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**HOUSE BILL 1476**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Dolan, Sullivan, Ortiz-Self, Callan, Santos, Ryu, Shewmake, J. Johnson, Valdez, Eslick, Rule, Lekanoff, Stonier, Ramel, Tharinger, Peterson, and Pollet

AN ACT Relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic; creating new sections; providing an expiration date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature recognizes that the COVID-19 pandemic has significantly changed the delivery of education across the state, as school districts transition to remote learning environments to protect the health of students and staff. The legislature also recognizes that state funding formulas are largely driven by enrollment and the pandemic has resulted in unforeseen, temporary enrollment declines in many districts. Funding declines due to temporary, unforeseen changes in enrollment can affect a district's ability to maintain the staffing and resources needed to deliver education services. With this act, the legislature intends to provide stabilizing funding to districts that have seen temporary enrollment declines due to the COVID-19 pandemic.

NEW SECTION. **Sec.**  (1) The superintendent of public instruction must provide an enrollment stabilization allocation to local education agencies equal to (a) minus (b) if (a) minus (b) is greater than zero:

(a) The maximum enrollment stabilization amount in subsection (2) of this section;

(b) Total federal funding that is available to the local education agency from subgrants provided by the elementary and secondary school emergency relief fund as enacted by section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M and other federal funds as described in subsection (7) of this section.

(2) The maximum enrollment stabilization allocation for the 2020-21 school year is the amount needed to bring total allocations for all program and enrollment groups listed in (b) of this subsection that meet the criteria in (a) of this subsection up to an amount calculated using 2019-20 annual average enrollment values and formulas in place for the 2020-21 school year.

(a) A program and enrollment group meets the criteria to be included in the maximum enrollment stabilization allocation for a local education agency if enrollment in the 2020-21 school year is less than funded annual average enrollment in the 2019-20 school year and using 2019-20 annual average enrollment values does not result in less funding within the program to the local education agency.

(b) Program and enrollment groups that may be eligible for the maximum enrollment stabilization allocation are:

(i) Total annual average full-time equivalent enrollment in kindergarten through 12th grades, including alternative learning experience enrollment for purposes of calculating general apportionment allocations;

(ii) Enrollment in special education for purposes of calculating excess cost allocations as defined in RCW 28A.150.390. Allocations for special education enrollment above 2020-21 school year levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Enrollment in programs that provide supplemental instruction and services for students whose primary language is other than English for purposes of calculating allocations as described in RCW 28A.150.260(10)(b);

(iv) Enrollment in residential schools as defined in RCW 28A.190.020 and of juveniles in detention facilities as identified by RCW 28A.190.010 for purposes of calculating allocations to support institutional education;

(v) Enrollment in programs that support highly capable students for purposes of calculating allocations as described in RCW 28A.150.260(10)(c);

(vi) Enrollment in dropout reengagement programs for purposes of calculating allocations for eligible students under RCW 28A.175.100; and

(vii) Enrollment in career and technical education and skill centers for purposes of calculating allocations as described in RCW 28A.150.260 (4)(c), (7), and (9).

(3) Enrollment stabilization amounts allocated under this section are not part of the state's program of basic education but may be used for any allowable cost within any of the programs.

(4) If enrollment in the 2021-22 school year is less than funded annual average enrollment in the 2019-20 school year and using 2019-20 annual average enrollment values does not result in less funding within the program to the local education agency, the superintendent of public instruction must provide an enrollment stabilization allocation in the same manner as described in subsections (1) and (2) of this section for the 2021-22 school year. Federal amounts included in the 2020-21 school year enrollment stabilization calculation under subsection (1)(b) of this section may not be used to offset 2021-22 school year enrollment stabilization amounts.

(5) For the 2022 and 2023 calendar years:

(a) The maximum per-pupil limit for enrichment levies as described in RCW 84.52.0531 must be based on a school district's 2019-20 school year average annual full-time equivalent enrollment if greater than the school district's 2020-21 or 2021-22 school year average annual full-time equivalent enrollment.

(b) Local effort assistance allocations as described in RCW 28A.500.015 must be based on 2019-20 school year enrollment if greater than 2020-21 or 2021-22 school year enrollment.

(6) Enrollment in learning assistance programs for purposes of calculating allocations as defined in RCW 28A.150.260(10)(a) after the 2020-21 school year must use 2019-20 school learning assistance program enrollments in place of 2020-21 or 2021-22 school year enrollments for each year in which the 2019-20 enrollment is greater.

(7) If federal funds are provided to local education agencies for the elementary and secondary school emergency relief fund or similar COVID-19 response purposes after the effective date of this section, the legislature may include those federal funds among those listed in subsection (1)(b) of this section to be subtracted from the maximum enrollment stabilization allocation in the omnibus appropriations act.

(8) Funding provided in this section must be allocated based on the apportionment schedule defined in RCW 28A.510.250 for the year in which the enrollment stabilization amount applies, beginning with the first month after the effective date of this section.

(9) For purposes of this section, "local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

(10) This section expires August 31, 2025.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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