

SSB 5313 - S AMD TO S AMD (S-4206.1/19) **769**
By Senator Palumbo

WITHDRAWN 04/26/2019

1 On page 1, line 5, after "(1)" strike "Beginning" and insert "(a)
2 If any of section 2, 3, 4, 5, or 6 of this act is not enacted into
3 law by August 1, 2019, then beginning"

4 On page 1, line 5, after "year" strike "((2019)) 2020" and insert
5 "2019"

6 On page 1, line 8, after "this" strike "section" and insert
7 "~~((section))~~ subsection (1)"

8 On page 1, beginning on line 9, strike all material through
9 "assistance" on line 21 and insert "~~((2+))~~ (b) For an eligible
10 school district, annual local effort assistance funding is equal to
11 the school district's maximum local effort assistance multiplied by a
12 fraction equal to the school district's actual enrichment levy
13 divided by the school district's maximum allowable enrichment levy"

14 Reletter the remaining subsections consecutively and correct any
15 internal references accordingly.

16 On page 1, at the beginning of line 23, strike "section" and
17 insert "~~((section))~~ subsection (1)"

18 On page 1, line 26, after "subsection" insert "(1)(d)"

19 On page 1, at the beginning of line 27, strike "section" and
20 insert "~~((section))~~ subsection (1)"

21 On page 1, at the beginning of line 28, strike "(a)" and insert
22 "~~((a))~~ (i)"

23 Beginning on page 1, line 28, after "a school district" strike
24 all material through "~~levy))~~." on page 2, line 21 and insert "whose
25 maximum allowable enrichment levy divided by the school district's
26 total student enrollment in the prior school year is less than the
27 state local effort assistance threshold.

1 (~~(b)~~ For the purpose of this section,) (ii) "Inflation" means,
2 for any school year, the rate of the yearly increase of the previous
3 calendar year's annual average consumer price index for all urban
4 consumers, Seattle area, using the official current base compiled by
5 the bureau of labor statistics, United States department of labor.

6 (~~(c)~~) (iii) "Maximum allowable enrichment levy" means the
7 maximum levy permitted by RCW 84.52.0531.

8 (~~(d)~~) (iv) "Maximum local effort assistance" means the
9 difference between the following:

10 (~~(i)~~) (A) The school district's actual prior school year
11 enrollment multiplied by the state local effort assistance threshold;
12 and

13 (~~(ii)~~) (B) The school district's maximum allowable enrichment
14 levy."

15 On page 2, line 33, after "this" strike "section" and insert
16 "~~(section)~~ subsection (1)"

17 On page 2, line 38, after "this" strike "section" and insert
18 "~~(section)~~ subsection (1)"

19 On page 2, after line 38, insert the following:

20 "(2)(a) If each of sections 2, 3, 4, 5, and 6 of this act is
21 enacted into law by August 1, 2019, then beginning in calendar year
22 2020 and each calendar year thereafter, the state must provide state
23 local effort assistance funding to supplement school district
24 enrichment levies as provided in this subsection (2).

25 (b)(i) For an eligible school district with an actual enrichment
26 levy rate that is less than one dollar and fifty cents per thousand
27 dollars of assessed value in the school district, the annual local
28 effort assistance funding is equal to the school district's maximum
29 local effort assistance multiplied by a fraction equal to the school
30 district's actual enrichment levy rate divided by one dollar and
31 fifty cents per thousand dollars of assessed value in the school
32 district.

33 (ii) For an eligible school district with an actual enrichment
34 levy rate that is equal to or greater than one dollar and fifty cents
35 per thousand dollars of assessed value in the school district, the
36 annual local effort assistance funding is equal to the school
37 district's maximum local effort assistance.

1 (iii) Beginning in calendar year 2022, for state-tribal education
2 compact schools established under chapter 28A.715 RCW, the annual
3 local effort assistance funding is equal to the actual enrichment
4 levy per student as calculated by the superintendent of public
5 instruction for the prior school year for the school district in
6 which the state-tribal education compact school is located multiplied
7 by the student enrollment of the state-tribal education compact
8 school in the prior school year.

9 (iv) (A) Beginning in calendar year 2022, for charter schools
10 established under chapter 28A.710 RCW, the annual local effort
11 assistance funding is equal to the actual enrichment levy per student
12 as calculated by the superintendent of public instruction for the
13 prior school year for the school district in which the charter school
14 is located multiplied by the student enrollment of the charter school
15 in the prior school year.

16 (B) The legislature must appropriate annual local effort
17 assistance funds for charter schools from the Washington opportunity
18 pathways account in accordance with RCW 28A.710.270.

19 (c) The state local effort assistance funding provided under this
20 subsection (2) is not part of the state's program of basic education
21 deemed by the legislature to comply with the requirements of Article
22 IX, section 1 of the state Constitution.

23 (d) The definitions in this subsection (2) (d) apply throughout
24 this subsection (2) unless the context clearly requires otherwise.

25 (i) "Eligible school district" means a school district where the
26 amount generated by a levy of one dollar and fifty cents per thousand
27 dollars of assessed value in the school district, divided by the
28 school district's total student enrollment in the prior school year,
29 is less than the state local effort assistance threshold.

30 (ii) "Inflation" means, for any school year, the rate of the
31 yearly increase of the previous calendar year's annual average
32 consumer price index for all urban consumers, Seattle area, using the
33 official current base compiled by the bureau of labor statistics,
34 United States department of labor. Beginning in 2021, for the purpose
35 of this section, "inflation" means the percentage change in the
36 implicit price deflator for personal consumption expenditures for the
37 United States for the prior calendar year as published in the
38 November economic and revenue forecast by the economic and revenue
39 forecast council or successor agency.

1 (iii) "Maximum local effort assistance" means the difference
2 between the following:

3 (A) The school district's actual prior school year enrollment
4 multiplied by the state local effort assistance threshold; and

5 (B) The amount generated by a levy of one dollar and fifty cents
6 per thousand dollars of assessed value in the school district.

7 (iv) "Prior school year" means the most recent school year
8 completed prior to the year in which the state local effort
9 assistance funding is to be distributed.

10 (v) "State local effort assistance threshold" means one thousand
11 five hundred dollars per student, increased for inflation beginning
12 in calendar year 2020.

13 (vi) "Student enrollment" means the average annual full-time
14 equivalent student enrollment.

15 (e) For districts in a high/nonhigh relationship, the enrollments
16 of the nonhigh students attending the high school shall only be
17 counted by the nonhigh school districts for purposes of funding under
18 this subsection (2).

19 (f) For school districts participating in an innovation academy
20 cooperative established under RCW 28A.340.080, enrollments of
21 students attending the academy shall be adjusted so that each
22 participant district receives its proportional share of student
23 enrollments for purposes of funding under this subsection (2)."

24 On page 3, line 3, after "(1)" strike "Beginning" and insert "(a)
25 If any of section 1, 3, 4, 5, or 6 of this act is not enacted into
26 law by August 1, 2019, then beginning"

27 On page 3, line 3, after "in" strike "((2019)) 2020" and insert
28 "2019"

29 On page 3, line 6, after "lesser of" strike "((one)) two dollars"
30 and insert "one dollar"

31 On page 3, beginning on line 8, after "limit." strike all
32 material through "43.09.2856(2)." on line 9

33 On page 3, at the beginning of line 10, strike "(2)" and insert
34 "((+2)) (b)"

1 Reletter the remaining subsections consecutively and correct any
2 internal references accordingly.

3 On page 3, line 10, after "subsection" insert "(1)(b)" and after
4 "to this" strike "section" and insert "~~((section))~~ subsection (1)"

5 On page 3, beginning on line 12, strike all material through
6 "(c)" on line 37 and insert the following:

7 "~~((a) For the purpose of this section,)~~ (i) "Inflation" means,
8 for any school year, the rate of the yearly increase of the previous
9 calendar year's annual average consumer price index for all urban
10 consumers, Seattle area, using the official current base compiled by
11 the bureau of labor statistics, United States department of labor.

12 ~~((b))~~ (ii) "Maximum per-pupil limit" means two thousand five
13 hundred dollars, multiplied by the number of average annual full-time
14 equivalent students enrolled in the school district in the prior
15 school year. Beginning with property taxes levied for collection in
16 2020, the maximum per-pupil limit shall be increased by inflation.

17 ~~((c))~~ (iii)"

18 On page 4, line 2, after "this" strike "section" and insert
19 "~~((section))~~ subsection (1)"

20 On page 4, line 7, after "this" strike "section" and insert
21 "~~((section))~~ subsection (1)"

22 On page 4, line 14, after "this" strike "section" and insert
23 "~~((section))~~ subsection (1)"

24 On page 4, line 23, after "in" strike all material through
25 "section." and insert "~~((subsections (1)))~~ (a) through ~~((5))~~ (e) of
26 this ~~((section))~~ subsection.

27 (2)(a) If each of sections 1, 3, 4, 5, and 6 of this act is
28 enacted into law by August 1, 2019, beginning with taxes levied for
29 collection in 2020, the maximum dollar amount which may be levied by
30 or for any school district for enrichment levies under RCW 84.52.053
31 is equal to the lesser of two dollars and fifty cents per thousand
32 dollars of the assessed value of property in the school district or
33 the maximum per-pupil limit. This maximum dollar amount shall be
34 reduced accordingly as provided under RCW 43.09.2856(2).

35 (b) The definitions in this subsection (2)(b) apply to this
36 subsection (2) unless the context clearly requires otherwise.

1 (i) "Inflation" means the percentage change in the implicit price
2 deflator for personal consumption expenditures for the United States
3 for the prior calendar year as published in the November economic and
4 revenue forecast by the economic and revenue forecast council or
5 successor agency.

6 (ii) "Maximum per-pupil limit" means:

7 (A) Two thousand five hundred dollars, as increased by inflation
8 beginning with property taxes levied for collection in 2020,
9 multiplied by the number of average annual full-time equivalent
10 students enrolled in the school district in the prior school year,
11 for school districts with fewer than forty thousand annual full-time
12 equivalent students enrolled in the school district in the prior
13 school year; or

14 (B) Three thousand dollars, as increased by inflation beginning
15 with property taxes levied for collection in 2020, multiplied by the
16 number of average annual full-time equivalent students enrolled in
17 the school district in the prior school year, for school districts
18 with forty thousand or more annual full-time equivalent students
19 enrolled in the school district in the prior school year.

20 (iii) "Prior school year" means the most recent school year
21 completed prior to the year in which the levies are to be collected.

22 (c) For districts in a high/nonhigh relationship, the enrollments
23 of the nonhigh students attending the high school shall only be
24 counted by the nonhigh school districts for purposes of funding under
25 this subsection (2).

26 (d) For school districts participating in an innovation academy
27 cooperative established under RCW 28A.340.080, enrollments of
28 students attending the academy shall be adjusted so that each
29 participant district receives its proportional share of student
30 enrollments for purposes of funding under this subsection (2).

31 (e) Beginning with propositions for enrichment levies for
32 collection in calendar year 2020 and thereafter, a district must
33 receive approval of an enrichment levy expenditure plan under RCW
34 28A.505.240 before submission of the proposition to the voters.

35 (f) The superintendent of public instruction shall develop rules
36 and regulations and inform school districts of the pertinent data
37 necessary to carry out the provisions of this subsection (2).

38 (g) Beginning with taxes levied for collection in 2018,
39 enrichment levy revenues must be deposited in a separate subfund of
40 the school district's general fund pursuant to RCW 28A.320.330, and

1 for the 2018-19 school year are subject to the restrictions of RCW
2 28A.150.276 and the audit requirements of RCW 43.09.2856.

3 (h) Funds collected from levies for transportation vehicles,
4 construction, modernization, or remodeling of school facilities as
5 established in RCW 84.52.053 are not subject to the levy limitations
6 in (a) through (e) of this subsection."

7 On page 4, at the beginning of line 26, strike "School" and
8 insert "(1) If any of section 1, 2, 4, 5, or 6 of this act is not
9 enacted into law by August 1, 2019, then school"

10 On page 4, at the beginning of line 28, strike "(1)(a)" and
11 insert "~~((1))~~ (a) (i)"

12 Reletter the remaining subsections consecutively and correct any
13 internal references accordingly.

14 Beginning on page 5, line 5, after "provide" strike all material
15 through "(2)" on page 6, line 12 and insert "any supplemental
16 expenditure schedules required by the superintendent of public
17 instruction or state auditor for purposes of RCW 43.09.2856.

18 ~~((2))~~ (b) (i)"

19 On page 6, line 20, after "to" strike all material through
20 "section" and insert "~~((subsection—(3)))~~ (c) of this ~~((section))~~
21 subsection"

22 On page 6, at the beginning of line 21, insert "(ii)"

23 On page 6, at the beginning of line 25, insert "(iii)"

24 On page 6, at the beginning of line 29, insert "(iv)"

25 On page 6, at the beginning of line 32, strike "(a)" and insert
26 "~~((a))~~ (A)"

27 Reletter the remaining subsections consecutively and correct any
28 internal references accordingly.

29 On page 7, line 4, after "this" strike "section" and insert
30 "~~((section))~~ subsection (1)"

1 On page 7, line 20, after "this" strike "section" and insert
2 "~~(section)~~ subsection (1)"

3 On page 8, after line 25, insert the following:

4 "(2) If each of sections 1, 2, 4, 5, and 6 of this act is enacted
5 into law by August 1, 2019, then school districts shall establish the
6 following funds in addition to those provided elsewhere by law:

7 (a) (i) A general fund for the school district to account for all
8 financial operations of the school district except those required to
9 be accounted for in another fund.

10 (ii) By the 2018-19 school year, a local revenue subfund of its
11 general fund to account for the financial operations of a school
12 district that are paid from local revenues. The local revenues that
13 must be deposited in the local revenue subfund are enrichment levies
14 and transportation vehicle levies collected under RCW 84.52.053,
15 local effort assistance funding received under chapter 28A.500 RCW,
16 and other school district local revenues including, but not limited
17 to, grants, donations, and state and federal payments in lieu of
18 taxes, but do not include other federal revenues, or local revenues
19 that operate as an offset to the district's basic education
20 allocation under RCW 28A.150.250. School districts must track
21 expenditures from this subfund separately to account for the
22 expenditure of each of these streams of revenue by source, and must
23 provide the supplemental expenditure schedule under (c) of this
24 subsection, and any other supplemental expenditure schedules required
25 by the superintendent of public instruction or state auditor, for
26 purposes of RCW 43.09.2856.

27 (iii) Beginning in the 2019-20 school year, the superintendent of
28 public instruction must require school districts to provide a
29 supplemental expenditure schedule by revenue source that identifies
30 the amount expended by object for each of the following supplementary
31 enrichment activities beyond the state funded amount:

32 (A) Minimum instructional offerings under RCW 28A.150.220 or
33 28A.150.260 not otherwise included on other lines;

34 (B) Staffing ratios or program components under RCW 28A.150.260,
35 including providing additional staff for class size reduction beyond
36 class sizes allocated in the prototypical school model and additional
37 staff beyond the staffing ratios allocated in the prototypical school
38 formula;

1 (C) Program components under RCW 28A.150.200, 28A.150.220, or
2 28A.150.260, not otherwise included on other lines;

3 (D) Program components to support students in the program of
4 special education;

5 (E) Program components of professional learning, as defined by
6 RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

7 (F) Extracurricular activities;

8 (G) Extended school days or an extended school year;

9 (H) Additional course offerings beyond the minimum instructional
10 program established in the state's statutory program of basic
11 education;

12 (I) Activities associated with early learning programs;

13 (J) Activities associated with providing the student
14 transportation program;

15 (K) Any additional salary costs attributable to the provision or
16 administration of the enrichment activities allowed under RCW
17 28A.150.276;

18 (L) Additional activities or enhancements that the office of the
19 superintendent of public instruction determines to be a documented
20 and demonstrated enrichment of the state's statutory program of basic
21 education under RCW 28A.150.276; and

22 (M) All other costs not otherwise identified in other line items.

23 (iv) For any salary and related benefit costs identified in
24 (a)(iii)(K), (L), and (M) of this subsection, the school district
25 shall maintain a record describing how these expenditures are
26 documented and demonstrated enrichment of the state's statutory
27 program of basic education. School districts shall maintain these
28 records until the state auditor has completed the audit under RCW
29 43.09.2856.

30 (b)(i) A capital projects fund shall be established for major
31 capital purposes. All statutory references to a "building fund" shall
32 mean the capital projects fund so established. Money to be deposited
33 into the capital projects fund shall include, but not be limited to,
34 bond proceeds, proceeds from excess levies authorized by RCW
35 84.52.053, state apportionment proceeds as authorized by RCW
36 28A.150.270, earnings from capital projects fund investments as
37 authorized by RCW 28A.320.310 and 28A.320.320, and state forest
38 revenues transferred pursuant to (c) of this subsection.

39 (ii) Money derived from the sale of bonds, including interest
40 earnings thereof, may only be used for those purposes described in

1 RCW 28A.530.010, except that accrued interest paid for bonds shall be
2 deposited in the debt service fund.

3 (iii) Money to be deposited into the capital projects fund shall
4 include but not be limited to rental and lease proceeds as authorized
5 by RCW 28A.335.060, and proceeds from the sale of real property as
6 authorized by RCW 28A.335.130.

7 (iv) Money legally deposited into the capital projects fund from
8 other sources may be used for the purposes described in RCW
9 28A.530.010, and for the purposes of:

10 (A) Major renovation and replacement of facilities and systems
11 where periodical repairs are no longer economical or extend the
12 useful life of the facility or system beyond its original planned
13 useful life. Such renovation and replacement shall include, but shall
14 not be limited to, major repairs, exterior painting of facilities,
15 replacement and refurbishment of roofing, exterior walls, windows,
16 heating and ventilating systems, floor covering in classrooms and
17 public or common areas, and electrical and plumbing systems.

18 (B) Renovation and rehabilitation of playfields, athletic fields,
19 and other district real property.

20 (C) The conduct of preliminary energy audits and energy audits of
21 school district buildings. For the purpose of this subsection (2):

22 (I) "Preliminary energy audits" means a determination of the
23 energy consumption characteristics of a building, including the size,
24 type, rate of energy consumption, and major energy using systems of
25 the building.

26 (II) "Energy audit" means a survey of a building or complex which
27 identifies the type, size, energy use level, and major energy using
28 systems; which determines appropriate energy conservation maintenance
29 or operating procedures and assesses any need for the acquisition and
30 installation of energy conservation measures, including solar energy
31 and renewable resource measures.

32 (III) "Energy capital improvement" means the installation, or
33 modification of the installation, of energy conservation measures in
34 a building which measures are primarily intended to reduce energy
35 consumption or allow the use of an alternative energy source.

36 (D) Those energy capital improvements which are identified as
37 being cost-effective in the audits authorized by this subsection (2).

38 (E) Purchase or installation of additional major items of
39 equipment and furniture: PROVIDED, That vehicles shall not be
40 purchased with capital projects fund money.

1 (F)(I) Costs associated with implementing technology systems,
2 facilities, and projects, including acquiring hardware, licensing
3 software, and online applications and training related to the
4 installation of the foregoing. However, the software or applications
5 must be an integral part of the district's technology systems,
6 facilities, or projects.

7 (II) Costs associated with the application and modernization of
8 technology systems for operations and instruction including, but not
9 limited to, the ongoing fees for online applications, subscriptions,
10 or software licenses, including upgrades and incidental services, and
11 ongoing training related to the installation and integration of these
12 products and services. However, to the extent the funds are used for
13 the purpose under this subsection (2)(b)(iv)(F)(II), the school
14 district shall transfer to the district's general fund the portion of
15 the capital projects fund used for this purpose. The office of the
16 superintendent of public instruction shall develop accounting
17 guidelines for these transfers in accordance with internal revenue
18 service regulations.

19 (G) Major equipment repair, painting of facilities, and other
20 major preventative maintenance purposes. However, to the extent the
21 funds are used for the purpose under this subsection (2)(b)(iv)(G),
22 the school district shall transfer to the district's general fund the
23 portion of the capital projects fund used for this purpose. The
24 office of the superintendent of public instruction shall develop
25 accounting guidelines for these transfers in accordance with internal
26 revenue service regulations. Based on the district's most recent two-
27 year history of general fund maintenance expenditures, funds used for
28 this purpose may not replace routine annual preventive maintenance
29 expenditures made from the district's general fund.

30 (c) A debt service fund to provide for tax proceeds, other
31 revenues, and disbursements as authorized in chapter 39.44 RCW. State
32 forestland revenues that are deposited in a school district's debt
33 service fund pursuant to RCW 79.64.110 and to the extent not
34 necessary for payment of debt service on school district bonds may be
35 transferred by the school district into the district's capital
36 projects fund.

37 (d) An associated student body fund as authorized by RCW
38 28A.325.030.

1 (e) Advance refunding bond funds and refunded bond funds to
2 provide for the proceeds and disbursements as authorized in chapter
3 39.53 RCW."

4 On page 8, line 28, after "(1)" strike "Beginning" and insert
5 "(a) If any of section 1, 2, 3, 5, or 6 of this act is not enacted
6 into law by August 1, 2019, then beginning"

7 On page 8, beginning on line 36, after "28A.400.200." strike all
8 material through "28A.320.330(1)(c)." on line 38

9 On page 9, at the beginning of line 1, strike all material
10 through "section" and insert "~~((2))~~ (b) If an audit under (a) of
11 this subsection (1) (~~of this section~~)"

12 On page 9, beginning on line 6, after "legislature." strike all
13 material through "(3)" on line 14 and insert the following:

14 "~~((3))~~ (c)"

15 On page 9, after line 18, insert the following:

16 "(2)(a) If each of sections 1, 2, 3, 5, and 6 of this act is
17 enacted into law by August 1, 2019, then beginning with the 2019-20
18 school year, to ensure that school district local revenues are used
19 solely for purposes of enriching the state's statutory program of
20 basic education, the state auditor's regular financial audits of
21 school districts must include a review of the expenditure of school
22 district local revenues for compliance with RCW 28A.150.276,
23 including the spending plan approved by the superintendent of public
24 instruction under RCW 28A.505.240 and its implementation, and any
25 supplemental contracts entered into under RCW 28A.400.200. The audit
26 must also include a review of the expenditure schedule and supporting
27 documentation required by RCW 28A.320.330(2)(a)(iii).

28 (b) If an audit under this subsection (2) results in findings
29 that a school district has failed to comply with these requirements,
30 then within ninety days of completing the audit the auditor must
31 report the findings to the superintendent of public instruction, the
32 office of financial management, and the education and operating
33 budget committees of the legislature. If the superintendent of public
34 instruction receives a report of findings from the state auditor that
35 an expenditure of a school district is out of compliance with the
36 requirements of RCW 28A.150.276, and the finding is not resolved in

1 the subsequent audit, the maximum taxes levied for collection by the
2 school district under RCW 84.52.0531 in the following calendar year
3 shall be reduced by the expenditure amount identified by the state
4 auditor.

5 (c) The use of the state allocation provided for professional
6 learning under RCW 28A.150.415 must be audited as part of the regular
7 financial audits of school districts by the state auditor's office to
8 ensure compliance with the limitations and conditions of RCW
9 28A.150.415.

10 (2)(a) If each of sections 1, 2, 3, 5, and 6 of this act is
11 enacted into law by August 1, 2019, then beginning with the 2019-20
12 school year, to ensure that school district local revenues are used
13 solely for purposes of enriching the state's statutory program of
14 basic education, the state auditor's regular financial audits of
15 school districts must include a review of the expenditure of school
16 district local revenues for compliance with RCW 28A.150.276,
17 including the spending plan approved by the superintendent of public
18 instruction under RCW 28A.505.240 and its implementation, and any
19 supplemental contracts entered into under RCW 28A.400.200. The audit
20 must also include a review of the expenditure schedule and supporting
21 documentation required by RCW 28A.320.330(2)(a)(iii).

22 (b) If an audit under this subsection (2) results in findings
23 that a school district has failed to comply with these requirements,
24 then within ninety days of completing the audit the auditor must
25 report the findings to the superintendent of public instruction, the
26 office of financial management, and the education and operating
27 budget committees of the legislature. If the superintendent of public
28 instruction receives a report of findings from the state auditor that
29 an expenditure of a school district is out of compliance with the
30 requirements of RCW 28A.150.276, and the finding is not resolved in
31 the subsequent audit, the maximum taxes levied for collection by the
32 school district under RCW 84.52.0531 in the following calendar year
33 shall be reduced by the expenditure amount identified by the state
34 auditor.

35 (c) The use of the state allocation provided for professional
36 learning under RCW 28A.150.415 must be audited as part of the regular
37 financial audits of school districts by the state auditor's office to
38 ensure compliance with the limitations and conditions of RCW
39 28A.150.415.

1 **Sec. 5.** RCW 28A.710.270 and 2016 c 241 s 127 are each amended to
2 read as follows:

3 (1) If any of section 1, 2, 3, 4, or 6 of this act is not enacted
4 into law by August 1, 2019, then the state legislature shall, at each
5 regular session in an odd-numbered year, appropriate from the
6 Washington opportunity pathways account for the current use of
7 charter public schools amounts as determined in accordance with RCW
8 28A.710.280, and amounts authorized under RCW 28A.710.230(1), for
9 state support to charter schools during the ensuing biennium.

10 (2) If each of sections 1, 2, 3, 4, and 6 of this act is enacted
11 into law by August 1, 2019, then the state legislature shall, at each
12 regular session in an odd-numbered year, appropriate from the
13 Washington opportunity pathways account for the current use of
14 charter public schools amounts as determined in accordance with RCW
15 28A.710.280, and amounts authorized under RCW 28A.710.230(1) and
16 28A.500.015, for state support to charter schools during the ensuing
17 biennium.

18 **Sec. 6.** RCW 28A.710.150 and 2016 c 241 s 115 are each amended to
19 read as follows:

20 (1)(a) If any of section 1, 2, 3, 4, or 5 of this act is not
21 enacted into law by August 1, 2019, then a maximum of forty charter
22 public schools may be established under this chapter over the five-
23 year period commencing with April 3, 2016. No more than eight charter
24 schools may be established in any year during the five-year period,
25 except that if in any year fewer than eight charter schools are
26 established, additional charter schools, equal in number to the
27 difference between the number established in that year and eight, may
28 be established in subsequent years during the five-year period.

29 ~~((2)(a))~~ (b)(i) To ensure compliance with the limits for
30 establishing new charter schools, certification from the state board
31 of education must be obtained before final authorization of a charter
32 school.

33 ~~((b))~~ (ii) Within ten days of taking action to approve or deny
34 an application under RCW 28A.710.140, an authorizer must submit a
35 report of the action to the applicant and the state board of
36 education. The report must include a copy of the authorizer's
37 resolution setting forth the action taken, the reasons for the
38 decision, and assurances of compliance with the procedural
39 requirements and application elements under RCW 28A.710.130 and

1 28A.710.140. The authorizer must also indicate whether the charter
2 school is designed to enroll and serve at-risk student populations.
3 The state board of education must establish, for each year in which
4 charter schools may be authorized as part of the timeline to be
5 established pursuant to RCW 28A.710.140, the latest annual date by
6 which the authorizer may submit the report. The state board of
7 education must send to each authorizer notice of the date by which a
8 report must be submitted at least six months before the date
9 established by the board.

10 ~~((3))~~ (c) Upon the receipt of notice from an authorizer that a
11 charter school has been approved, the state board of education shall
12 certify whether the approval is in compliance with the limits on the
13 maximum number of charters allowed under ~~((subsection(1)))~~ (a) of
14 this ~~((section))~~ subsection. If the board receives simultaneous
15 notification of approved charters that exceed the annual allowable
16 limits in ~~((subsection(1)))~~ (a) of this ~~((section))~~ subsection, the
17 board must select approved charters for implementation through a
18 lottery process, and must assign implementation dates accordingly.

19 ~~((4))~~ (d) The state board of education must notify authorizers
20 when the maximum allowable number of charter schools has been
21 reached.

22 (2)(a) If each of sections 1, 2, 3, 4, and 5 of this act is
23 enacted into law by August 1, 2019, then a maximum of forty charter
24 public schools may be established under this chapter. No more than
25 eight charter schools may be established in any year, except that if
26 in any year fewer than eight charter schools are established,
27 additional charter schools, equal in number to the difference between
28 the number established in that year and eight, may be established in
29 subsequent years.

30 (b)(i) To ensure compliance with the limits for establishing new
31 charter schools, certification from the state board of education must
32 be obtained before final authorization of a charter school.

33 (ii) Within ten days of taking action to approve or deny an
34 application under RCW 28A.710.140, an authorizer must submit a report
35 of the action to the applicant and the state board of education. The
36 report must include a copy of the authorizer's resolution setting
37 forth the action taken, the reasons for the decision, and assurances
38 of compliance with the procedural requirements and application
39 elements under RCW 28A.710.130 and 28A.710.140. The authorizer must
40 also indicate whether the charter school is designed to enroll and

1 serve at-risk student populations. The state board of education must
2 establish, for each year in which charter schools may be authorized
3 as part of the timeline to be established pursuant to RCW
4 28A.710.140, the latest annual date by which the authorizer may
5 submit the report. The state board of education must send to each
6 authorizer notice of the date by which a report must be submitted at
7 least six months before the date established by the board.

8 (c) Upon the receipt of notice from an authorizer that a charter
9 school has been approved, the state board of education shall certify
10 whether the approval is in compliance with the limits on the maximum
11 number of charters allowed under (a) of this subsection. If the board
12 receives simultaneous notification of approved charters that exceed
13 the annual allowable limits in (a) of this subsection, the board must
14 select approved charters for implementation through a lottery
15 process, and must assign implementation dates accordingly.

16 (d) The state board of education must notify authorizers when the
17 maximum allowable number of charter schools has been reached."

SSB 5313 - S AMD TO S AMD (S-4206.1/19) **769**
By Senator Palumbo

WITHDRAWN 04/26/2019

18 On page 9, line 21, after "28A.320.330," strike "and 43.09.2856"
19 and insert "43.09.2856, 28A.710.270, and 28A.710.150"

EFFECT: (1) Provides local effort assistance (LEA) to charter schools and state-tribal compact schools. LEA is equal to the actual enrichment levy per student in the prior school year for the school district in which the school is located, multiplied by the school's prior year enrollment. The maximum per-student amount of \$1,500 is eliminated.

(2) Eliminates the five-year period during which charter schools may be established.

(3) Provides that if any section of the bill is not enacted into law by August 1, 2019, then substantive changes to the law will not take effect.

--- END ---