as of the month of the sale of the school bus and adjust any final payment using the process in subsection (1) of this section.

(4) If a district operates a school bus without an operation permit, the superintendent shall not provide reimbursement for that time period. However, any such months shall be included as eligible months in the calculation of the system lifetime of the vehicle..

[Statutory Authority: RCW 28A.150.290. WSR 15-11-076, § 392-142-265, filed 5/19/15, effective 6/19/15; WSR 12-19-098, § 392-142-265, filed 9/19/12, effective 10/20/12; WSR 08-19-016, § 392-142-265, filed 9/5/08, effective 10/6/08; WSR 05-19-072, § 392-142-265, filed 9/16/05, effective 10/17/05. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). WSR 95-17-011, § 392-142-265, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-265, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-142-270 Disposition of school buses.**

When a district sells or otherwise disposes of a school bus, the school district shall notify the superintendent within thirty days using [SPI Form 1020B](#).

[Statutory Authority: RCW 28A.150.290. WSR 15-11-076, § 392-142-270, filed 5/19/15, effective 6/19/15; WSR 12-19-098, § 392-142-270, filed 9/19/12, effective 10/20/12; WSR 03-13-049, § 392-142-270, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. WSR 90-02-077 (Order 21), § 392-142-270, filed 1/2/90, effective 2/2/90.]

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## **WAC 392-143-001 Authority and purpose.**

The authority for this chapter is RCW [46.61.380](#) which authorizes the superintendent of public instruction to adopt and enforce regulations to govern the design, marking, and mode of operation of all school buses transporting public school students. The purpose of this chapter is to establish the specifications governing the design and marking of all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract with any school district for the transportation of students. The provisions of this chapter are incorporated by express reference into all school district contracts for the transportation of public school students in privately owned and operated school buses.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-001, filed 4/17/18, effective 5/18/18; WSR 12-01-075, § 392-143-001, filed 12/19/11, effective 1/19/12; WSR 84-20-081 (Order 84-39), § 392-143-001, filed 10/2/84; WSR 83-21-025 (Order 83-13), § 392-143-001, filed 10/10/83.]

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## WAC 392-143-010 Definitions

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "School bus" means every vehicle with a seating capacity of more than ten persons including the driver regularly used to transport students to and from school or in connection with school activities.
- (2) "School bus specifications manual" means that manual published by the superintendent of public instruction.
- (3) "School district" means either a school district or an educational service district.
- (4) "School bus operation permit" means that form issued by the superintendent of public instruction to a school district, which is required prior to the use of any school bus for the transportation of students. No school bus operation permit is valid for any school bus which does not meet the Federal Motor Vehicle Safety Standards implemented April 1, 1977.
- (5) "Inspection officer" means an employee of the Washington state patrol designated by the chief of the Washington state patrol to inspect school buses.
- (6) "SPI Form 1028" means that form distributed by the superintendent of public instruction upon which the inspection officer indicates that the school bus has been inspected and approved, for used buses previously inspected by the Washington state patrol.
- (7) "SPI Form 1029" means that form distributed by the superintendent of public instruction upon which the inspection officer indicates that the school bus has been inspected and approved upon initial purchase, used buses not previously inspected by the Washington state patrol, and buses which have undergone rehabilitation or modification.
- (8) "Major repairs" means repairs to or rebuilding of the frame, steering, suspension, or braking systems. Major repairs to braking systems does not include routine maintenance such as replacing brake shoes, pads or drums.
- (9) "Multifunction school activity bus (MFSAB)" means a vehicle defined by the National Highway Traffic Safety Administration, 49 C.F.R. 571, as a multifunction school activity bus used for purposes consistent with that definition.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-010, filed 4/17/18, effective 5/18/18; WSR 12-01-075, § 392-143-010, filed 12/19/11, effective 1/19/12; WSR 04-08-117, § 392-143-010, filed 4/6/04, effective 5/7/04; WSR 01-17-006, § 392-143-010, filed 8/1/01, effective 9/1/01; WSR 96-16-012 (Order 96-11), § 392-143-010, filed 7/25/96, effective 8/25/96; WSR 84-20-081 (Order 84-39), § 392-143-010, filed 10/2/84; WSR 83-21-025 (Order 83-13), § 392-143-010, filed 10/10/83; WSR 79-12-005 (Order 9-79), § 392-143-010, filed 11/9/79; Order 8-77, § 392-143-010, filed 10/11/77, effective 11/11/77; Order 19-76, § 392-143-010, filed 12/31/76; Order 7-75, § 392-143-010, filed 12/22/75. Formerly WAC 392-21-110.]

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## **WAC 392-143-015 School bus specifications manual.**

The [Washington state school bus specifications manual](#) is hereby incorporated into this chapter by reference. Prior to any revision of the school bus specification manual, the superintendent of public instruction must serve notice to interested parties and shall hold at least one public meeting.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-015, filed 4/17/18, effective 5/18/18; WSR 12-01-075, § 392-143-015, filed 12/19/11, effective 1/19/12; WSR 04-08-117, § 392-143-015, filed 4/6/04, effective 5/7/04; WSR 84-20-081 (Order 84-39), § 392-143-015, filed 10/2/84; WSR 83-21-025 (Order 83-13), § 392-143-015, filed 10/10/83; Order 7-75, § 392-143-015, filed 12/22/75.]

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## **WAC 392-143-031 School bus inspection — school bus operation permit.**

All school buses must be inspected and approved by a Washington state patrol inspection officer prior to initial issue or reissue of a school bus operation permit.

[Statutory Authority: RCW 46.61.380. WSR 12-01-075, § 392-143-031, filed 12/19/11, effective 1/19/12; WSR 04-08-117, § 392-143-031, filed 4/6/04, effective 5/7/04; WSR 91-23-069 (Order 22), § 392-143-031, filed 11/19/91, effective 11/19/91.]

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## **WAC 392-143-032 School bus operation permit.**

The superintendent of public instruction shall issue school bus operation permits as follows:

(1) School buses owned or operated by a school district or owned by a private contractor under contract to a school district shall be issued a school bus operation permit on receipt of the following electronic files or documents for each new school bus or used school bus not previously issued a school bus operation permit in Washington state:

(a) [SPI Form 1020A](#), School Bus Acquisition Report; and

(b) SPI Form 1029, Initial School Bus Inspection.

(c) Supporting documentation as required on SPI Form 1020A.

(2) A school bus operation permit shall be reissued on receipt of the following electronic files or documents for school buses previously licensed in Washington state:

(a) [SPI Form 1020A](#), School Bus Acquisition Report, from the school district acquiring the school bus; and

(b) SPI Form 1029, Initial School Bus Inspection, if the most recent school bus inspection was more than twelve months prior to the date of acquisition.

(3) A copy of the operation permit shall be retained by the school district and a copy shall be placed in the permit holder in the school bus.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-032, filed 4/17/18, effective 5/18/18; WSR 12-15-079, § 392-143-032, filed 7/18/12, effective 8/18/12; WSR 12-01-075, § 392-143-032, filed 12/19/11, effective 1/19/12; WSR 04-08-117, § 392-143-032, filed 4/6/04, effective 5/7/04; WSR 91-23-069 (Order 22), § 392-143-032, filed 11/19/91, effective 11/19/91.]

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## **WAC 392-143-035 Routine inspection of school buses.**

All school buses shall be inspected annually by the Washington state patrol. Inspection dates must be determined by the chief of the state patrol. School districts must be notified by the chief of the state patrol prior to each annual inspection of the time and place of inspection. School buses not presented for inspection at the time and place scheduled by the chief of the state patrol may obtain the appropriate inspection on or before August 31st of the current year. If the vehicle is not inspected on or before August 31st, the bus must not be operated as a school bus unless the requirement is temporarily waived in writing by the chief of the state patrol or until the school bus has passed a required inspection. A second inspection of at least twenty-five percent of each school district's fleet must be conducted annually by the Washington state patrol. This second inspection shall be unannounced and the inspection team must select which buses in the fleet it will inspect. These unannounced inspections must be scheduled so that they do not disrupt the regular transportation program.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-035, filed 4/17/18, effective 5/18/18; WSR 12-01-075, § 392-143-035, filed 12/19/11, effective 1/19/12; WSR 84-20-081 (Order 84-39), § 392-143-035, filed 10/2/84; WSR 83-21-025 (Order 83-13), § 392-143-035, filed 10/10/83; WSR 81-19-011 (Order 81-24), § 392-143-035, filed 9/4/81; Order 7-75, § 392-143-035, filed 12/22/75. Formerly WAC 392-21-120.]

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## **WAC 392-143-040 Other required inspections of school buses.**

All school buses which have been rebuilt, have received a major modification, have received a major repair, or have received an interior renovation or refurbishment must be inspected prior to transporting students in accordance with the following criteria:

(1) A rebuilt school bus: For the purpose of this section, a rebuilt school bus must fully comply with all current Washington specifications at the time the school bus is rebuilt.

(2) A school bus receiving a major modification (e.g., hydraulic lift and/or ramp for wheelchairs) must meet all current state of Washington specifications at the time the major modification is made.

(3) A school bus receiving a major repair must meet or exceed Washington specifications in effect at the time of the original manufacturing date of the bus and shall be inspected in the same manner as a new school bus with emphasis on mechanical safety items.

(4) A school bus receiving an interior renovation or refurbishment must be inspected in the same manner as a new school bus with respect to [Federal Motor Vehicle Safety Standard 222](#).

[Statutory Authority: RCW 46.61.380. WSR 12-01-075, § 392-143-040, filed 12/19/11, effective 1/19/12; WSR 84-20-081 (Order 84-39), § 392-143-040, filed 10/2/84; WSR 83-21-025 (Order 83-13), § 392-143-040, filed 10/10/83; Order 8-77, § 392-143-040, filed 10/11/77, effective 11/11/77; Order 7-75, § 392-143-040, filed 12/22/75. Formerly WAC 392-21-125.]

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## **WAC 392-143-050 Resold school buses.**

A school district which sells a school bus to anyone other than another school district must be responsible for removing the school district's name and number and all lettering and markings identifying the vehicle as a school bus prior to its delivery to the purchaser. However, if the district sells the school bus to a private party who certifies in writing that the school bus will be used as a private carrier bus, the district need not remove the four or eight light warning system and stop signal arm.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-050, filed 4/17/18, effective 5/18/18; WSR 04-08-117, § 392-143-050, filed 4/6/04, effective 5/7/04; WSR 84-20-081 (Order 84-39), § 392-143-050, filed 10/2/84; WSR 83-21-025 (Order 83-13), § 392-143-050, filed 10/10/83; Order 7-75, § 392-143-050, filed 12/22/75. Formerly WAC 392-21-150.]

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**WAC 392-143-055 Responsibility for compliance with school bus specification rules.**

The responsibility for compliance with this chapter lies with the board of directors of each school district. Failure to comply with this chapter constitutes cause for the withholding of state transportation funds for such time and to such extent as is necessary to ensure compliance.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-055, filed 4/17/18, effective 5/18/18; Order 7-75, § 392-143-055, filed 12/22/75. Formerly WAC 392-21-155.]

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## **WAC 392-143-060 School bus specifications continued compliance.**

School districts must maintain all school buses in such condition that they shall continue to meet or exceed Washington state specifications in effect when the bus was manufactured, except as such standards or specifications are subsequently repealed or modified.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-060, filed 4/17/18, effective 5/18/18; WSR 12-01-075, § 392-143-060, filed 12/19/11, effective 1/19/12; WSR 84-20-081 (Order 84-39), § 392-143-060, filed 10/2/84; WSR 83-21-025 (Order 83-13), § 392-143-060, filed 10/10/83; Order 8-77, § 392-143-060, filed 10/11/77, effective 11/11/77.]

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## **WAC 392-143-070 Other vehicles used to transport students.**

All vehicles with a seating capacity including the driver of ten persons or less are not required to meet school bus specifications. Such vehicles regularly used to transport students to and from school or in connection with school activities must carry the approved school bus first-aid kit, fire extinguisher, and highway warning kit. These vehicles also must pass a safety inspection routinely conducted at the intervals outlined in WAC 392-143-035.

School districts may use an MFSAB with a seating capacity of less than sixteen passengers, including the driver. An MFSAB may be used to transport students and is required to have Washington state patrol inspections, initial and annual, for the appropriate class vehicle. An MFSAB must not be used in home-to-school transportation, or where any stop configuration would require the use of alternately flashing school bus warning lights if the vehicle were a school bus. An MFSAB must be equipped with a lap-shoulder belt or other passenger securement system that meets the requirements set forth in the Washington state school bus specifications manual in all seating positions and must not be painted school bus yellow. An MFSAB must carry the approved school bus first-aid kit, fire extinguisher, and highway warning kit. All drivers of an MFSAB must have a school bus driver's authorization in accordance with chapter 392-144 WAC.

All other vehicles used to transport students with a manufacturer rated seating capacity including the driver greater than ten persons are required to meet school bus specifications.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-070, filed 4/17/18, effective 5/18/18; WSR 12-01-075, § 392-143-070, filed 12/19/11, effective 1/19/12; WSR 04-08-117, § 392-143-070, filed 4/6/04, effective 5/7/04; WSR 84-20-081 (Order 84-39), § 392-143-070, filed 10/2/84; WSR 84-03-001 (Order 84-1), § 392-143-070, filed 1/5/84; WSR 83-21-025 (Order 83-13), § 392-143-070, filed 10/10/83; WSR 79-12-005 (Order 9-79), § 392-143-070, filed 11/9/79; Order 8-77, § 392-143-070, filed 10/11/77, effective 11/11/77.]

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## **WAC 392-143-080 Signs and markings for school buses — exterior — interior.**

Signs and markings on the exterior of any school bus are limited to the requirements of the school bus specifications manual.

Signs and markings on the interior of any bus are limited to necessary and/or required manufacturers' equipment and/or component identification and instruction, and the requirements of the school bus specifications manual.

[Statutory Authority: RCW 46.61.380. WSR 18-09-092, § 392-143-080, filed 4/17/18, effective 5/18/18; WSR 12-01-075, § 392-143-080, filed 12/19/11, effective 1/19/12; WSR 04-08-117, § 392-143-080, filed 4/6/04, effective 5/7/04; WSR 02-20-031, § 392-143-080, filed 9/23/02, effective 10/24/02; WSR 91-23-069 (Order 22), § 392-143-080, filed 11/19/91, effective 11/19/91.]

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## **WAC 392-144-005 Purpose and authority.**

(1) The purpose of this chapter is to set the minimum standards and qualifications for school district or contracted employees operating school buses for the transportation of public school children.

(2) The authority for this chapter is RCW [28A.160.210](#).

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-005, filed 4/9/14, effective 9/1/14. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, recodified as § 392-144-005, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 02-18-055, § 180-20-005, filed 8/28/02, effective 9/28/02; WSR 93-08-007, § 180-20-005, filed 3/24/93, effective 4/24/93.]

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## **WAC 392-144-010 Chapter requirements—Employment.**

The requirements in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of such drivers.

[Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, recodified as § 392-144-010, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 02-18-055, § 180-20-007, filed 8/28/02, effective 9/28/02.]

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## **WAC 392-144-020 Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Superintendent" means the Washington state superintendent of public instruction or designee.

(2) "School bus driver" means a person, who is employed by a school district including contracted drivers under WAC [392-144-040](#) (1) and (2) and as part of that employment or contract, operates a school bus as defined in WAC [392-143-010](#), or other motor vehicles for the regularly scheduled transportation of students between home and school. School buses shall be operated by authorized school bus drivers when transporting students. An authorized school bus driver may also transport students on field trips and other school related activities.

(3) "A school bus driver's authorization" means an authorization issued by the superintendent indicating that the person has met the requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and/or school activities. A school bus driver must have a valid authorization prior to transporting students and such authorization shall continue in effect as long as the person continues to meet the requirements of this chapter. A school bus driver authorization is not valid if suspended, revoked or lapsed.

(4) "A lapsed school bus driver's authorization" means the driver does not have a valid driver's license, current first-aid training, a current medical examiner's certificate (including any required intrastate medical waiver) or current in-service training. A school bus driver shall not operate a school bus with passengers on board until they meet all requirements. There is no requirement for a lapse in authorization to be reported to the superintendent of public instruction.

(5) "A suspended school bus driver's authorization" means the superintendent has suspended the school bus driver's authorization for a specific period of time. The superintendent will not remove the driver from the district's list of authorized drivers. This action does not prevent the school district from taking independent actions to terminate the employment of the driver. In that case, the school district would remove the driver from the list of their authorized drivers.

(6) "A revoked school bus driver's authorization" means the superintendent has determined the school bus driver no longer meets the minimum requirements of this chapter and the driver's name is removed from the list of authorized drivers at the employing school districts. The driver will not be eligible to be an authorized school bus driver at any school district until the disqualifying conditions are no longer present. In those rare situations where the disqualifying conditions are particularly grievous including, but not limited to, crimes against children and falsification of records, the revocation may be permanent.

(7) An "authorized school bus driver instructor" means an individual authorized by the superintendent to verify the training of school bus drivers.

(8) "School bus driver training course" means a course established by the superintendent and taught or overseen by an authorized school bus driver instructor. This course shall be successfully completed by all applicants for a school bus driver's authorization.

(9) "School bus driver annual in-service training" means annual training taught by an authorized school bus driver instructor. The content and minimum time requirements of such training shall be annually determined by the superintendent and shall be completed no earlier than August 1st and no later than November 1st by all authorized school bus drivers.

(10) "School bus driver instructor's course" means a training program established by the superintendent to qualify a person as a school bus driver instructor.

(11) "School bus driver instructor's annual in-service training" means annual required training, the content of which shall be determined by the superintendent. Successful completion of this course prevents the instructor's authorization from lapsing.

(12) "Professional misconduct" means a documented instance of an authorized school bus driver failing to comply with the provisions of this chapter, the provisions of chapter [392-145](#) WAC, or the provisions of chapter [46.61](#) RCW while operating a school bus.

(13) "Medical examiner's certificate" means a written verification of passing a medical examination in accordance with the standards established in [49 C.F.R. 391.41](#) through [391.49](#), of the Federal Motor Carrier Safety Regulations.

(a) School bus drivers must provide verification of passing a medical examination at a minimum of every twenty-four months.

(b) School bus drivers must continue to meet these medical requirements during the time between examinations.

(c) A school district may require more frequent examinations of any school bus driver. If a school district requires a school bus driver to be examined by a district selected physician, the school district must pay for the cost of such exam. If the driver objects to the district selected physician, a physician must be selected that is mutually acceptable.

(d) An individual who is a diabetic being treated with insulin may hold a school bus driver authorization if they meet the following requirements:

(i) Possess a valid commercial driver license intrastate medical waiver for diabetes from the Washington state department of licensing or a valid interstate exemption certificate for diabetes issued by the Federal Motor Carrier Safety Administration;

(ii) Provide at a minimum of every twenty-four months to the authorizing school district(s) or employer a completed, signed copy of Form [SPI 1643](#) (Part A), Application Section, and a completed, signed copy of Form [SPI 1643](#) (Part B), Physician Evaluation Section indicating the driver's medical condition allows them to safely operate a school bus while using insulin. The Physician Evaluation Section must indicate that within the past three years, the driver has completed instruction including diabetes management and driving safety; the signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications arise. Physician verification of participation in a diabetes education program covering these topics is required at least every three years in order to remain qualified for a school bus driver authorization;

(iii) Provide at a minimum of every twelve months to the authorizing school district(s) or employer a completed, signed copy of Form [SPI 1643](#) (Part C), Vision Evaluation Section indicating the driver does not have any vision problems that might impair safe driving;

(iv) Provide at a minimum of every six months to the authorizing school district(s) or employer a completed, signed copy of Form [SPI 1643](#) (Part D), HbA1c Report Section indicating values more than 5.9 and less than 9.6 (unless accompanied by the signed medical opinion that the event was incidental and not an indication of failure to control glucose levels);

(v) Self-monitor blood glucose using an FDA approved device and demonstrate conformance with requirements (more than 100 mg/dl and less than 300 mg/dl):

(A) Within one hour before driving vehicles transporting students;

and

(B) Approximately every four hours while on duty;

(vi) Maintain a daily log of all glucose test results for the previous six-month period and provide copies to the authorizing school district(s) or employer, and the medical examiner or physician upon request;

(vii) Carry a source of readily absorbable/fast-acting glucose while on duty;

(viii) Report immediately to their employer, any failure to comply with specific glucose level requirements as listed in (d)(iv) or (v) of this subsection, or loss of consciousness or control;

(ix) Individuals who have had a loss of consciousness or loss of control (cognitive function) due to a diabetic event do not qualify for a school bus driver authorization for one year, provided there has not been a recurrent hypoglycemic reaction requiring assistance of another person within the previous five years;

(x) A school bus driver is no longer authorized to operate a school bus and must be immediately removed from driving duties for any of the following:

(A) Results of the most recent HbA1c test indicating values less than 6.0 or greater than 9.5 unless accompanied by the signed medical opinion that the event was incidental and not an indication of failure to control glucose levels;

(B) Results of self-monitoring indicate glucose levels less than 100 mg/dl or greater than 300 mg/dl, until self-monitoring indicates compliance with specifications;

(C) Experiencing a loss of consciousness or control relating to diabetic condition;

(D) Failing to maintain or falsifying the required records, including self-monitoring records and any section of Form [SPI 1643](#);

(xi) The authorizing school district or employer may request medical review of any or all signed, completed sections of Form [SPI 1643](#) (Parts A-D), Washington State Authorized School Bus Driver Diabetes Exemption Program, and the driver's daily glucose test logs by a medical examiner or physician of their choice. The cost of this review shall be paid by the school district or employer.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-020, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-020, filed 9/5/08, effective 10/6/08; WSR 08-07-054, § 392-144-020, filed 3/14/08, effective 4/14/08. Statutory Authority: RCW

28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-020, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-009, filed 9/20/05, effective 10/21/05; WSR 04-08-055, § 180-20-009, filed 4/2/04, effective 5/3/04; WSR 02-18-055, § 180-20-009, filed 8/28/02, effective 9/28/02.]

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## **WAC 392-144-030 Training and qualifications of school bus driver instructors—Administration.**

The superintendent shall determine the qualifications necessary for applicants for the school bus driver instructor course and qualifications necessary for continuation of the school bus driver instructor authorization. Each school bus driver instructor shall verify annually that they continue to meet the qualifications. In the case of denial of authorization or disqualification, the superintendent shall provide an appeal process consistent with the provisions of this chapter.

(1) A school bus driver instructor's authorization shall lapse effective the first day of September of any school year, unless the driver instructor has successfully completed the school bus driver instructor's in-service training for that school year. A school bus driver instructor is not required to notify the superintendent when the instructor's authorization is lapsed. A school bus driver instructor with a lapsed authorization cannot verify the successful completion of the school bus driver training course or the school bus driver in-service training. Reinstatement of the school bus driver instructor's authorization that has lapsed for failure to complete the annual in-service training occurs automatically upon completion of the required training, provided the authorization has not expired.

(2) A school bus driver instructor's authorization shall expire effective the first day of September of the second school year without successful completion of the school bus driver instructor's annual in-service training. Reinstatement of a school bus driver instructor's authorization that has expired requires another successful completion of the school bus driver instructor training course. A school bus driver instructor with an expired authorization cannot verify the successful completion of the school bus driver training course or the school bus driver in-service training.

(3) Intentional falsification of school bus driver training records shall result in permanent revocation of the school bus driver instructor authorization. School bus driver training records include, but are not limited to:

- (a) Initial school bus driver training records;
- (b) School bus driver annual in-service training records;
- (c) School bus driver annual verification reports as required by this chapter.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-030, filed 4/9/14, effective 9/1/14. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-030, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-021, filed 9/20/05, effective 10/21/05; WSR 04-08-055, § 180-20-021, filed 4/2/04, effective 5/3/04.]

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## **WAC 392-144-040 Application to contractors.**

(1) Every contract between a school district and a contractor for student transportation services shall provide for compliance with the requirements of this chapter and establish the responsibility of the contractor or school district, or both, to assure compliance with such requirements.

(2) Each driver employed by a contractor to provide student transportation services shall meet the requirements of this chapter, and shall be subject to the denial, suspension, lapse, and revocation of their school bus driver authorization and the authority to operate a motor vehicle under this chapter.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-040, filed 4/9/14, effective 9/1/14. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, recodified as § 392-144-040, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 02-18-055, § 180-20-031, filed 8/28/02, effective 9/28/02; WSR 93-08-007, § 180-20-031, filed 3/24/93, effective 4/24/93.]

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## **WAC 392-144-045 Use of charter bus companies.**

Every contract between a school district and a charter bus carrier or excursion carrier, or subcontracted carrier shall require a carrier profile report indicating a satisfactory rating from the Washington utilities and transportation commission before any service is provided. Supervision of children on trips under this subsection shall be designated to a specific employee of the school district who shall ensure that the driver shall have not have unsupervised access to students during the trip.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-045, filed 4/9/14, effective 9/1/14.]

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## **WAC 392-144-101 Initial requirements for school bus drivers.**

Every authorized school bus driver must meet the following initial requirements:

- (1) Have at least five years of experience as a licensed driver of a passenger vehicle.
- (2) Submit to a criminal record check according to chapter [28A.400](#) RCW which shows that no offenses have been committed which would be grounds for disqualification of an authorization as listed in WAC [392-144-103](#).
- (3) Satisfactorily complete a school bus driver training course administered by an authorized school bus driver instructor.
- (4) Meet all applicable continuing school bus driver requirements in WAC [392-144-102](#).

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-101, filed 4/9/14, effective 9/1/14. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-101, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-101, filed 9/20/05, effective 10/21/05; WSR 05-08-014, § 180-20-101, filed 3/28/05, effective 4/28/05; WSR 04-08-055, § 180-20-101, filed 4/2/04, effective 5/3/04; WSR 02-18-055, § 180-20-101, filed 8/28/02, effective 9/28/02; WSR 99-08-004, § 180-20-101, filed 3/25/99, effective 4/25/99; WSR 96-20-042, § 180-20-101, filed 9/24/96, effective 10/25/96; WSR 93-08-007, § 180-20-101, filed 3/24/93, effective 4/24/93.]

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## **WAC 392-144-102 Continuing requirements for authorized school bus drivers.**

Every authorized school bus driver must continue to meet the following requirements:

- (1) Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.
- (2) Satisfactorily complete the annual school bus driver in-service training course.
- (3) Maintain current and valid training in a first-aid course accepted by the local school district.
- (4) Submit annually to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW [43.43.834\(2\)](#) and disclosure of all convictions which may be grounds for denial, suspension, or revocation of authorization under WAC [392-144-103](#).
- (5) Every authorized school bus driver must continue to meet the following physical requirements:
  - (a) Is physically able to maneuver and control a school bus under all driving conditions; and
  - (b) Is physically able to use all controls and equipment found on state minimum specified school buses; and
  - (c) Is physically able to perform daily routine school bus vehicle safety inspections; and
  - (d) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds. A school district may develop and implement an alternative assessment of physical strength and agility. The alternate assessment must be submitted by the school district superintendent for review and approval by the superintendent; and
  - (e) Provide a copy of a current and valid medical examiner's certificate to their employer.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-102, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-102, filed 9/5/08, effective 10/6/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-102, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-102, filed 9/20/05, effective 10/21/05.]

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### **WAC 392-144-103 Disqualifying conditions for authorized school bus drivers.**

A school bus driver's authorization will be denied, suspended, or revoked as a result of the following conditions:

- (1) Misrepresenting or concealing a material fact in obtaining or maintaining a school bus driver's authorization or in reinstatement thereof in the previous five years.
- (2) Having a driving license privilege suspended or revoked as a result of a moving violation as defined in WAC [308-104-160](#) within the preceding five years or having had their commercial driver's license disqualified, suspended, or revoked within the preceding five years; a certified copy of the disqualification, suspension, or revocation order issued by the department of licensing being conclusive evidence of the disqualification, suspension, or revocation.
- (3) Having been convicted of any of the following motor vehicle violations within the last five years:
  - (a) Three or more speeding tickets, including driving too fast for conditions;
  - (b) Hit and run driving;
  - (c) Vehicular assault;
  - (d) Vehicular homicide;
  - (e) Driving while intoxicated;
  - (f) Being in physical control of motor vehicle while intoxicated;
  - (g) Negligent driving in the first degree;
  - (h) Any motor vehicle violation agreed to during a court proceeding as a result of an alcohol related driving infraction.
- (4) Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a lapsed, suspended, surrendered, or revoked school bus driver's authorization in a position for which authorization is required under this chapter.
- (5) Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a suspended or revoked driver's license or a suspended, invalid, disqualified, or revoked commercial driver's license.
- (6) Having refused to take a drug or alcohol test in accordance with the provisions of [49 C.F.R. 382](#) within the preceding five years.
- (7) Having been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or nolo contendere is the basis for the conviction) or being under a deferred prosecution under chapter [10.05](#) RCW where the conduct or alleged conduct is related to the occupation of a school bus driver, including, but not limited to, the following:
  - (a) The physical neglect of a child under chapter [9A.42](#) RCW;
  - (b) The physical injury or death of a child under chapter [9A.32](#) or [9A.36](#) RCW, excepting motor vehicle violations under chapter [46.61](#) RCW;
  - (c) The sexual exploitation of a child under chapter [9.68A](#) RCW;
  - (d) Sexual offenses where a child is the victim under chapter [9A.44](#) RCW;
  - (e) The promotion of prostitution of a child under chapter [9A.88](#) RCW;
  - (f) The sale or purchase of a child under RCW [9A.64.030](#);
  - (g) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription drug within the last ten years;

(h) Provided, That the general classes of felony crimes referenced within this subsection shall include equivalent federal crimes and crimes committed in other states;

(i) Provided further, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;

(j) Provided further, That for the purpose of this subsection "conviction" shall include a guilty plea.

(8) Having been convicted of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver, the following and any other relevant considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as an authorized school bus driver within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness;

(h) If this subsection is applied to a person currently authorized as a school bus driver in a suspension or revocation action, the effect on the school bus driving profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or authorized school bus driver has the duty to provide available evidence relative to the above considerations. The superintendent has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or authorized school bus driver.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-103, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-103, filed 9/5/08, effective 10/6/08.

Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-103, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 06-01-039, § 180-20-103, filed 12/15/05, effective 1/15/06; WSR 05-19-107, § 180-20-103, filed 9/20/05, effective 10/21/05.]

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## **WAC 392-144-110 Temporary authorizations—Requirements and issuing procedures.**

(1) A temporary school bus driver authorization may be issued by the superintendent upon application by an authorized representative of the employing school district when the following has been provided:

- (a) Verification of successful completion of the school bus driver training course.
- (b) Verification that it has on file a copy of a current and valid medical examiner's certificate.
- (c) Verification that it has on file an original, current and complete school bus driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record obtained from the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days prior to the date the application is being submitted for temporary authorization.
- (d) Verification that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC [162-12-140](#), signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC [392-144-103](#) and all crimes against children or other persons, that meets the requirements of RCW [43.43.834\(2\)](#).
- (e) Verification that it has requested a criminal record check as required under chapter [28A.400](#) RCW and the date of such request.
- (f) Verification that the applicant complies with all of the requirements for authorized school bus drivers set forth in this chapter except for first-aid training in a first-aid course and/or the results of a criminal record check.

(2) Upon approval of the temporary authorization, notice will be provided to the employing school district.

(3) The temporary authorization shall be valid for a period of sixty calendar days. The temporary authorization may be renewed by approval of the superintendent when the results of the criminal background check have not been received.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-110, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-110, filed 9/5/08, effective 10/6/08; WSR 07-13-067, § 392-144-110, filed 6/18/07, effective 7/19/07. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-110, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-111, filed 9/20/05, effective 10/21/05; WSR 04-08-055, § 180-20-111, filed 4/2/04, effective 5/3/04; WSR 02-18-055, § 180-20-111, filed 8/28/02, effective 9/28/02; WSR 99-08-004, § 180-20-111, filed 3/25/99, effective 4/25/99; WSR 96-20-042, § 180-20-111, filed 9/24/96, effective 10/25/96; WSR 93-08-007, § 180-20-111, filed 3/24/93, effective 4/24/93.]

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## **WAC 392-144-120 School bus driver authorization—Requirements and issuing procedures.**

A school bus driver authorization may be issued by the superintendent upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(1) The employing school district shall forward to the superintendent the following verifications relating to the applicant:

(a) Verification of successful completion of the school bus driver training course taught by an authorized school bus driver instructor.

(b) Verification that it has on file a copy of a current and valid medical examiner's certificate.

(c) Verification that it has on file an original, current and complete school bus driver's abstract, including departmental actions, of the applicant's employment and non-employment driving record obtained from the department of licensing verifying compliance with all provisions of this chapter. For applicants that have an out-of-state license, the district is required to annually obtain a current driving record from the corresponding state. The issue date of this abstract must be within sixty calendar days prior to the date an application was submitted for temporary authorization. If no request for a temporary school bus authorization was submitted, the issue date must be within sixty calendar days prior to the date of application of the school bus driver authorization.

(d) Verification that the applicant has completed a current and valid first-aid training course.

(e) Verification that it has on file a disclosure statement in compliance with pre-employment inquiry regulations in WAC [162-12-140](#), signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC [392-144-103](#) and all crimes against children or other persons, that meets the requirements of RCW [43.43.834\(2\)](#).

(f) Verification that it has on file the results of a criminal record check as required under chapter [28A.400](#) RCW and that such results establish that the applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking an authorization under this chapter and the date of such request.

(g) Verification that the applicant complies with all of the requirements for authorized school bus drivers set forth in this chapter.

(2) Upon approval of an application, the superintendent shall issue a notice of school bus driver authorization to the employing school district.

(3) Subsequent authorizations for an individual driver with new or additional employing school districts must be issued from the superintendent to such districts prior to the operation of any motor vehicle for the transportation of children.

(4) The superintendent will provide each school district with a list of their authorized school bus drivers and each authorized school bus driver's status.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-120, filed 4/9/14, effective 9/1/14; WSR 07-13-067, § 392-144-120, filed 6/18/07, effective 7/19/07.

Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-120, filed 7/6/06, effective 8/6/06. Statutory

Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-112, filed 9/20/05, effective 10/21/05.]

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**WAC 392-144-130 Discipline—Grounds for denial, suspension, or revocation of authorization—Emergency suspension—Appeals—Adjudicative proceedings.**

(1) A request for an authorization may be denied or an authorization issued under this chapter may be suspended or revoked for failure to meet any of the minimum requirements set forth in WAC [392-144-101](#) and [392-144-102](#) or for disqualifying conditions set forth in WAC [392-144-103](#), established by a preponderance of the evidence.

(2) Professional misconduct, which endangers the educational welfare or personal safety of students, teachers, school bus drivers, or other colleagues is grounds for denial, suspension, or revocation whether or not the conduct constitutes a crime. The employing school district shall determine if the professional misconduct is a condition precedent to denial, suspension, or revocation action. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3) (a) Any person in a court-ordered treatment program for alcohol or other drug misuse shall have his or her authorization suspended until treatment is satisfactorily completed and the completion is confirmed by a state-approved alcohol or drug treatment program at which time the authorization will be reinstated.

(b) In all cases of deferred prosecution under chapter [10.05](#) RCW, the authorization shall be suspended until the court confirms successful completion of the court approved treatment program at which time the authorization will be reinstated.

(4) Emergency suspension. If the superintendent finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of an authorization may be ordered pending proceedings for revocation or other action. In such cases, the superintendent shall expedite all due process actions as quickly as possible.

(5) (a) Appeals and adjudicative proceedings. Any person desiring to appeal a denial, suspension, or revocation of a school bus driver authorization may do so to the superintendent or designee in accordance with the adjudicative proceedings in RCW [34.05.413](#) through [34.05.494](#), and the administrative practices and procedures of the superintendent in chapter [392-101](#) WAC.

(b) The superintendent may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

(c) The superintendent may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW [34.05.464](#).

(d) Any person who disagrees with the school district's determination of failure to meet any school bus driver authorization qualifications may request that the school district forward the pertinent records to the superintendent. After review or investigation, the superintendent shall grant, deny, suspend, or revoke the authorization.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-130, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-130, filed 9/5/08, effective 10/6/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010,

amended and recodified as § 392-144-130, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-120, filed 9/20/05, effective 10/21/05; WSR 02-18-055, § 180-20-120, filed 8/28/02, effective 9/28/02; WSR 99-08-004, § 180-20-120, filed 3/25/99, effective 4/25/99; WSR 96-20-042, § 180-20-120, filed 9/24/96, effective 10/25/96; WSR 93-08-007, § 180-20-120, filed 3/24/93, effective 4/24/93.]

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## **WAC 392-144-140 School bus driver—Reporting.**

(1) Every person authorized under this chapter to operate a motor vehicle to transport children shall, within twenty calendar days, notify his or her employer in writing of the filing of any criminal charge involving conduct listed in WAC [392-144-103](#). The authorized driver shall also notify his or her employer of any disqualifying traffic convictions, or license suspension, disqualification, or revocation orders issued by the department of licensing. In cases where the employer is providing transportation services through a contract with the school district, the contractor shall immediately notify the school district superintendent or designee.

(2) The notification in writing shall identify the name of the authorized driver, his or her driver's license number, the court in which the action is commenced, and the case number assigned to the action.

(3) The failure of an authorized driver to comply with the provisions of this section is an act of professional misconduct and constitutes grounds for authorization suspension or revocation by the superintendent.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-140, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-140, filed 9/5/08, effective 10/6/08.

Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-140, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-135, filed 9/20/05, effective 10/21/05; WSR 02-18-055, § 180-20-135, filed 8/28/02, effective 9/28/02; WSR 93-08-007, § 180-20-135, filed 3/24/93, effective 4/24/93.]

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## **WAC 392-144-150 School district—Reporting.**

(1) Every school district employing authorized school bus drivers to transport children or contracting with a private firm who provides such authorized drivers as a part of a contract shall, within twenty calendar days, notify the superintendent in writing of knowledge it may have of any disqualifying conditions or the filing of any criminal charge involving the conduct listed in WAC [392-144-103](#) against any authorized school bus driver.

(2) The notification can be in writing or by e-mail to the superintendent or its designee and shall identify the name of the authorized school bus driver, his or her driver's license number, the mailing address of the driver, the court in which the action is commenced, and the case number assigned to the action.

[Statutory Authority: RCW 28A.160.210. WSR 14-09-031, § 392-144-150, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-150, filed 9/5/08, effective 10/6/08.

Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-150, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-140, filed 9/20/05, effective 10/21/05; WSR 93-08-007, § 180-20-140, filed 3/24/93, effective 4/24/93.]

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## **WAC 392-144-160 School district—Verification of driver's continuing compliance.**

(1) Every school district shall annually evaluate each authorized school bus driver for continuing compliance with the provisions of this chapter. The results of this evaluation of all drivers shall be submitted to the superintendent or their designee no later than the last business day in October of each year.

(2) This annual evaluation shall certify that the district has verified the following:

(a) That each authorized school bus driver's medical examination certificate expiration date, first-aid expiration date, driver's license expiration date and most recent school bus driver in-service training date has been updated in compliance with procedures established by the superintendent;

(b) That each authorized school bus driver has made an updated disclosure in writing and signed and sworn under penalty of perjury which updates the disclosure required in WAC [392-144-102](#)(4); and

(c) That each authorized school bus driver remains in compliance with the physical requirements of WAC [392-144-102](#)(5).

[Statutory Authority: RCW 28A.160.210. WSR 14-22-020, § 392-144-160, filed 10/27/14, effective 11/27/14; WSR 14-09-031, § 392-144-160, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-160, filed 9/5/08, effective 10/6/08; WSR 07-13-067, § 392-144-160, filed 6/18/07, effective 7/19/07. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-160, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-145, filed 9/20/05, effective 10/21/05; WSR 96-20-042, § 180-20-145, filed 9/24/96, effective 10/25/96; WSR 93-08-007, § 180-20-145, filed 3/24/93, effective 4/24/93.]

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## **WAC 392-145-001 Authority and purpose.**

The authority for this chapter is RCW [46.61.380](#) which authorizes the superintendent of public instruction to adopt and enforce regulations to cover the operation of all school buses transporting common school students. The purpose of this chapter is to establish the manner of operating all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. This chapter does not apply to the operation of buses by common carrier in the urban transportation of students (e.g., the transportation of students via a municipal transit system).

[Statutory Authority: RCW 46.61.380. WSR 07-05-058, § 392-145-001, filed 2/20/07, effective 11/1/07; WSR 83-21-026 (Order 83-10), § 392-145-001, filed 10/10/83.]

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## **WAC 392-145-005 Definition of a "school bus."**

The definition of "school bus" as the term is used in this chapter shall be as now or hereafter set forth in WAC [392-143-010](#).

[Statutory Authority: RCW 46.61.380. WSR 07-05-058, § 392-145-005, filed 2/20/07, effective 11/1/07; WSR 84-20-082 (Order 84-40), § 392-145-005, filed 10/2/84; Order 7-75, § 392-145-005, filed 12/22/75.]

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## **WAC 392-145-011 School district requirements.**

All school districts shall comply with the following requirements:

- (1) The provisions of this chapter shall be incorporated by express reference into all school district contracts for the transportation of students in privately owned and operated school buses. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district shall be subject to the provisions of this chapter.
- (2) School district boards of directors shall adopt written policies or rules for passengers riding school buses not inconsistent with applicable state law and rules. A copy of these policies or rules shall be provided to each student who is scheduled to ride the school bus.
- (3) Every school bus driver shall be provided a copy of and shall be thoroughly familiar with all state and local rules and regulations pertaining to the operation of a school bus.
- (4) School bus drivers shall be provided a copy of and training in school district rules and regulations pertaining to bullying, harassment, and for reporting sexual misconduct allegations.
- (5) On highways divided into separate roadways as provided in RCW [46.61.150](#) and highways with three or more marked traffic lanes, school districts shall design bus routes that serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW [46.04.600](#) or an adult crossing guard within three hundred feet of the bus stop to assist students while crossing such multiple-lane highways.
- (6) No school bus stop shall be located on a curve or a hill where visibility is not at least five hundred feet. If it is impossible to secure a distance of at least five hundred feet of visibility for a school bus stop, the school authorities, the state patrol, and the traffic engineering department of the jurisdiction responsible for the roadway shall be advised and the stop shall be changed or proper signs installed.

[Statutory Authority: RCW 46.61.380. WSR 07-05-058, § 392-145-011, filed 2/20/07, effective 11/1/07.]

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## **WAC 392-145-016 Rules for students riding school buses.**

The policies or rules for students riding school buses shall include, but are not necessarily limited to, the following:

- (1) Identification of the individual who has authority over the passengers;
- (2) Student riding privileges;
- (3) Loading and unloading procedures, including that if students must cross the roadway, they shall only cross in front and never behind the school bus;
- (4) Seat assignment;
- (5) Student conduct, including acceptable practices with respect to talking, moving around the school bus, use of windows, behavior at highway rail grade crossings, and other behavior;
- (6) Unacceptable hazards that may cause injury to others, e.g., firearms, breakable containers, etc;
- (7) School bus cleanliness; and
- (8) Emergency exit procedures.

[Statutory Authority: RCW 46.61.380. WSR 07-05-058, § 392-145-016, filed 2/20/07, effective 11/1/07.]

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## **WAC 392-145-021 General operating requirements**

The following operating procedures are required to assure maximum passenger safety:

(1) No school bus shall be operated unless each passenger aboard has been provided with a safe seat of sufficient size to accommodate each passenger within the seat compartment. There shall be no auxiliary seating accommodations such as temporary or folding jump seats in any school bus. Students shall remain seated while the school bus is in motion.

(2) Passengers in school buses equipped with seat belts shall be required to wear them properly adjusted whenever the school bus is in motion.

(3) Heavy, sharp, bulky, and/or other articles which may be hazardous in the event of an accident or an emergency stop shall not be transported unsecured in the passenger area of any school bus. Specific attention is directed to items such as skis, ski poles, vaulting poles, large musical instruments, riser platforms, etc. In no case will items be secured in such a manner as to impede access to any exit. Items which shall not be transported within the passenger area of a school bus include all forms of animal life (except service animals), firearms, weapons, breakable containers, flammables, and all other articles which could adversely affect the safety of the school bus and passengers. Teachers and all other school district staff members shall be annually notified that students shall not be requested to transport prohibited items between home and school on a school bus.

(4) When a teacher, coach, or other staff member is assigned to accompany students on a school bus, such person shall be responsible for the behavior of the students in his or her charge and shall ensure that passengers comply with state rules, and district policies and procedures for student transportation. However, the school bus driver shall have final authority and responsibility.

[Statutory Authority: RCW 46.61.380. WSR 16-10-114, § 392-145-021, filed 5/4/16, effective 9/1/16; WSR 07-05-058, § 392-145-021, filed 2/20/07, effective 11/1/07.]

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## **WAC 392-145-031 General school bus driver requirements.**

The following are school bus driver requirements:

- (1) School bus drivers shall wear a properly adjusted seat belt whenever the school bus is in motion.
- (2) School bus drivers shall immediately report any suspected malfunction or needed repair of the school bus in their charge.
- (3) A school bus driver shall only allow individuals authorized under the provisions of chapter [392-144](#) WAC to operate the school bus with passengers on board. No person except the driver shall be allowed to sit in the driver's seat.
- (4) Except in accordance with district policy no school bus driver shall leave the driver's seat without first securing the school bus by setting the parking brake, placing the transmission in the manufacturer's recommended position, shutting off the engine, and removing the key from the ignition switch. The keys shall be kept in the driver's or other authorized school official's possession.
- (5) All school bus drivers shall meet the qualifications established in chapter [392-144](#) WAC prior to transporting students.
- (6) Except in accordance with district policy, a school bus driver shall not use a personal electronic device for personal communications while operating a school bus, except for the use of such devices to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property, as permitted under RCW 46.61.667. For the purpose of this section, operating a school bus is defined as when the school bus engine is running.
- (7) Except in accordance with district policy, a school bus driver shall not distribute anything edible to students riding the bus.

[Statutory Authority: RCW 46.61.380. WSR 16-10-114, § 392-145-031, filed 5/4/16, effective 9/1/16; WSR 07-05-058, § 392-145-031, filed 2/20/07, effective 11/1/07.]

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## **WAC 392-145-041 Pretrip and posttrip requirements.**

The following are requirements to assure safety and security of the school bus during operation:

- (1) Motor fuel shall not be put into the tank while the engine is running or while passengers are on the school bus. School bus drivers, prior to commencement of any trip, shall assure that the school bus has sufficient fuel to prevent the school bus from running out of fuel.
- (2) School bus drivers, prior to commencement of any trip, shall assure that the mirrors, windshield and rear window(s) of the school bus are clean.
- (3) Prior to commencement of and during any trip, with passengers aboard, every school bus driver shall ensure there are no articles in the following areas that could impede normal movement, visibility, or emergency egress: The service entrance step well; the entire main aisle from front to rear; the aisles or passage ways to any emergency door; the entire shelf area between the rearmost passenger seats and the rear emergency window (if so equipped).
- (4) Tools and other miscellaneous articles shall be carried in appropriate compartments. They shall not be carried loose upon the floor or dashboard area of the school bus.
- (5) School bus drivers shall be certain that all brakes, lights, stop signs, warning signal lamps, and other safety devices are working properly before starting on any trip and shall assure that the school bus is equipped with a fully stocked first-aid kit, three reflective triangles, a body fluid clean-up kit and a fire extinguisher certified to be in good working order.
- (6) School bus drivers shall check the latch, safety lock, and warning system for all emergency exits prior to each trip and no school bus shall be operated with passengers aboard unless all the emergency exits are functioning properly.
- (7) At the end of each trip or route segment, the school bus driver shall thoroughly check the school bus to ensure that no students are left on the school bus. Additionally, the school bus driver shall take reasonable action to ensure that any articles left behind by students are safe, secure, and dealt with according to district policy.

[Statutory Authority: RCW 46.61.380. WSR 16-10-114, § 392-145-041, filed 5/4/16, effective 9/1/16; WSR 07-05-058, § 392-145-041, filed 2/20/07, effective 11/1/07.]

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## **WAC 392-145-050 Driving requirements.**

In addition to the following school bus operating requirements, school bus drivers shall observe all driving regulations set forth in the laws of the state of Washington relating to the operation of motor vehicles (chapter [46.61](#) RCW, Rules of the road).

(1) School bus drivers shall not manually change gears while proceeding downhill.

Necessary gear changes shall be made before starting down a hill.

(2) No school bus driver shall disengage the clutch or place the transmission into neutral and allow the school bus to coast.

(3) Backing a school bus is prohibited unless an adult flagman assists or an emergency exists. Any deviation from this regulation shall require prior approval by an authorized school district administrator. In all cases, the school bus driver will minimize the extent of such backing. In the event of an emergency, backing of a school bus shall be permitted only when there is no danger to pedestrians or passengers.

(4) School bus drivers shall yield the right of way to emergency vehicles.

(5) The speed of a school bus shall not be allowed to exceed the legal truck speed or any other applicable posted speed limit.

(6) When it is necessary to overtake and pass a slow moving vehicle, school bus drivers shall take reasonable action to assure that no third vehicle is drawing near. There shall be a visual road clearance of at least eight hundred feet on the road surface.

(7) All school buses shall slow down to ten miles an hour or less before making a ninety degree right or left turn.

(8) All school buses shall be operated with the headlights on when carrying passengers or traveling on a public roadway.

(9) All school buses shall be operated with the doors closed when carrying passengers or traveling on a public roadway.

[Statutory Authority: RCW 46.61.380. WSR 07-05-058, § 392-145-050, filed 2/20/07, effective 11/1/07.]

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## **WAC 392-145-060 Loading and unloading procedures.**

The following procedures are required to assure maximum student safety:

- (1) A school bus driver shall not order or allow a student to depart the school bus other than at his or her regular stop unless permission is first obtained in accordance with district policy.
- (2) School bus drivers shall pick up only the students and persons designated by an authorized school district administrator.
- (3) School bus drivers shall have the primary responsibility for the safety of passengers while they are boarding the school bus, while they are on the school bus, and while they are disembarking the school bus and crossing the roadway. If passengers must cross the road, the driver shall make every reasonable effort to ensure that they cross safely and that they pass in front of the school bus and never behind the school bus. The driver shall likewise ensure that passengers boarding or disembarking from the school bus are within his/her view at all times.
- (4) Prior to stopping the school bus on the roadway for the purpose of loading or unloading passengers, school bus drivers shall activate the alternating flashing amber lamps by means of a master sequencing switch. The driver shall activate the alternating flashing amber lamps:
  - (a) No less than one hundred feet and no more than three hundred feet from the school bus stop where the posted speed limit is thirty-five miles per hour or less; and
  - (b) No less than three hundred feet and no more than five hundred feet from the school bus stop where the posted speed limit is more than thirty-five miles per hour.
- (5) No school bus shall pull over to the left-hand side of the road to load or unload passengers.
- (6) The stop sign and alternately flashing red lamps shall be activated whenever a school bus is stopped on any portion of a traveled roadway to load or unload school children. Simultaneously flashing amber hazard lamps shall be activated whenever a school bus is stopped off the roadway to load or unload school children.
- (7) Whenever school children have to cross the roadway, the school bus shall stop on the roadway and display the stop sign and alternately flashing red lamps. A school bus driver shall not allow school children to cross any roadway having three or more marked traffic lanes or any highway divided into separate roadways as provided in [RCW 46.61.150](#).
- (8) The stop sign and alternately flashing red lamps on a school bus shall not be used while the school bus is moving or to indicate that the school bus is going to stop.
- (9) While loading and unloading passengers on a traveled portion of the roadway, the school bus driver shall activate the alternating flashing red lights by means of a sequencing switch prior to opening the passenger load door.
- (10) The school bus driver shall set the parking brake and place the transmission in neutral or park prior to loading or unloading passengers. When it is possible, the school bus driver shall maintain light pressure on the service brake to activate the brake lamps when loading or unloading passengers.

(11) The school bus driver shall assure that all students are seated or secure prior to releasing the brake.

(12) In any case in which a school bus passes a stopped school bus which is loading and unloading students off the traveled portion of the roadway, the passing school bus shall reduce speed and proceed with caution.

[Statutory Authority: RCW 46.61.380. WSR 16-10-114, § 392-145-060, filed 5/4/16, effective 9/1/16; WSR 07-05-058, § 392-145-060, filed 2/20/07, effective 11/1/07.]

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## **WAC 392-145-070 Rail grade crossings.**

The following requirements apply to drivers of school buses during rail grade crossings:

- (1) All school buses shall stop at all rail grade crossings except:
  - (a) Where traffic is controlled by a police officer or flagger;
  - (b) Where a functioning traffic control signal is transmitting a green light;
  - (c) Where the tracks are used exclusively for a streetcar or industrial switching purposes;
  - (d) Where the utilities and transportation commission has approved the installation of an "exempt" sign; or
  - (e) Where the crossing is abandoned and is marked with a sign indicating it is out-of-service.
- (2) In order to lessen the potential for collisions, school bus drivers shall use simultaneously flashing amber hazard lamps within two hundred feet prior to stopping for a rail grade crossing.
- (3) The school bus driver shall open the door and driver window to listen for approaching trains.
- (4) Drivers shall take reasonable action to ensure that passengers are quiet and shall turn off all noise making devices such as fans and radios while listening for approaching trains.
- (5) Drivers shall not proceed until the door is closed, visibility is clear, and the school bus can safely proceed across and completely clear the rail grade.
- (6) Drivers shall not change gears of a school bus equipped with a manual transmission while the school bus is crossing a rail grade.

[Statutory Authority: RCW 46.61.380. WSR 16-10-114, § 392-145-070, filed 5/4/16, effective 9/1/16; WSR 14-15-049, § 392-145-070, filed 7/11/14, effective 8/11/14; WSR 07-05-058, § 392-145-070, filed 2/20/07, effective 11/1/07.]

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## **WAC 392-145-080 Emergency exit drills and procedures.**

The following requirements are designed to provide maximum passenger safety in emergency situations:

- (1) All school districts shall prepare written policies or rules which establish procedures for school bus safety and emergency exit drills.
- (2) One actual emergency evacuation drill shall be held within the first six weeks of school each semester. The first actual exit drill shall be followed by at least one verbal review of the emergency exit drill prior to the second actual exit drill. For schools on a trimester system, an actual emergency evacuation drill shall be held within the first six weeks of school of each trimester and no verbal review is required.
- (3) Only those passengers whose participation in an exit drill poses substantial difficulty to themselves or to other passengers shall be excused and/or excluded from exit drill participation. Passengers who are excluded from such participation shall receive oral instruction in school bus safety and exit drills at least three times during the school year.
- (4) Required exit drills shall be held upon school premises.
- (5) The school bus driver shall:
  - (a) Assure that emergency exit drills make allowance for individual differences;
  - (b) Provide instructions on the location and use of emergency equipment;
  - (c) Provide instruction to helpers that they should offer a helping hand palm up and avoid grasping a student's hand or arm; and
  - (d) Time the exit drill to assure that procedures provide for an orderly and expedient exiting from the vehicle.
- (6) At the start of each field trip or extracurricular trip, the school bus driver shall review with all passengers, the location and use of the emergency exits and emergency equipment, and any district emergency procedures.
- (7) No school bus driver, except in accordance with emergency procedures adopted by the district, shall leave the immediate vicinity of his/her school bus while there are passengers aboard. In the event of a school bus breakdown, assistance shall be sought in accordance with school district policy.
- (8) The emergency evacuation of a school bus shall only be conducted when staying on the school bus is more hazardous than exiting the school bus.

[Statutory Authority: RCW 46.61.380. WSR 07-05-058, § 392-145-080, filed 2/20/07, effective 11/1/07.]

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**WAC 392-151 Traffic Safety—School Safety Patrol**  
**WAC 392-151-025 Route Plans**

11/1/96

Suggested route plans shall be developed for each elementary school that has students who walk to and from school. It shall recommend school routes based on considerations of traffic patterns, existing traffic controls, and other crossing protection aids such as school patrols. These route plans shall limit the number of school crossings so that students move through the crossings in groups, allowing only one entrance-exit from each block to and from school. The route to school plan shall be distributed to all students with instructions that it be taken home and discussed with the parents.

[Statutory Authority: RCW 46.61.385. WSR 96-22-057 (Order 96-17), § 392-151-025, filed 11/1/96, effective 12/2/96; Order 7-75, § 392-151-025, filed 12/22/75. Formerly WAC 392-24-220.]

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**WAC 392-153 Traffic Safety—Driver Education**  
**WAC 392-153-025 Traffic safety education vehicles.**

Last Update: 1/20/09

Every vehicle used in on-street traffic safety education instruction shall:

- (1) Be equipped with a dual control brake, rear view mirror for the instructor, and seat belts for each occupant.
- (2) Have a sign clearly readable from the rear at one hundred feet designating the vehicle is driven by a student driver.
- (3) Be used exclusively for traffic safety education purposes while the course is in session, if the vehicle is on loan from an automobile dealer.
- (4) Pass a safety inspection according to the requirements of WAC [392-143-070](#).

[Statutory Authority: RCW 28A.150.290. WSR 06-08-043, § 392-153-025, filed 3/30/06, effective 4/30/06. Statutory Authority: Chapters 28A.220 and 46.82 RCW. WSR 01-16-003, § 392-153-025, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1). WSR 96-24-044 (Order 96-18), § 392-153-025, filed 11/27/96, effective 12/28/96; Order 13-76, § 392-153-025, filed 12/21/76; Order 7-75, § 392-153-025, filed 12/22/75. Formerly WAC 392-50-040.]

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**WAC 392-172A Rules For The Provision Of Special Education** Update: 9/24/13  
**WAC 392-172A-02095 Transportation.**

- (1) Methods. Transportation options for students eligible for special education shall include the following categories and shall be exercised in the following sequence:
- (a) A scheduled school bus;
  - (b) Contracted transportation, including public transportation; and
  - (c) Other transportation arrangements, including that provided by parents. Board and room cost in lieu of transportation may be provided whenever the above stated transportation options are not feasible because of the need(s) of the student or because of the unavailability of adequate means of transportation, in accordance with rules of the superintendent of public instruction.
- (2) Welfare of the student. The transportation of the student shall be in accordance with chapters 392-143, 392-144, and 392-145 WAC.
- (3) Bus aides and drivers. Training and supervision of bus aides and drivers shall be the responsibility of the school district.
- (4) Special equipment. Special equipment may include lifts, wheelchair holders, restraints, and two-way radios. All such special equipment shall comply with specifications contained in the specifications for school buses as now or hereafter established by the OSPI.
- (5) Transportation time on bus. Wherever reasonably possible, no student should be required to ride more than sixty minutes one way.
- (6) Transportation for state residential school students to and from the residential school and the sites of the educational program shall be the responsibility of the department of social and health services and each state residential school pursuant to law.
- (7) Transportation for a state residential school student, including students attending the state school for the deaf and the state school for the blind, to and from such school and the residency of such student shall be the responsibility of the district of residency only if the student's placement was made by such district or other public agency pursuant to an interagency agreement—i.e., an appropriate placement in the least restrictive environment.

[Statutory Authority: RCW 28A.155.090. WSR 17-23-054, § 392-172A-02095, filed 11/9/17, effective 12/10/17. Statutory Authority: RCW 28A.155.090(7) and 42 U.S.C. 1400 et. seq. WSR 07-14-078, § 392-172A-02095, filed 6/29/07, effective 7/30/07.]

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**WAC 204-21 State Patrol (Equipment) Lighting Requirements**  
**WAC 204-21-190 School bus warning lamps.**

10/13/14

(1) If the bus is a privately owned school bus or private carrier bus, then it must not use the eight lamp warning system unless such use is in conformance with the rules and regulations set forth by the superintendent of public instruction in chapters [392-143](#) and [392-145](#) WAC. The requirements for private carrier buses may be found under chapter [204-32](#) WAC.

(2) If the bus is a school bus owned and operated by any public school district and all privately owned school buses operated under contract with a school district in the state and used for the transportation of public school children, then the warning lamp system must:

(a) Be operated in accordance with the regulations set forth in chapter [392-145](#) WAC.

(b) Consist of a total of eight lamps conforming to SAE Standard J887 or the standard in effect for such lamp at the time it was manufactured. Two amber and two red on both the front and rear of the bus. The amber lamps must be mounted inboard of the red lamps.

(c) Be mounted as high as practicable on the bus body and as near the outside edges of the body as curvature permits.

(d) Have shielding to protect the lamps from the elements and/or be mounted flush with the body surface.

(e) Be mounted on a background that is painted black and extends a minimum of three inches outward from the lamps.

(f) Be mounted and aimed as specified in 49 C.F.R. Part 571.108 ([FMVSS 108](#)) and SAE Standard J887a.

(g) Be clearly visible from a distance of at least five hundred feet in normal sunlight.

(h) Be activated only by means of a manually operated switch. Such activation will cause the right and left amber lamps to flash alternately until the stop signal arm is extended, or the bus entrance door is opened, at which time the amber lamps must be automatically deactivated and the right and left red lamps must be automatically activated. Whenever the warning lamp system has been activated, opening of the entrance door must automatically deactivate the amber lamps, cause the stop signal arm to extend, and activate the red lamps. Automatic extension of the stop signal arm does not apply to systems equipped with a manually operated stop signal arm.

(i) Have all lamps flashing at a rate from sixty to one hundred twenty times per minute and must reach full brilliance during each cycle.

(j) Have lamp controls which must consist of:

(i) The master or sequencing switch which must be in plain view and mounted within easy reach of the driver, and which must activate the system sequencing and deactivate the system at any time during the sequence.

(ii) An override switch which must automatically activate the red lamps whenever the stop signal arm is extended even though the master control switch is turned off, and which must automatically deactivate the amber lamps if previously activated regardless of the then present normal state of sequencing or entrance door position. Such override switch must be designed and installed so

as to function with air, vacuum, electric, or manually operated stop signal arms. The stop signal arm must be capable of being extended at any time, regardless of the position of the entrance door. The opening of the entrance door must not cause extension of the stop signal arm, or the activation of the red lamps unless the master switch has been activated.

(iii) A minimum of two pilot lamps, one amber and one red, each of which must flash when the like colored warning lamps are in operation. Pilot lamps which show the operation of each individual lamp are permissible. All pilot indicators must be located so as to be clearly visible to the driver.

[Statutory Authority: RCW 46.37.005 and 46.37.320. WSR 12-03-084, § 204-21-190, filed 1/13/12, effective 2/13/12; WSR 08-19-104, § 204-21-190, filed 9/17/08, effective 10/18/08.]

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