

Date of Hearing: June 29, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 878 (Skinner) – As Amended April 18, 2022

SENATE VOTE: 28-1

SUBJECT: School transportation

SUMMARY: Requires local educational agencies (LEAs) to offer home-to-school transportation (HTST) to all pupils beginning in the 2027-28 school year, and also establishes the Transportation Access to Public Schools Fund to reimburse LEAs for their transportation costs. Further, this bill establishes minimum qualifications for drivers providing transportation services for students. Specifically, **this bill:**

Requirement to provide HTST

- 1) Requires, beginning in the 2027–28 school year, the governing board or body of an LEA to offer to transport all pupils to and from their neighborhood school. Authorizes the governing board or body of the LEA to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier or supplementary service by a municipally owned transit system or the purchase of bus passes for a municipally owned transit system route that provides access to the general public, or may contract with and pay responsible private parties for the transportation. Authorizes the contracts to be made with the parent or guardian of the pupil being transported. Authorizes governing board or body of the LEA to allow the transportation of preschool or nursery school pupils in schoolbuses owned or operated by the LEA-and to receive a state reimbursement for this transportation if funding for that travel has been appropriated in the annual Budget Act or another statute for this purpose.
- 2) States that an LEA is not required to provide HTST to pupils in transitional kindergarten (TK), kindergarten (K), or any of grades 1 to 6, inclusive, who live within half of a mile walking distance from their neighborhood school.
- 3) States that an LEA is not required to provide HTST to pupils in grades 7 to 12, inclusive, who live within one-mile walking distance from their neighborhood school.
- 4) Requires an LEA to pick up and drop off pupils no farther than half of a mile walking distance from their residence unless doing so requires the LEA's vehicle to drive on roads that are inaccessible. Requires, in circumstances where such a pick up or drop off is inaccessible, the LEA to pick up and drop off pupils at the nearest accessible location.
- 5) States that nothing in this section be construed to supersede federal and state requirements, including, but not limited to, the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, to transport pupils with disabilities or homeless children and youth, as defined pursuant to the federal McKinney-Vento Homeless Assistance Act.

- 6) Requires a pupil attending a public, noncharter school to be offered free transportation to and from their neighborhood school.
- 7) Requires an LEA that does not currently offer transportation to all pupils in the LEA to implement a plan to ensure that all pupils entitled to free transportation are offered transportation to and from school. Requires the plan to identify and accommodate the special rights of pupils with disabilities and homeless children and youth. Requires the plan to comply with all of the following:
 - a) Be developed in consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts or air quality management districts, the Department of Transportation, parents, pupils, and other stakeholders;
 - b) Be developed in a manner that ensures that all pupils within the LEA are offered transportation to and from school by the 2027–28 school year;
 - c) Be presented and adopted by the governing board or body of the LEA in an open meeting with the opportunity for in-person and remote public comment;
 - d) If free, dependable, and timely transportation is not already available to pupils entitled to transportation services pursuant to this section, requires the LEA to ensure that all entitled pupils have access to free, dependable, and timely transportation.
 - e) Requires an LEA to ensure that all drivers providing HTST meet the applicable qualifications;
- 8) Prohibits LEAs from charging pupils a fee to be transported to school from their residence or to their residence from school.
- 9) States that this become operative only upon appropriation of funds for this purpose by the Legislature in the annual Budget Act or in another statute.

Definition of terms

- 10) Defines the following terms:
 - a) “Local educational agency” to mean a school district, county office of education (COE), entity providing services under a school transportation joint powers agreement (JPA), or regional occupational center or program (ROCP).
 - b) “Neighborhood school” to mean the school that a pupil is designated to attend based on their grade level and residence within the school’s geographic boundary, as assigned by the LEA.
 - c) “Municipally owned transit system” to mean a transit system owned by a city, or by a district created in to the Public Utilities Code.

- d) “Supplementary service” to mean additional service provided by a municipally owned transit system for the purpose of ensuring the regular transit service is not impacted by large loads associated with pupil passengers traveling to or from schoolsites around school bell times.

Transportation Access to Public Schools Fund

- 11) Establishes the Transportation Access to Public Schools Fund (TAPSF) is hereby created in the State Treasury to be administered by the CDE.
- 12) Requires funds in the TAPSF to, upon appropriation by the Legislature, be allocated to the CDE for allocation to each LEA that provides pupil transportation according to the process established by the Superintendent.
- 13) Requires, commencing with the 2022–23 fiscal year, the SPI to annually allocate to an LEA from the TAPSF 100% of an LEA’s approved HTST costs as determined by their Function 3600 entry in the prior year’s Standardized Account Code Structure (SACS) report, as adjusted by a specified cost-of-living adjustment (COLA).
- 14) Requires the SPI to only allocate funds to a LEA for this purpose if the LEA has HTST costs, as determined by their Function 3600 entry in the prior year’s SACS report, that exceed the LEA’s apportionment for HTST in the LCFF.
- 15) Requires, commencing with the 2023–24 fiscal year, the amounts annually allocated to an LEA from the TAPSF to be adjusted annually by the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce, for the 12-month period ending in the third quarter of the prior fiscal year. Requires this percentage change to be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

Driver requirements

- 16) Requires “approved school transportation drivers” include only those drivers who meet the following qualifications:
- a) For municipally owned transit systems offering supplementary service:
- i) Requires each driver to hold a valid California commercial driver’s license for the appropriate class of vehicle, endorsed for passenger transportation; and
- ii) Requires, if the driver will be transporting persons with developmental disabilities, the driver to hold the appropriate certificate.

- 17) Authorizes an LEA to partner with a municipally owned transit system to provide supplementary service to middle school and high school pupils if all of the following conditions are met:
- a) All drivers are employees of a municipally owned transit system;
 - b) The municipally owned transit system certifies that the transit system does not charge the LEA more than the cost for the supplementary service and for the marginal cost for each transit pass;
 - c) All drivers providing HTST or supplementary service meet the applicable qualifications;
 - d) States that this does not prevent an LEA from providing no-cost transit passes to pupils;
 - e) Requires all transportation provided to be reimbursed by the TAPSF; and
 - f) Requires the municipally owned transit system to certify to the LEA that the driver meets the qualifications of (i) and (ii), above.
- 18) Requires, of LEAs that employ drivers or contract with private transportation agencies:
- a) Each driver must hold a valid California commercial driver's license for the appropriate class of vehicle, endorsed for passenger transportation;
 - b) Each driver must hold a valid certificate issued by the Department of Motor Vehicles (DMV) for operation of a school bus or a pupil activity bus, having completed all classroom and behind-the-wheel instruction required for that certification, having passed the first aid examination for that certification, having met all other requirements for that certification, and that certification is not presently subject to revocation;
 - c) If a driver will be transporting persons with developmental disabilities, the driver holds the appropriate certificate; and
 - d) If a driver is not employed by an LEA, the driver's employer is required to certify to the LEA that the driver and vehicle meet the qualifications in (a) to (c), inclusive, above.
- 19) Requires, if a driver is not employed by an LEA or a municipally owned transit system, the driver to be employed by an agency that certifies to the LEA that the driver and vehicle meet the qualifications in (a) to (v), inclusive, above.

EXISTING LAW:

- 1) Authorizes the governing board of any school district to provide for the transportation of pupils to and from school whenever, in the judgment of the board, the transportation is advisable and good reasons exist therefor. Authorizes the governing board to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or to contract with and pay responsible private parties for the transportation. Authorizes these contracts to be made with the parent or guardian of the pupil being transported. (Education Code (EC) 39800)

- 2) Provides state funding for school district, charter school or transportation JPA transportation costs based on the amount received for that purpose in the prior year, or the agencies' actual transportation costs, whichever is less. Existing law also requires school districts to provide transportation services for special education students if the students' individualized education plans (IEPs) specify such a need. (EC 41850)
- 3) Requires the SPI to compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of funding a school district or charter school received from funds allocated pursuant to the HTST program, and the Small School District Transportation program, in the 2012–13 fiscal year. Prohibits a school district or charter school from receiving a total funding amount from this add-on greater than the total amount received by the school district or charter school for those programs in the 2012–13 fiscal year. Applies similar provisions to an HTST JPA. (EC 42238.02)
- 4) Prohibits transportation allowances from being made by the SPI for expenses incurred with respect to field trips or excursions that have an out-of-state destination. Requires a school district that transports pupils, teachers, or other employees of the school district in schoolbuses within the state and to destinations within the state, as specified, to report to the SPI on forms prescribed by him or her the total mileage of schoolbuses used in connection with educational excursions. Requires, in computing the allowance to a school district for regular transportation, a deduction from that allowance in an amount equal to the depreciation of schoolbuses used for the transportation in accordance with rules and regulations adopted by the SPI. (EC 35330)
- 5) Prohibits any school district and any owner or operator of a private school that provides transportation for pupils that owns, leases, or otherwise has possession or control of a 15-passenger van, from, on or after January 1, 2005, authorizing the operation of that van for the purpose of transporting passengers unless the person driving or otherwise operating that van has both of the following:
 - a) A valid class B driver's license issued by the DMV; and
 - b) An endorsement for operating a passenger transportation vehicle issued by the DMV.
- 6) Defines a "15-passenger van" to mean any van manufactured to accommodate 15 passengers, including the driver, regardless of whether that van has been altered to accommodate fewer than 15 passengers. (EC 39800.5)
- 7) Requires, in order to procure the service at the lowest possible figure consistent with proper and satisfactory service, the governing board to, whenever an expenditure of more than \$10,000 is involved, secure bids pursuant to the Public Contract Code whenever it is contemplated that a contract may be made with a person or corporation other than a common carrier or a municipally owned transit system or a parent or guardian of the pupils to be transported. Authorizes the governing board to award the contract for the service to those that are not the lowest bidder. (EC 39802)
- 8) Requires, if a continuing contract for the furnishing of transportation of pupils in school districts to and from school is made it must be made for a term not to exceed five years.

Authorizes that a contract is renewable at the option of the school district and the party contracting to provide transportation services, jointly, at the end of the term of the contract. Requires the contract as renewed to include all of the terms and conditions of the previous contract, including any provisions increasing rates based on increased costs. (EC 39803)

- 9) Establishes that a schoolbus is any motor vehicle designed, used, or maintained for the transportation of a school pupil at or below the grade 12 level to or from a public or private school or to or from public or private school activities, except the following:
 - a) A motor vehicle of any type carrying only members of the household of its owner;
 - b) A motortruck transporting pupils who are seated only in the passenger compartment, and a passenger vehicle designed for and when actually carrying not more than 10 persons, including the driver, except any vehicle or truck transporting two or more pupils who use wheelchairs;
 - c) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned or operated transit system, only during the time it is on a scheduled run and is available to the general public or on a run scheduled in response to a request from a pupil who uses a wheelchair, or from a parent of the pupil, for transportation to or from nonschool activities. However, the motor vehicle is designed for and actually carries not more than 16 persons and the driver, is available to eligible persons of the general public, and the school does not provide the requested transportation service;
 - d) A school pupil activity bus, as defined;
 - e) A motor vehicle operated by a carrier licensed by the Interstate Commerce Commission that is transporting pupils on a school activity entering or returning to the state from another state or country; and
 - f) A state-owned motor vehicle being operated by a state employee upon the driveways, paths, parking facilities, or grounds, as specified, that are under the control of a state hospital under the jurisdiction of the State Department of Developmental Services where the posted speed limit is not more than 20 miles per hour. (EC 39830 and Vehicle Code (VC) 545)
- 10) Defines “school pupil activity bus (SPAB)” to mean any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th grade level to or from a public or private school activity, or used to transport pupils to or from residential schools, when the pupils are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the pupil or place the pupil on the bus. Defines, “common carrier,” “publicly owned or operated transit system,” and “passenger charter-party carrier” to mean carriers in business for the principal purpose of transporting members of the public on a commercial basis.
 - a) Requires that the driver of a SPAB to be subject to the regulations adopted by the CHP governing schoolbus drivers, except that the regulations must not require drivers to

duplicate training or schooling that they have otherwise received that is equivalent to that required pursuant to the regulations, and the regulations may not require drivers to take training in first aid. Establishes that a valid certificate to drive a SPAB does not entitle the bearer to drive a schoolbus. (EC 39830.1 and VC 546)

- 11) Requires the CDE to develop or approve courses for training SPAB, transit bus, schoolbus, and farm labor vehicle drivers that will provide them with the skills and knowledge necessary to prepare them for certification. Requires the CDE to seek the advice and assistance of the DMV and the Department of the California Highway Patrol (CHP) in developing or approving those courses. (EC 40081)
- 12) Requires an original applicant for a certificate to drive a schoolbus to have successfully completed a minimum 40-hour course of instruction. Requires the course to include at least 20 hours of the applicant behind-the-wheel training in all sections of the Instructor's Behind-the-Wheel Guide for California's Bus Driver's Training Course. (EC 40082)
- 13) Requires an original applicant for a certificate to drive a SPAB or transit bus to have successfully completed a minimum 35-hour course of instruction. Requires the course to include at least 15 hours of the applicant behind-the-wheel training in all sections of the Instructor's Behind-the-Wheel Guide for California's Bus driver's Training Course. (EC 40082)
- 14) Provides state funding for school district, charter school and COE transportation costs based on the amount received for that purpose in the prior year, or the agencies' actual transportation costs, whichever is less. Existing law also requires school districts to provide transportation services for special education students if the students' individualized education plans (IEPs) specify such a need. (EC 41850)
- 15) Prohibits transportation allowances from being made by the SPI for expenses incurred with respect to field trips or excursions that have an out-of-state destination. Requires a school district that transports pupils, teachers, or other employees of the school district in schoolbuses within the state and to destinations within the state, as specified, to report to the SPI on forms prescribed by him or her the total mileage of schoolbuses used in connection with educational excursions. Requires, in computing the allowance to a school district for regular transportation there must be deducted from that allowance an amount equal to the depreciation of schoolbuses used for the transportation in accordance with rules and regulations adopted by the SPI. (EC 35330)

FISCAL EFFECT: According to the Senate Appropriations Committee:

- The bill's provisions to establish the Transportation Access to Public Schools Fund and reimburse LEAs for their transportation costs would be contingent upon an appropriation. This could lead to substantial Proposition 98 General Fund cost pressure. The California Department of Education (CDE) estimates a minimum of \$1.4 billion each year but it is likely to be higher because existing law does not currently require LEAs to provide transportation to all students.

- The CDE also estimates General Fund costs of \$312,000 each year and two positions for fiscal administration of the Transportation Access to Public Schools Fund, and additional, unknown General Fund costs and staffing for programmatic support.
- To the extent that the provision of transportation services for all students leads to increased attendance and lower truancy rates, this bill could result in additional, unknown Proposition 98 General Fund costs for the state to fund the increases in average daily attendance (ADA).

COMMENTS:

Need for the bill. According to the author, “When it comes to providing free school transportation to students, California comes in dead last. Numerous states have, for decades, offered free bus rides to and from school to all public school students. California is not one of them.

The lack of free school transportation in California has had wide-ranging and long-term negative impacts. Studies show a strong relationship between access to transportation and poor school attendance. These impacts are expected to grow as new state laws setting a later school start-time take effect, thereby making it more difficult for some working parents to get their kids to school.

Poor school attendance not only reduces federal and state funding for schools, it leads to lower educational achievement and graduation rates, which have long-term impacts on individual and community economic wealth. According to the U.S. Census, Americans without a high school diploma are three times more likely to live in poverty.”

HTST in California. California does not require districts to transport students to and from school. Instead, state law gives discretion to the district governing board to provide pupil transportation, “whenever in the judgment of the board the transportation is advisable and good reasons exist.” Federal law requires districts to provide transportation to students with disabilities, if required by their IEP, and to homeless students. Starting in the 1970’s several school districts ran large transportation programs to comply with court-ordered desegregation requirements.

According to a 2014 report by the Legislative Analyst’s Office (LAO), *Review of School Transportation in California*, approximately 12% of California students rode the school bus on a daily basis in 2011-12. Nationally, up to 50% of students ride the bus to school. The report suggests the lower rate of school bus usage in California may be partially due to the greater proportion of students who live within two miles of school in California, an estimated 70%, versus 50% nationally.

According to 2009 data, California students travel to and from school using a variety of modes: 54% by automobile, 28% walking/biking, 14% by school bus, and 4% using public transit or other methods.

Approximately 275 districts, or one-quarter of the districts in the state, transport fewer than 10% of their students, while 100 districts transport more than half of their students. The districts transporting larger shares of students tend to have smaller enrollments, be located in more rural areas, and enroll larger proportions of students from low-income families. Many districts running larger transportation programs reported that they offer such services because many of

their students lack viable alternatives for getting to school. Other reasons included long distances between homes and schools, and unsafe conditions affecting travel between home and school.

Due to a lack of universal transportation programs, and minimal state funding for this purpose, some LEAs now contract with third-party private transportation companies to transport specific student populations – primarily students with disabilities and homeless youth. LEAs that contract with third-party providers report economies of scale, but few state laws directly govern this type of student transportation.

How is HTST currently funded? Until the enactment of the Local Control Funding Formula (LCFF), HTST was a categorical program that reimbursed school districts and COEs for prior year approved transportation costs, and was historically underfunded. Under current law, school districts and COEs receive the same amount of transportation funding they received in the year immediately preceding the enactment of the LCFF, 2012-13. Districts and COEs receiving those funds must continue to spend them on transportation, and must spend at least as much of their transportation funding on transportation as they spent in 2012-13. Additional provisions clarify funding formulas for JPAs that provide transportation on behalf of LEAs.

The amount received by districts and COEs varies widely, based on a variety of historical factors. Some get more than 90% of their approved costs reimbursed with state funding. Others get no state funding at all, even though they have approved costs. The statewide average reimbursement is about 35% of approved costs. Because the amount received by districts is held flat, transportation funding does not keep pace with inflation and, over time, becomes less related to actual workload. Some urban districts provide HTST, while others do not, and rely instead on public transit.

In 2011-12, districts reported spending approximately \$1.4 billion statewide on pupil transportation. This is primarily funded from three sources, according to the LAO report:

- 63% funded from local unrestricted funds (\$860 million);
- 36% from categorical HTST funds (\$491 million); and
- 1% from fees charged to families (\$17 million).

State law allows districts to charge fees to offset transportation expenses under certain conditions, but prohibits the assessing of fees to pupils who have disabilities or who are indigent.

The LAO report included three options as recommendations for addressing HTST going forward, and suggests that the state could transition gradually to a new approach:

- *Fund Transportation Within Local Control Funding Formula (LCFF)*. Under this option, the state no longer would provide additional funding for a standalone school transportation program. Instead, districts would pay for these costs out of their LCFF allocations. This option is consistent with the way the state has chosen to treat most other types of district costs and most other former categorical programs.

- *Create a Targeted Program That Reimburses a Share of Extraordinary Transportation Costs.* Under this option, the state would provide districts with additional funding if their transportation costs made up a disproportionately high share of their budgets. Specifically, the state would establish a threshold (for example, 8 percent of a district’s budget) and then fund a share of the costs in excess of that threshold (for example, 75 percent of excess costs). This approach recognizes that extraordinary costs largely are beyond the direct control of these districts and can result in fewer resources available for their instructional programs. (Sharing the extraordinary costs, however, helps ensure these districts retain an incentive to operate efficient programs.)
- *Create a Broad-Based Program That Reimburses a Share of All Transportation Costs.* Under this option, the state would reimburse a fixed share—between 35% and 50%—of all districts’ transportation expenditures. Choosing a share within this range would provide every district with at least the current statewide average share of cost while maintaining strong incentives for efficient service. Unlike the HTST program, the share of costs reimbursed would be uniform across all districts, thereby addressing historical funding inequities.

Schoolbus safety. According to the National Highway Traffic Safety Administration (NHTSA), “Students are about 70 times more likely to get to school safely when taking a bus instead of traveling by car. That’s because school buses are the most regulated vehicles on the road; they’re designed to be safer than passenger vehicles in preventing crashes and injuries; and in every state, stop-arm laws protect children from other motorists.” In comparison with other forms of transportation, the NHTSA’s 2021 publication, *The Unedited Summary of School Bus Report*, shows that the fatality rate for school buses is 0.2 fatalities per 100 million vehicle miles traveled (VMT) compared to 1.5 fatalities per 100 million VMT for cars. Since 2010, school buses annually have averaged about 26,000 crashes resulting in 10 deaths – 25% were drivers; 75% were passengers. Frontal crashes account for about two passenger deaths each year.

Is there a link between taking the bus to school and lower absenteeism? According to a 2017 Educational Evaluation and Policy Analysis article, *Linking Getting to School With Going to School*, children who took the schoolbus to kindergarten had fewer absent days over the school year and were less likely to be chronically absent compared with children who commuted to school in any other way. The article reported, “Prior research in absenteeism has concluded that students with more absences have fewer opportunities to learn in school and perform more poorly on exams as a consequence of missing school. Hence, if taking the bus lowers absenteeism, then access to this resource may benefit students in ways that have implications for individual learning and, ultimately, academic success. There is also the potential for aggregate effects. Districts may benefit by mitigating the need for remedial activities, as fewer absent students implies fewer missed opportunities to learn at school. In this way, bus taking may indirectly benefit aggregate school performance.”

Types of vehicles used to transport students. Statute establishes several types of vehicles used to transport students, and the two used most frequently by LEAs include a schoolbus and a SPAB.

A schoolbus includes any motor vehicle designed, used, or maintained for the transportation of a school pupil at or below the grade 12 level to or from a public or private school or to or from public or private school activities, with several exemptions, including: a SPAB; a vehicle

designed for and when actually carrying not more than 10 persons, including the driver, except any vehicle transportation two or more pupils who use wheelchairs; or a motor vehicle used by a common carrier, such as a municipal transit system.

A SPAB includes any motor vehicle, other than a schoolbus, operated by a common carrier, or a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th grade level to or from a public or private school activity, and other specified uses. A driver of a SPAB is subject to the regulations adopted by the California Highway Patrol (CHP) governing schoolbus drivers, including a requirement to obtain a special driver’s certificate. A common use of SPABs are buses operated by a passenger charter-party carrier used to transport students on field trips.

Driver requirements. There are several categories of Special Driver Certificates issued by the CHP, including school bus driver, and school pupil activity bus driver. The CHP partners with the DMV and the CDE to assist with the testing of school bus driver applicants. Drivers of a schoolbus or a SPAB must meet all of the requirements listed in the table below.

Certificate	Schoolbus	SPAB
Original training	20 hour class, 20 hour behind-the-wheel	15 hour class, 20 hour behind-the-wheel
Renewal training	10 hour per training period class behind-the-wheel or in-service	10 hour per training period class behind-the-wheel or in-service
Written testing	CHP rules and regulations, first aid	CHP rules and regulations
Driving testing	CHP pre-trip behind-the-wheel	CHP pre-trip behind-the-wheel
Commercial licensing	A or B license with Pupil Activity Bus, and School Bus endorsements, which includes Live Scan (background check)	A or B license with Pupil Activity Bus endorsement, which includes Live Scan (background check)
Training verification	CDE	CDE
Instructor	CDE certified	CDE certified

This bill would make several changes to the driver requirements for LEAs that employ drivers, municipally owned transit systems offering supplementary service, and for LEAs that contract with private transportation agencies.

Recommended Committee amendments. *Staff recommends that the bill be amended* to remove the mandate for LEAs to provide HTST.

Arguments in support. The California School Employees Association writes, “For decades, California has not invested in its HTST program. As a result, only 1.9% of our education budget is spent on getting students to school, the lowest percentage in the country. With such few dollars spent on the safest way to transport students to school, California has ranked at the bottom of all 50 states with less than 9% of our students riding the school bus. The national average of ridership is 36%.

Free, reliable, and safe HTST is essential to student success. Regardless of how great of an education we provide in the classroom, if students are unable to get to school because of a lack of transportation, students are not learning. Further, lack of transportation is one of the main reasons for chronic absenteeism. This is especially true in low-income communities where families disproportionately deal with more hardships in transporting their children to school when there is a lack of transportation investment by the school system.

School bus transportation is also the best choice for our environment because it reduces the number of passenger vehicles on the road, alleviates traffic congestion, and lowers the emission of environmentally toxic pollutants into the air we breathe.”

Arguments in opposition. The California School Boards Association writes, “CSBA strongly supports funding for school transportation and recognizes the inadequacy of existing funding provided in the Local Control Funding Formula Transportation Add-on. We are working actively this year to ensure that school transportation funding is addressed in the Budget, recognizing the historic opportunity that is presented by the state’s positive revenue situation.

We are grateful for the author and sponsor’s efforts to highlight transportation and the amendments to address concerns raised in previous versions of the bill. However, we must also address the challenges a mandate of an unknown size to expand and create infrastructure presents.

By removing the mandate and allowing schools to ramp up over time as revenues and the supply chain allow, SB 878 can empower schools to offer transportation their students at a rate that recognizes the diversity among districts as well as the ongoing challenges with labor and supply chain shortages that are out of their control. Our members have consistently expressed that if the funding is available, they absolutely want and will provide transportation to their students. However, a truncated timeline, even at 5 years, ignores the reality of the multiple challenges currently putting that goal beyond their reach.”

Related legislation. AB 2933 of the 2021-22 Session would require the SPI, commencing with the 2022–23 fiscal year and for each fiscal year thereafter, to apportion to each school district, COE, entity providing services under a school transportation JPA, or ROCP that provides pupil transportation services, either 100% of its school transportation apportionment for the 2020–21 fiscal year or 100% of its reported HTST costs as determined by a specified report, whichever is greater.

AB 2410 (Chen) of the 2021-22 Session would have prohibited a school district, COE, or charter school, commencing January 1, 2023, from contracting with a provider of HTST unless the contractor, and any subcontractors, meet specified requirements. This bill was held in the Assembly Education Committee.

AB 2731 (Ting) of the 2021-22 Session would require all newly purchased, contracted, or operated schoolbuses of an LEA to be zero-emissions by January 1, 2035, would extend continuing schoolbus lease and rental contracts for pupil transportation services, and would extend continuing schoolbus lease and rental contracts containing purchase or cancel option for pupil transportation services.

AB 760 (Cooper) of the 2019-20 Session would have established a new calculation methodology for home-to-school transportation for school districts, COEs, based on a COLA, in order to equalize transportation funding, commencing with the 2019-20 fiscal year. This bill was held in the Assembly Education Committee.

AB 3303 (Cooper) of the 2019-20 Session would have required that an LEA that elected to have a transportation network company provide HTST pursuant to a contract entered into on or after January 1, 2021, ensure that the contract is in compliance with established standards for the use of personal services contracts in LEAs for all services currently or customarily performed by classified school employees to achieve cost savings and that the transportation network company's drivers meet all of the same requirements that apply to school bus drivers. This bill was held in the Assembly Education Committee.

AB 1469 (Grayson) of the 2017-18 Session would have required school districts to provide free transportation to and from school for pupils attending public, non-charter schools that receive Title I federal funding, subject to an appropriation for this purpose. This bill was held in the Assembly Appropriations Committee.

AB 1572 (Campos) of the 2015-16 Session would have required a public, noncharter school to provide free transportation to a pupil attending a school that is eligible for Title I federal funding. This bill was held in the Assembly Appropriations Committee.

AB 891 (Campos) of the 2015-16 Session would have required an LEA to provide free transportation, to and from school, to a pupil entitled to free or reduced-price meals or who attends a school that participates in the Community Eligibility Option, under either of the following conditions: 1) the pupil resides more than one-half mile from the school; or 2) the neighborhood through which the pupil must travel to get to school is unsafe because of stray dogs, no sidewalks, known gang activity, or other reason documented by stakeholders. Would have required an LEA to designate a liaison to be responsible for implementing a plan to ensure that eligible pupils are provided transportation in a timely manner. This bill was held in the Assembly Appropriations Committee.

SB 191 (Block and Vidak) of the 2015-16 Session would have established a formula to provide state funding for pupil transportation services. This bill was held in the Assembly Education Committee.

AB 694 (Wolk) of the 2007-2008 Session would have increased HTST funding to eligible districts through a specified formula that is equivalent to 90% of their approved home-to-school transportation costs. This bill was held in the Assembly Appropriations Committee.

AB 1052 (Leslie), Chapter 324, Statutes of 2005, requires a school district or COE that employs a driver to operate a school transportation vehicle, and that driver of the vehicle, to participate in a program that is consistent with the federal controlled substance and alcohol use testing requirements that apply to school bus drivers.

REGISTERED SUPPORT / OPPOSITION:

Support

350 Bay Area Action
Association of Regional Center Agencies
California Association of School Transportation Officials (CASTO)
California Conference Board of The Amalgamated Transit Union
California Labor Federation, AFL-CIO
California Rural Legal Assistance Foundation, Inc.
California School Employees Association (sponsor)
California State Council of Service Employees International Union (SEIU California)
California State Legislative Board, Smart - Transportation Division
California State PTA
California Teamsters Public Affairs Council
Courage California
Dolores Huerta Foundation
Encinitas; City of
Foodcorps
Improve Your Tomorrow, INC.
Oakland; City of
Public Health Advocates
San Jose; City of
Santa Barbara Women's Political Committee
United Way California Capital Region

Opposition

California School Boards Association
Torrance Unified School District

Analysis Prepared by: Marguerite Ries / ED. / (916) 319-2087