

August 17, 2020

Governor Jay Inslee  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002

Superintendent Chris Reykdal  
Office of Superintendent of Public Instruction  
PO Box 47200  
Olympia, WA 98504-7200

Re: Urgent Action Needed to Protect Public School Bus Driver Pay

Dear Governor Inslee and Superintendent Reykdal:

We write to you out of great concern for the future of public school bus drivers across Washington, both contracted drivers and employees of school districts, as well as public school students and their families. While the COVID-19 pandemic has been a tragedy for so many across our state, we believe that the Governor's Office and the Office of the Superintendent of Public Instruction have the power to take actions that can at once protect thousands of workers' livelihoods and also strengthen an institution which will be of critical importance to ensuring a successful recovery from the current crisis. **Governor Inslee, we ask that you use your emergency powers to issue an executive order which suspends the use of the statutory formula to calculate school districts' student transportation allocations and, instead, assures adequate transportation funding through the 2020-21 school year. Superintendent Reykdal, we ask that you use your emergency powers, in coordination with the Governor, to adjust the allocation of funds for student transportation to that same end and require public school bus drivers remain employed and paid.**

Under RCW 28A.160.192, K-12 student transportation allocations to school districts are calculated by use of a formula which depends largely on amounts of ridership in previous years. Because of the unprecedented numbers of days during which K-12 public schools across Washington were closed in 2020 due to COVID-19, rigid adherence to the formula will result in massive cuts to transportation funding in 2021 and 2022. However, RCW 28A.160.190 implies that OSPI has some flexibility in how it applies the formula: "such allocation payments may be based on the prior school year's ridership report[.]" Furthermore, RCW 28A.150.360 authorizes OSPI, in the event of an unforeseen emergency, to make adjustments in the allocation of funds.

In addition to OSPI's ability to make necessary changes to funding allocation during emergencies, RCW 43.06.220(2) allows the governor to issue an order waiving or suspending statutory obligations or limitations where strict compliance would "prevent, hinder, or delay necessary action in coping with [an] emergency[.]" This pandemic and the impending funding allocation issues are precisely the kind of emergency which these laws anticipate. By working

together in taking the actions we have requested, we believe that your offices are capable of advancing the needs of drivers and the communities they serve.

Additionally, the state Supreme Court stated in the McCleary decision that funding formulas which do not meet the actual cost of basic education led to their finding that the state has failed to meet its duty under article IX, section I. During a pandemic, when full ridership on school buses cannot occur due to the need for hybrid learning models and decreasing the number of students in enclosed spaces the state's funding formula no longer provides for the actual cost of basic education pupil transportation services. Therefore, the state's paramount duty to make ample provision for the basic education of all students is not being met. The Governor and State Superintendent of Public Instruction have a constitutional obligation to modify the funding formulas using the process provided in statute to define additional differential and significant factors to allow for the safe transport of basic education materials and students during the COVID-19 pandemic and a funding formula that provides for the actual costs of these basic education transportation services.

Public school bus drivers are a critical component of our state's response to the pandemic. They have an important part in providing educational services and experiences to K-12 students. Public school bus drivers have enabled school districts to mitigate the harms caused by the pandemic by delivering educational materials and digital devices to students, as well as by providing students with internet hotspots and meals where economic barriers would otherwise have led many children to be unable to participate fully in their class work. In this way, bus drivers have helped OSPI live up to its commitment to educational equity. When the pandemic begins to wane such that in-person instruction can gradually recommence, ample bussing will be required to bring students back to schools in a safe and orderly manner, regardless of how that might look in the months and years to come. In turn, a successful re-opening of schools will give space for parents to participate in the gradual re-opening of other sectors of Washington's economy.

Public school bus drivers across the state face an uncertain future. Many are fearful that they could be furloughed or laid off if the state does not promptly take action to protect their jobs. Even before the pandemic, maintaining adequate levels of bus driver staffing was challenging, especially given the shortage of properly licensed drivers. The Puget Sound Educational Service District estimates that rehiring, training, and licensing bus drivers lost during the pandemic could take between six and twelve weeks. Speaking with bus drivers across our state leads us to believe that economic uncertainty is likely to compound the almost certain shortage of bus drivers that will follow the pandemic. Many will retire from their jobs, and others may find work elsewhere if the state cannot commit to protecting their livelihoods. Many states are already facing severe bus driver shortages as they attempt to return to in-person classes, as has been reported by news outlets across the country. Having insufficient school bus drivers to promptly carry out our government's re-opening plans would be disastrous for a state seeking to put children back in school and their parents back to work.

The only way to avoid the pitfalls of a bus driver shortage is to ensure proper funding for public school bus drivers in the years following the COVID-19 pandemic. We are asking you, Governor Inslee and Superintendent Reykdal, to immediately take the steps outlined above in

order to guarantee full funding for bus drivers' salaries in the aftermath of the current health crisis. As we have described, these actions are not only consistent with the law but essential to the well-being of all Washingtonians. We believe that such unified action by those government bodies charged with caring for our students and the bus drivers who serve them is necessary to safeguard the re-opening of public schools and the future of Washington State.

Thank you very much.



Karen Strickland  
President, AFT



Josh Swanson  
Political and Communications  
International Union of Operating Engineers 302



Charlotte Shindler  
President, Public School Employees of WA



Tricia Schroeder  
President, SEIU Local 925



Rick Hick  
President, Teamsters Joint Council 28



Teamsters  
Joint Council  
No. 28



Larry Delandy  
President, Washington Education Association



WEA  
WASHINGTON  
EDUCATION  
ASSOCIATION