

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 23-094

BY SENATOR(S) Lundeen and Zenzinger, Bridges, Buckner, Coleman, Cutter, Exum, Ginal, Hinrichsen, Kirkmeyer, Pelton B., Priola, Simpson, Sullivan, Will, Winter F.;
also REPRESENTATIVE(S) Wilson and Lukens, Bradley, Dickson, Duran, Lindsay, Lynch, Martinez, McLachlan, Pugliese, Young.

CONCERNING THE CREATION OF A TASK FORCE TO REPORT ON MEASURES TO IMPROVE SCHOOL TRANSPORTATION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 107 to title 22 as follows:

ARTICLE 107
School Transportation Modernization Task Force

22-107-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) THE COVID-19 PANDEMIC SEVERELY EXACERBATED AN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

EXISTING PUBLIC SCHOOL TRANSPORTATION WORKFORCE SHORTAGE, LIMITING THE NUMBER OF BUSES AVAILABLE TO TRANSPORT STUDENTS TO AND FROM SCHOOL IN COLORADO. BUS DRIVER SHORTAGES ARE CAUSED BY SEVERAL FACTORS, INCLUDING FEDERAL REGULATIONS AROUND HEALTH REQUIREMENTS, LACK OF COMPETITIVE WAGES, AND ODD WORKING HOURS.

(b) TO ADJUST TO THE PUBLIC SCHOOL TRANSPORTATION SHORTAGE, SCHOOL DISTRICTS AND PUBLIC SCHOOLS ARE CONSOLIDATING ROUTES OR ALTERING ELIGIBILITY CRITERIA, RESULTING IN FEWER STOPS AND LONGER ROUTES. STUDENTS OF COLOR, STUDENTS FROM UNDER-RESOURCED COMMUNITIES, AND STUDENTS WITH A DISABILITY ARE DISPROPORTIONATELY IMPACTED BY THE TRANSPORTATION SHORTAGE AND STRUGGLE TO ACCESS SCHOOL DISTRICTS OF THEIR CHOICE AND CAREER PATHWAY PROGRAMS BECAUSE OF THEIR LIMITED ACCESS TO TRANSPORTATION.

(c) THERE IS A GROWING NEED FOR TRANSPORTATION TO OFFSITE CAREER PATHWAY PROGRAMS AND OTHER CAREER-CONNECTED LEARNING OPPORTUNITIES AS THESE PROGRAMS CONTINUE TO EXPAND. DUE TO TRANSPORTATION CHALLENGES, STUDENTS LACK EQUITABLE ACCESS TO THESE PROGRAMS, EVEN THOUGH THE STATE HAS RECOGNIZED THE IMPORTANCE OF THESE PROGRAMS.

(d) TO INCREASE EDUCATIONAL EQUITY, SCHOOL DISTRICTS AND PUBLIC SCHOOLS MUST PROVIDE STUDENTS OF COLOR, STUDENTS FROM UNDER-RESOURCED COMMUNITIES, AND STUDENTS WITH A DISABILITY WITH ACCESS TO THE SAME EDUCATIONAL AND ENRICHMENT OPPORTUNITIES THAT ARE AVAILABLE TO STUDENTS WHO HAVE MORE RESOURCES;

(e) CURRENT POST-PANDEMIC CONDITIONS REQUIRE NEW AND INNOVATIVE IDEAS TO SUPPORT SCHOOL DISTRICTS AND PUBLIC SCHOOLS IN EMPLOYING SUFFICIENT TRANSPORTATION STAFF, PROCURING AND UTILIZING EQUIPMENT MORE EFFICIENTLY, AND SUPPLEMENTING THE CURRENT TRANSPORTATION MODEL WITH A VARIETY OF ALTERNATIVE TRANSPORTATION OPTIONS;

(f) THE DEPARTMENT OF EDUCATION COLLECTS DATA CONCERNING SCHOOL TRANSPORTATION FOR THE PURPOSE OF CALCULATING REIMBURSEMENTS TO SCHOOL DISTRICTS, INCLUDING THE NUMBER OF ROUTE MILES SCHEDULED ON A SPECIFIC PUPIL COUNT DAY IN OCTOBER AND THE

NUMBER OF DAYS DURING THE SCHOOL YEAR THAT TRANSPORTATION WAS PROVIDED TO PUBLIC SCHOOL STUDENTS;

(g) ADDITIONAL DATA SUCH AS ACTUAL UTILIZATION RATES, ELIGIBILITY STANDARDS, SERVICE GAPS, AND USE OF ALTERNATIVE TRANSPORTATION MODELS ARE NOT COLLECTED AT THE STATE LEVEL, ALTHOUGH DISTRICTS TRACK SUCH DATA ON THEIR OWN;

(h) GIVEN THE SEVERE BUS DRIVER SHORTAGE AND THE LACK OF TRANSPORTATION TO SCHOOL THAT MANY PUBLIC SCHOOL STUDENTS ARE EXPERIENCING, THE STATE HAS A VESTED INTEREST IN BETTER UNDERSTANDING PUBLIC SCHOOL TRANSPORTATION DATA; AND

(i) COLLECTING AND DISSEMINATING SUCH TRANSPORTATION DATA WOULD ALLOW POLICYMAKERS TO FACILITATE IMPROVEMENTS TO PUBLIC ELEMENTARY AND SECONDARY SCHOOL TRANSPORTATION, BETTER SERVE STUDENTS, AND ALLEVIATE BURDENS ON SCHOOL DISTRICTS.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS IN THE BEST INTERESTS OF THE STATE TO DIRECT THE COMMISSIONER OF EDUCATION TO CONVENE THE COLORADO SCHOOL TRANSPORTATION MODERNIZATION TASK FORCE TO STUDY THE ISSUES FACING SCHOOL TRANSPORTATION SYSTEMS AND USE THE STUDY'S FINDINGS TO DEVELOP AND RECOMMEND POLICIES, LAWS, AND RULES TO IMPROVE PUBLIC SCHOOL TRANSPORTATION ACROSS THE STATE IN ORDER TO BETTER MEET STUDENT NEEDS AND ALLEVIATE BURDENS ON SCHOOL DISTRICTS.

22-107-102. Definitions. AS USED IN THIS ARTICLE 107, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CAREER PATHWAY PROGRAMS" MEANS LEARNING THAT OCCURS, IN WHOLE OR IN PART, IN THE WORKPLACE AND PROVIDES STUDENTS WITH EXPERIENCE AND TRAINING FOR SKILLS DEVELOPMENT. "CAREER PATHWAY PROGRAMS" INCLUDES EXTENDED HIGH SCHOOL PROGRAMS, JOB SHADOWING, INTERNSHIPS, EXTERNSHIPS, PREAPPRENTICESHIPS, AND APPRENTICESHIPS.

(2) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE

SCHOOL DISTRICT FROM THE NEAREST LARGE AND URBANIZED AREA, WITH A TOTAL PUPIL ENROLLMENT OF SIX THOUSAND FIVE HUNDRED STUDENTS OR FEWER.

(3) "TASK FORCE" MEANS THE COLORADO SCHOOL TRANSPORTATION MODERNIZATION TASK FORCE CREATED IN SECTION 22-107-103.

22-107-103. Colorado school transportation modernization task force. (1) THERE IS CREATED IN THE DEPARTMENT OF EDUCATION THE COLORADO SCHOOL TRANSPORTATION MODERNIZATION TASK FORCE.

(2) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(a) THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER'S DESIGNEE;

(b) AT A MINIMUM, THE FOLLOWING MEMBERS APPOINTED BY THE COMMISSIONER OF EDUCATION:

(I) THREE MEMBERS WHO ARE PARENTS OR LEGAL GUARDIANS OF STUDENTS ENROLLED IN A PUBLIC ELEMENTARY OR SECONDARY SCHOOL WHO USE SCHOOL TRANSPORTATION OR WOULD USE SCHOOL TRANSPORTATION IF IT WERE AVAILABLE. AT A MINIMUM, ONE PARENT OR LEGAL GUARDIAN MEMBER MUST HAVE THEIR STUDENT ENROLLED IN A RURAL SCHOOL DISTRICT. AT A MINIMUM, ONE PARENT OR LEGAL GUARDIAN MUST BE THE PARENT OR LEGAL GUARDIAN OF A STUDENT WHO IS ENROLLED IN A SCHOOL THAT RECEIVES MONEY UNDER TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", AS AMENDED, AND THE SCHOOL IS IN A SCHOOL DISTRICT WHERE THE MAJORITY OF STUDENTS ENROLLED IN THE DISTRICT IDENTIFY AS A MINORITY.

(II) THREE MEMBERS WHO ARE SCHOOL TRANSPORTATION DIRECTORS FOR SCHOOL DISTRICTS. AT A MINIMUM, ONE DIRECTOR MUST BE FROM A RURAL SCHOOL DISTRICT, ONE DIRECTOR MUST BE FROM A SUBURBAN SCHOOL DISTRICT, AND ONE MEMBER MUST BE FROM AN URBAN SCHOOL DISTRICT.

(III) ONE MEMBER WHO IS A SPECIAL EDUCATION DIRECTOR FOR A SCHOOL DISTRICT;

(IV) ONE MEMBER WHO REPRESENTS AN ADVOCACY ORGANIZATION THAT REPRESENTS STUDENTS WITH A DISABILITY;

(V) TWO MEMBERS WHO REPRESENT CHARTER SCHOOLS. AT A MINIMUM, ONE CHARTER SCHOOL REPRESENTATIVE MUST REPRESENT AN INSTITUTE CHARTER SCHOOL.

(VI) TWO MEMBERS WHO REPRESENT LABOR UNIONS FOR SCHOOL BUS DRIVERS;

(VII) TWO MEMBERS WHO REPRESENT BUSINESSES OR INDUSTRIES THAT PARTNER WITH SCHOOLS TO PROVIDE CAREER PATHWAY PROGRAMS;

(VIII) TWO MEMBERS WHO REPRESENT EDUCATION ADVOCACY ORGANIZATIONS WITH EXPERIENCE ADVOCATING FOR SCHOOL TRANSPORTATION MODERNIZATION;

(IX) TWO MEMBERS WHO REPRESENT PUBLIC TRANSPORTATION PROVIDERS;

(X) TWO MEMBERS WHO REPRESENT RIDE SHARE TRANSPORTATION PROVIDERS. ONE MEMBER MUST REPRESENT A BUSINESS THAT TRANSPORTS STUDENTS AS DESCRIBED PURSUANT TO SECTION 40-10.1-105 (1)(b) AND IS REGULATED BY THE DEPARTMENT OF EDUCATION, AND ONE MEMBER MUST BE REGULATED BY THE PUBLIC UTILITIES COMMISSION.

(XI) TWO MEMBERS WHO ARE AFTER-SCHOOL PROGRAM PROVIDERS;

(XII) ONE MEMBER WHO REPRESENTS A RECIPIENT OF A TRANSPORTATION ASSISTANCE GRANT FROM THE DEPARTMENT OF EDUCATION;

(XIII) TWO MEMBERS WHO ARE SUPERINTENDENTS. AT A MINIMUM, ONE SUPERINTENDENT MUST BE FROM A RURAL SCHOOL DISTRICT.

(XIV) TWO MEMBERS WHO ARE SCHOOL DISTRICT CHIEF FINANCIAL OFFICERS. AT A MINIMUM, ONE CHIEF FINANCIAL OFFICER MUST BE FROM A RURAL SCHOOL DISTRICT.

(3) ON OR BEFORE JUNE 30, 2023, THE COMMISSIONER OF EDUCATION

SHALL MAKE TASK FORCE APPOINTMENTS.

(4) THE COMMISSIONER OF EDUCATION, OR THE COMMISSIONER'S DESIGNEE, SHALL CHAIR THE TASK FORCE.

(5) THE TASK FORCE SHALL MEET AT THE CALL OF THE CHAIR AT LEAST TWO TIMES FROM AUGUST 2023 THROUGH DECEMBER 2023, AND AT LEAST FOUR TIMES FROM MAY 2024 THROUGH NOVEMBER 2024.

(6) THE TASK FORCE IS A STATE PUBLIC BODY FOR PURPOSES OF SECTION 24-6-402, AND MEETINGS OF THE TASK FORCE ARE SUBJECT TO THE REQUIREMENTS OF THAT SECTION. THE TASK FORCE IS SUBJECT TO THE PROVISIONS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

(7) TASK FORCE MEMBERS SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED FOR EXPENSES DIRECTLY RELATING TO THEIR SERVICE ON THE TASK FORCE.

(8) UPON THE REQUEST OF THE CHAIR OF THE TASK FORCE, THE DEPARTMENT OF EDUCATION SHALL PROVIDE STAFF ASSISTANCE, MEETING SPACE, OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY RESOURCES TO THE TASK FORCE AS NECESSARY FOR THE PERFORMANCE OF ITS DUTIES.

22-107-104. Task force duties - report. (1) TO INFORM THE WORK OF THE TASK FORCE, THE DEPARTMENT OF EDUCATION SHALL COLLECT, STUDY, AND PUBLICLY REPORT THE SCHOOL TRANSPORTATION DATA DESCRIBED IN THIS SUBSECTION (1). THE DEPARTMENT OF EDUCATION SHALL PRESENT, AT A MINIMUM, THE FOLLOWING DATA TO THE TASK FORCE AS IT BECOMES AVAILABLE:

(a) STUDENT ELIGIBILITY, INCLUDING FACTORS USED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS TO DETERMINE ELIGIBILITY FOR TRANSPORTATION AND WHETHER THE FACTORS USED CREATE BARRIERS FOR STUDENTS TO ATTEND THEIR SCHOOL DISTRICT-ASSIGNED NEIGHBORHOOD PUBLIC SCHOOL, PUBLIC SCHOOL OF CHOICE, OR CAREER PATHWAYS PROGRAM;

(b) STUDENT UTILIZATION, INCLUDING HOW MANY ELIGIBLE STUDENTS UTILIZE SCHOOL TRANSPORTATION, WHETHER ROUTES ARE AT

CAPACITY, AND METHODOLOGIES USED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS TO IDENTIFY UTILIZATION PATTERNS AND ADJUST OPERATIONS ACCORDINGLY;

(c) DRIVER STAFFING LEVELS, INCLUDING STAFFING REQUIRED TO COVER ROUTES, DRIVER PAY RATES, HOURS OF OPERATION, VACANCIES, AND WHETHER AND HOW SCHOOL DISTRICTS AND CHARTER SCHOOLS CONTRACT WITH PUBLIC TRANSPORTATION PROVIDERS OR ALTERNATIVE TRANSPORTATION PROVIDERS TO SATISFY SCHOOL TRANSPORTATION NEEDS;

(d) FLEET DIVERSIFICATION, INCLUDING THE TYPES OF BUSES OR VEHICLES USED TO SATISFY SCHOOL TRANSPORTATION NEEDS AND COSTS ASSOCIATED WITH EACH TYPE OF BUS AND VEHICLE USED AND INCLUDING, FOR EACH TYPE OF BUS AND VEHICLE USED, ELECTRIFICATION OPTIONS, FUEL COSTS, MAINTENANCE COSTS, PURCHASE PRICES, RESALE VALUES, AND SALVAGE VALUES; AND

(e) SERVICE GAPS, INCLUDING IDENTIFYING DISCREPANCIES BETWEEN ELIGIBLE STUDENTS AND UTILIZATION, AND CAUSES OF THOSE DISCREPANCIES.

(2) CONSIDERING DATA COLLECTED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND INPUT FROM TASK FORCE MEMBERS OR OTHER EXPERTS AS CONSULTED, THE TASK FORCE SHALL CREATE A REPORT CONTAINING FINDINGS AND RECOMMENDATIONS FOR THE PURPOSE OF IMPROVING SCHOOL TRANSPORTATION SERVICES FOR STUDENTS. THE REPORT MUST INCLUDE:

(a) IDENTIFICATION OF TRANSPORTATION CHALLENGES THAT CREATE BARRIERS TO STUDENTS ATTENDING A SCHOOL DISTRICT-ASSIGNED NEIGHBORHOOD PUBLIC SCHOOL, PUBLIC SCHOOL OF CHOICE, OR CAREER PATHWAY PROGRAMS;

(b) RECOMMENDATIONS FOR IMPLEMENTING A SIMPLIFIED REIMBURSEMENT PROCESS FOR SCHOOL DISTRICTS BASED ON THE FINDINGS OR RECOMMENDATIONS FROM THE TRANSPORTATION SUBCOMMITTEE OF THE FINANCIAL POLICIES AND PROCEDURES ADVISORY COMMITTEE OF THE DEPARTMENT OF EDUCATION;

(c) IDENTIFICATION OF EXISTING AND POTENTIAL FUNDING SOURCES

FOR PROVIDING SCHOOL TRANSPORTATION;

(d) RECOMMENDATIONS FOR CREATING AND IMPLEMENTING SUSTAINABLE FUNDING MECHANISMS TO MEET SCHOOL TRANSPORTATION NEEDS;

(e) RECOMMENDATIONS FOR CREATING AND IMPLEMENTING A TRANSPORTATION INNOVATION FUND TO SUPPORT LOCAL EFFORTS TO CREATE NEW AND INNOVATIVE TRANSPORTATION SOLUTIONS THAT MAY SERVE AS A MODEL TO SCALE AND SUSTAIN IN OTHER SCHOOL DISTRICTS AND CHARTER SCHOOLS;

(f) RECOMMENDATIONS FOR FACILITATING PARTNERSHIPS AMONG SCHOOL DISTRICTS, DISTRICT AND INSTITUTE CHARTER SCHOOLS, PUBLIC TRANSPORTATION PROVIDERS, PRIVATE TRANSPORTATION PROVIDERS, AND LOCAL NONPROFIT ORGANIZATIONS TO MEET TRANSPORTATION NEEDS AND CREATE COST EFFICIENCIES, WHILE MAINTAINING SAFETY STANDARDS;

(g) RECOMMENDATIONS FOR CREATING PATHWAYS AND TALENT PIPELINES FOR TRANSPORTATION PROVIDER AND LOGISTICS CAREERS;

(h) RECOMMENDATIONS FOR COMPETITIVE SALARIES AND BENEFITS PACKAGES NECESSARY TO RECRUIT AND RETAIN SCHOOL TRANSPORTATION DRIVERS;

(i) IDENTIFICATION OF OUTCOMES FROM TRANSPORTATION ASSISTANCE GRANTS FROM THE DEPARTMENT OF EDUCATION, AND RECOMMENDATIONS FOR REPLICATION OR EXPANSION;

(j) AN ANALYSIS OF THE COSTS AND BENEFITS ASSOCIATED WITH REQUIRING ROUTE SCHOOL BUSES THAT CAN CONTROL TRAFFIC WITH ALTERNATING FLASHING RED LIGHTS TO HAVE AUTOMATED VEHICLE INFORMATION SYSTEMS, AS DEFINED AT SECTION 42-4-110.5 (6), TO RECORD MOTOR VEHICLES THAT UNLAWFULLY PASS A STOPPED ROUTE SCHOOL BUS; AND

(k) RECOMMENDATIONS FOR LEGISLATION OR RULES THAT MAY IMPROVE SCHOOL TRANSPORTATION, INCLUDING RECOMMENDATIONS FOR LEGISLATION OR RULES THAT DO NOT EXACERBATE THE MARGINALIZATION OF COMMUNITIES THROUGH SEPARATION WHILE PROTECTING PUBLIC FUNDS

WITH CLEAR ACCOUNTABILITY AND TRANSPARENCY.

(3) ON OR BEFORE DECEMBER 1, 2024, THE TASK FORCE SHALL SUBMIT ITS REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE STATE BOARD OF EDUCATION, AND THE GOVERNOR AND SHALL PUBLISH THE REPORT ON ITS WEBSITE.

22-107-105. Repeal of article. THIS ARTICLE 107 IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 2. Appropriation. For the 2023-24 state fiscal year, \$95,313 is appropriated to the department of education. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.5 FTE. To implement this act, the department may use this appropriation for administration related to public school finance.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO