

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0764.01 Jacob Baus x2173

SENATE BILL 23-094

SENATE SPONSORSHIP

Lundeen and Zenzinger, Bridges, Buckner, Coleman, Cutter, Exum, Ginal, Kirkmeyer, Pelton B., Priola, Simpson, Sullivan, Will, Winter F.

HOUSE SPONSORSHIP

Wilson and Lukens,

Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a Colorado school transportation modernization task force (task force) to create a report containing findings and recommendations to improve public school transportation services for students.

The task force specifies task force membership, including the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 19, 2023

SENATE
3rd Reading Unamended
March 15, 2023

SENATE
Amended 2nd Reading
March 14, 2023

commissioner of education or the commissioner's designee, and members appointed by the commissioner.

The task force must prepare, publish, and share the findings of its the report by January 31, 2024, with the education committees of the general assembly, the state board of education, and the governor.

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

SECTION 1. In Colorado Revised Statutes, **add** article 106 to title 22 as follows:

ARTICLE 106

School Transportation Modernization Task Force

22-106-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) THE COVID-19 PANDEMIC SEVERELY EXACERBATED AN 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.

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

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

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

19 (f) THE DEPARTMENT OF EDUCATION COLLECTS DATA CONCERNING
20 SCHOOL TRANSPORTATION FOR THE PURPOSE OF CALCULATING
21 REIMBURSEMENTS TO SCHOOL DISTRICTS, INCLUDING THE NUMBER OF
22 ROUTE MILES SCHEDULED ON A SPECIFIC PUPIL COUNT DAY IN OCTOBER
23 AND THE NUMBER OF DAYS DURING THE SCHOOL YEAR THAT
24 TRANSPORTATION WAS PROVIDED TO PUBLIC SCHOOL STUDENTS;

25 (g) ADDITIONAL DATA SUCH AS ACTUAL UTILIZATION RATES,
26 ELIGIBILITY STANDARDS, SERVICE GAPS, AND USE OF ALTERNATIVE
27 TRANSPORTATION MODELS ARE NOT COLLECTED AT THE STATE LEVEL,

1 ALTHOUGH DISTRICTS TRACK SUCH DATA ON THEIR OWN;

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

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

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

18 **22-106-102. Definitions.** AS USED IN THIS ARTICLE 106, UNLESS
19 THE CONTEXT OTHERWISE REQUIRES:

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

26 (2) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT
27 THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL BASED ON THE

1 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
2 SCHOOL DISTRICT FROM THE NEAREST LARGE AND URBANIZED AREA, WITH
3 A TOTAL PUPIL ENROLLMENT OF SIX THOUSAND FIVE HUNDRED STUDENTS
4 OR FEWER.

5 (3) "TASK FORCE" MEANS THE COLORADO SCHOOL
6 TRANSPORTATION MODERNIZATION TASK FORCE CREATED IN SECTION
7 22-106-103.

8 **22-106-103. Colorado school transportation modernization**
9 **task force.** (1) THERE IS CREATED IN THE DEPARTMENT OF EDUCATION
10 THE COLORADO SCHOOL TRANSPORTATION MODERNIZATION TASK FORCE.

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12 (2) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

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

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

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

1 MINORITY.

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

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

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

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

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

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

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

21 (IX) TWO MEMBERS WHO REPRESENT PUBLIC TRANSPORTATION
22 PROVIDERS;

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

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

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

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

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

12 (3) ON OR BEFORE JUNE 30, 2023, THE COMMISSIONER OF
13 EDUCATION SHALL MAKE TASK FORCE APPOINTMENTS.

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

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

19 (6) THE TASK FORCE IS A STATE PUBLIC BODY FOR PURPOSES OF
20 SECTION 24-6-402, AND MEETINGS OF THE TASK FORCE ARE SUBJECT TO
21 THE REQUIREMENTS OF THAT SECTION. THE TASK FORCE IS SUBJECT TO THE
22 PROVISIONS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE
23 72 OF TITLE 24.

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

27 (8) UPON THE REQUEST OF THE CHAIR OF THE TASK FORCE, THE

1 DEPARTMENT OF EDUCATION SHALL PROVIDE STAFF ASSISTANCE, MEETING
2 SPACE, OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY RESOURCES TO
3 THE TASK FORCE AS NECESSARY FOR THE PERFORMANCE OF ITS DUTIES.

4 **22-106-104. Task force duties - report.** (1) TO INFORM THE
5 WORK OF THE TASK FORCE, THE DEPARTMENT OF EDUCATION SHALL
6 COLLECT, STUDY, AND PUBLICLY REPORT THE SCHOOL TRANSPORTATION
7 DATA DESCRIBED IN THIS SUBSECTION (1). THE DEPARTMENT OF
8 EDUCATION SHALL PRESENT, AT A MINIMUM, THE FOLLOWING DATA TO THE
9 TASK FORCE AS IT BECOMES AVAILABLE:

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

16 (b) STUDENT UTILIZATION, INCLUDING HOW MANY ELIGIBLE
17 STUDENTS UTILIZE SCHOOL TRANSPORTATION, WHETHER ROUTES ARE AT
18 CAPACITY, AND METHODOLOGIES USED BY SCHOOL DISTRICTS AND
19 CHARTER SCHOOLS TO IDENTIFY UTILIZATION PATTERNS AND ADJUST
20 OPERATIONS ACCORDINGLY;

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

27 (d) FLEET DIVERSIFICATION, INCLUDING THE TYPES OF BUSES OR

1 VEHICLES USED TO SATISFY SCHOOL TRANSPORTATION NEEDS AND COSTS
2 ASSOCIATED WITH EACH TYPE OF BUS AND VEHICLE USED AND INCLUDING,
3 FOR EACH TYPE OF BUS AND VEHICLE USED, ELECTRIFICATION OPTIONS,
4 FUEL COSTS, MAINTENANCE COSTS, PURCHASE PRICES, RESALE VALUES,
5 AND SALVAGE VALUES; AND

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

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

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

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

24 (c) IDENTIFICATION OF EXISTING AND POTENTIAL FUNDING
25 SOURCES FOR PROVIDING SCHOOL TRANSPORTATION;

26 (d) RECOMMENDATIONS FOR CREATING AND IMPLEMENTING
27 SUSTAINABLE FUNDING MECHANISMS TO MEET SCHOOL TRANSPORTATION

1 NEEDS;

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

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

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

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

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

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

26 (k) RECOMMENDATIONS FOR LEGISLATION OR RULES THAT MAY
27 IMPROVE SCHOOL TRANSPORTATION, INCLUDING RECOMMENDATIONS FOR

1 LEGISLATION OR RULES THAT DO NOT EXACERBATE THE MARGINALIZATION
2 OF COMMUNITIES THROUGH SEPARATION WHILE PROTECTING PUBLIC
3 FUNDS WITH CLEAR ACCOUNTABILITY AND TRANSPARENCY.

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

9 **22-106-105. Repeal of article.** THIS ARTICLE 106 IS REPEALED,
10 EFFECTIVE JULY 1, 2025.

11 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
12 \$95,313 is appropriated to the department of education. This
13 appropriation is from the general fund and is based on an assumption that
14 the department will require an additional 0.5 FTE. To implement this act,
15 the department may use this appropriation for administration related to
16 public school finance.

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.