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**SUBSTITUTE SENATE BILL 5809**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Mullet, Lovick, Cleveland, Salomon, Shewmake, L. Wilson, Braun, C. Wilson, Lovelett, Dozier, Gildon, Kuderer, Padden, and Torres)

READ FIRST TIME 01/19/24.

1 AN ACT Relating to enrichment funding for charter public schools;  
2 amending RCW 28A.710.280 and 28A.500.015; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the population  
5 of Washington state has become increasingly diverse over the last  
6 several decades. The legislature also finds that as the demographics  
7 of our state change, historically and currently marginalized  
8 communities still do not have the same opportunities to meet parity  
9 as their nonmarginalized counterparts across nearly every measure  
10 including education, poverty, employment, health, and more.  
11 Inequities based on race, ethnicity, gender, and other  
12 characteristics continue to be deep, pervasive, and persistent, and  
13 they come at a great economic and social cost.

14 The legislature finds that state government must identify and  
15 coordinate effective strategies that focus on eliminating systemic  
16 barriers for historically and currently marginalized groups and that  
17 providing equitable enrichment funding for charter public school  
18 students is an important step toward promoting opportunities for  
19 communities that have not always been well-served by traditional  
20 public schools.

1       **Sec. 2.** RCW 28A.710.280 and 2021 c 111 s 12 are each amended to  
2 read as follows:

3       (1) The legislature intends that state funding for charter  
4 schools be distributed equitably with state funding provided for  
5 other public schools. A charter school is eligible to apply for state  
6 grants on the same basis as a school district.

7       (2) For eligible students enrolled in a charter school  
8 established and operating in accordance with this chapter, the  
9 superintendent of public instruction shall transmit to each charter  
10 school an amount calculated as provided in this section and based on  
11 the statewide average salaries set forth in RCW 28A.150.410 for  
12 certificated instructional staff adjusted by the regionalization  
13 factor that applies to the school district in which the charter  
14 school is geographically located, including any enrichment to those  
15 statutory formulae that is specified in the omnibus appropriations  
16 act. The amount must be the sum of (a) (~~and (b)~~) through (c) of  
17 this subsection.

18       (a) The superintendent shall, for purposes of making  
19 distributions under this section, separately calculate and distribute  
20 to charter schools moneys appropriated for general apportionment  
21 under the same ratios as in RCW 28A.150.260.

22       (b) The superintendent also shall, for purposes of making  
23 distributions under this section, and in accordance with the  
24 applicable formulae for categorical programs specified in (b)(i)  
25 through (v) of this subsection (2) and any enrichment to those  
26 statutory formulae that is specified in the omnibus appropriations  
27 act, separately calculate and distribute moneys appropriated by the  
28 legislature to charter schools for:

29       (i) Supplemental instruction and services for students who are  
30 not meeting academic standards through the learning assistance  
31 program under RCW 28A.165.005 through 28A.165.065;

32       (ii) Supplemental instruction and services for eligible and  
33 enrolled students and exited students whose primary language is other  
34 than English through the transitional bilingual instruction program  
35 under RCW 28A.180.010 through 28A.180.080;

36       (iii) The opportunity for an appropriate education at public  
37 expense as defined by RCW 28A.155.020 for all eligible students with  
38 disabilities as defined in RCW 28A.155.020;

39       (iv) Programs for highly capable students under RCW 28A.185.010  
40 through 28A.185.030; and

1 (v) Pupil transportation services to and from school in  
2 accordance with RCW 28A.160.150 through 28A.160.180. Distributions  
3 for pupil transportation must be calculated on a per eligible student  
4 basis based on the allocation for the previous school year to the  
5 school district in which the charter school is located.

6 (c) The superintendent also shall, for purposes of making  
7 distributions under this section, separately calculate and distribute  
8 to charter schools moneys appropriated for local effort assistance  
9 under RCW 28A.500.015(2)(d).

10 (3) The superintendent of public instruction must adopt rules  
11 necessary for the distribution of funding required by this section  
12 and to comply with federal reporting requirements.

13 **Sec. 3.** RCW 28A.500.015 and 2022 c 108 s 4 are each amended to  
14 read as follows:

15 (1) Beginning in calendar year 2020 and each calendar year  
16 thereafter, the state must provide state local effort assistance  
17 funding to supplement school district enrichment levies as provided  
18 in this section.

19 (2)(a) For an eligible school district with an actual enrichment  
20 levy rate that is less than one dollar and fifty cents per thousand  
21 dollars of assessed value in the school district, the annual local  
22 effort assistance funding is equal to the school district's maximum  
23 local effort assistance multiplied by a fraction equal to the school  
24 district's actual enrichment levy rate divided by one dollar and  
25 fifty cents per thousand dollars of assessed value in the school  
26 district.

27 (b) For an eligible school district with an actual enrichment  
28 levy rate that is equal to or greater than one dollar and fifty cents  
29 per thousand dollars of assessed value in the school district, the  
30 annual local effort assistance funding is equal to the school  
31 district's maximum local effort assistance.

32 (c) Beginning in calendar year 2022, for state-tribal education  
33 compact schools established under chapter 28A.715 RCW, the annual  
34 local effort assistance funding is equal to the actual enrichment  
35 levy per student as calculated by the superintendent of public  
36 instruction for the previous year for the school district in which  
37 the state-tribal education compact school is located, up to a maximum  
38 per student amount of one thousand five hundred fifty dollars as  
39 increased by inflation from the 2019 calendar year, multiplied by the

1 student enrollment of the state-tribal education compact school in  
2 the prior school year.

3 (d) Beginning in fiscal year 2025, for charter schools  
4 established under chapter 28A.710 RCW, the annual local effort  
5 assistance funding is equal to the actual enrichment levy per student  
6 as calculated by the superintendent of public instruction for the  
7 previous year for the school district in which the charter school is  
8 located, up to a maximum per student amount of \$1,550 as increased by  
9 inflation from the 2019 calendar year, multiplied by the student  
10 enrollment of the charter school in the prior school year.

11 (3) The state local effort assistance funding provided under this  
12 section is not part of the state's program of basic education deemed  
13 by the legislature to comply with the requirements of Article IX,  
14 section 1 of the state Constitution.

15 (4) The definitions in this subsection apply throughout this  
16 section unless the context clearly requires otherwise.

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

22 (b) For the purpose of this section, "inflation" means, for any  
23 school year, the rate of the yearly increase of the previous calendar  
24 year's annual average consumer price index for all urban consumers,  
25 Seattle area, using the official current base compiled by the bureau  
26 of labor statistics, United States department of labor.

27 (c) "Maximum local effort assistance" means the difference  
28 between the following:

29 (i) The school district's actual prior school year enrollment  
30 multiplied by the state local effort assistance threshold; and

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

33 (d) "Prior school year" means the most recent school year  
34 completed prior to the year in which the state local effort  
35 assistance funding is to be distributed, except as follows:

36 (i) In the 2022 calendar year, if 2019-20 school year average  
37 annual full-time equivalent enrollment is greater than the school  
38 district's 2020-21 school year average annual full-time equivalent  
39 enrollment, "prior school year" means the 2019-20 school year.

1 (ii) In the 2023 calendar year, if 2019-20 school year average  
2 annual full-time equivalent enrollment is greater than the school  
3 district's 2021-22 school year average annual full-time equivalent  
4 enrollment, "prior school year" means the 2019-20 school year.

5 (e) "State local effort assistance threshold" means one thousand  
6 five hundred fifty dollars per student, increased for inflation  
7 beginning in calendar year 2020.

8 (f) "Student enrollment" means the average annual full-time  
9 equivalent student enrollment.

10 (5) For districts in a high/nonhigh relationship, the enrollments  
11 of the nonhigh students attending the high school shall only be  
12 counted by the nonhigh school districts for purposes of funding under  
13 this section.

14 (6) For school districts participating in an innovation academy  
15 cooperative established under RCW 28A.340.080, enrollments of  
16 students attending the academy shall be adjusted so that each  
17 participant district receives its proportional share of student  
18 enrollments for purposes of funding under this section.

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