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SENATE BILL 5375

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State of Washington

56th Legislature

1999 Regular Session

By Senators Morton and Hochstatter

Read first time 01/21/1999. Referred to Committee on Education.

1 AN ACT Relating to payments to high school districts educating  
2 students from nonhigh school districts; amending RCW 28A.545.030,  
3 28A.545.060, 28A.545.070, and 84.52.0531; repealing RCW 28A.545.020,  
4 28A.545.050, 28A.545.080, 28A.545.090, and 28A.545.100; and making  
5 appropriations.

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

7 **Sec. 1.** RCW 28A.545.030 and 1990 c 33 s 488 are each amended to  
8 read as follows:

9 (1) The purposes of RCW 28A.545.030 through 28A.545.110 and  
10 84.52.0531 are to:

11 ~~((1))~~ (a) Simplify the annual process of determining ~~((and~~  
12 ~~paying))~~ the amounts due ~~((by nonhigh school districts))~~ to high school  
13 districts for educating students residing in a nonhigh school district;

14 ~~((2) Provide for a payment schedule that coincides to the extent~~  
15 ~~practicable with the ability of nonhigh school districts to pay and the~~  
16 ~~need of high school districts for payment; and~~

17 ~~(3))~~ (b) Establish that the maximum amount due per annual average  
18 full-time equivalent student ~~((by a nonhigh school district))~~ for each  
19 school year is no greater than the maintenance and operation excess tax

1 levy rate per annual average full-time equivalent student levied upon  
2 the taxpayers of the high school district.

3 (2) The state shall provide the reimbursement, as determined by the  
4 superintendent of public instruction, to high school districts for  
5 educating students residing in a nonhigh school district.

6 **Sec. 2.** RCW 28A.545.060 and 1990 c 33 s 490 are each amended to  
7 read as follows:

8 The student enrollment data necessary for the computation of the  
9 annual amounts due ~~((by))~~ to a high school district for educating  
10 students residing in a nonhigh school district~~((s))~~ pursuant to RCW  
11 28A.545.030 through 28A.545.110 and 84.52.0531 shall be established as  
12 follows:

13 ~~((1))~~ On or before July tenth preceding the school year, or such  
14 other date as may be established by the superintendent of public  
15 instruction, each high school district superintendent shall certify to  
16 the superintendent of public instruction:

17 ~~((a))~~ (1) The estimated number of students residing in a nonhigh  
18 school district that will be enrolled in the high school district  
19 during the school year which estimate has been mutually agreed upon by  
20 the high school district superintendent and the superintendent of each  
21 nonhigh school district in which one or more of such students resides;

22 ~~((b))~~ (2) The total estimated number of kindergarten through  
23 twelfth grade annual average full-time equivalent students, inclusive  
24 of nonresident students, that will be enrolled in the high school  
25 district during the school year;

26 ~~((c))~~ (3) The actual number of annual average full-time  
27 equivalent students provided for in subsections (1)~~((a))~~ and ~~((b))~~  
28 (2) of this section that were enrolled in the high school district  
29 during the regular school term just completed; and

30 ~~((d))~~ (4) The name, address, and the school district and county  
31 of residence of each student residing in a nonhigh school district  
32 reported pursuant to this ~~((subsection (1)))~~ section, to the extent the  
33 same can reasonably be established.

34 ~~((2) In the event the superintendents of a high school district~~  
35 ~~and a nonhigh school district are unable to reach agreement respecting~~  
36 ~~the estimated number of annual average full-time equivalent students~~  
37 ~~residing in the nonhigh school district that will be enrolled in the~~

1 ~~high school district during the school year, the estimate shall be~~  
2 ~~established by the superintendent of public instruction.))~~

3 **Sec. 3.** RCW 28A.545.070 and 1990 c 33 s 491 are each amended to  
4 read as follows:

5 (1) The superintendent of public instruction shall annually  
6 determine the estimated amount due ~~((by a nonhigh school district))~~ to  
7 a high school district for the school year as follows:

8 (a) The total of the high school district's maintenance and  
9 operation excess tax levy that has been authorized and determined by  
10 the superintendent of public instruction to be allowable pursuant to  
11 RCW 84.52.0531, as now or hereafter amended, for collection during the  
12 next calendar year, shall first be divided by the total estimated  
13 number of annual average full-time equivalent students which the high  
14 school district superintendent or the superintendent of public  
15 instruction has certified pursuant to RCW 28A.545.060 will be enrolled  
16 in the high school district during the school year;

17 (b) The result of the calculation provided for in ~~((subsection~~  
18 ~~{1}))~~(a) of this ~~((section))~~ subsection shall then be multiplied by the  
19 estimated number of annual average full-time equivalent students  
20 residing in the nonhigh school district that will be enrolled in the  
21 high school district during the school year which has been established  
22 pursuant to RCW 28A.545.060; and

23 (c) The result of the calculation provided for in ~~((subsection~~  
24 ~~{1}))~~(b) of this ~~((section))~~ subsection shall be adjusted upward to the  
25 extent the estimated amount due ~~((by a nonhigh))~~ to a high school  
26 district for the prior school year was less than the actual amount due  
27 based upon actual annual average full-time equivalent student  
28 enrollments during the previous school year and the actual per annual  
29 average full-time equivalent student maintenance and operation excess  
30 tax levy rate for the current tax collection year, of the high school  
31 district, or adjusted downward to the extent the estimated amount due  
32 was greater than such actual amount due or greater than such lesser  
33 amount as a high school district may have elected to assess ~~((pursuant~~  
34 ~~to RCW 28A.545.090))~~.

35 (2) The amount arrived at pursuant to subsection (1)(c) of this  
36 ~~((subsection))~~ section shall constitute the estimated amount due ~~((by~~  
37 ~~a nonhigh school district))~~ to a high school district for the school  
38 year.

1       **Sec. 4.** RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read  
2 as follows:

3       The maximum dollar amount which may be levied by or for any school  
4 district for maintenance and operation support under the provisions of  
5 RCW 84.52.053 shall be determined as follows:

6       (1) For excess levies for collection in calendar year 1997, the  
7 maximum dollar amount shall be calculated pursuant to the laws and  
8 rules in effect in November 1996.

9       (2) For excess levies for collection in calendar year 1998 and  
10 thereafter, the maximum dollar amount shall be the sum of (a) plus or  
11 minus (b) and (c) of this subsection minus (d) of this subsection:

12       (a) The district's levy base as defined in subsection (3) of this  
13 section multiplied by the district's maximum levy percentage as defined  
14 in subsection (4) of this section;

15       (b) For districts in a high/nonhigh relationship, the high school  
16 district's maximum levy amount shall be reduced and the nonhigh school  
17 district's maximum levy amount shall be increased by an amount equal to  
18 the estimated amount of the ((nonhigh)) payment due to the high school  
19 district under RCW 28A.545.030((~~(3)~~ and ~~28A.545.050~~)) (2) for the  
20 school year commencing the year of the levy;

21       (c) For districts in an interdistrict cooperative agreement, the  
22 nonresident school district's maximum levy amount shall be reduced and  
23 the resident school district's maximum levy amount shall be increased  
24 by an amount equal to the per pupil basic education allocation included  
25 in the nonresident district's levy base under subsection (3) of this  
26 section multiplied by:

27       (i) The number of full-time equivalent students served from the  
28 resident district in the prior school year; multiplied by:

29       (ii) The serving district's maximum levy percentage determined  
30 under subsection (4) of this section; increased by:

31       (iii) The percent increase per full-time equivalent student as  
32 stated in the state basic education appropriation section of the  
33 biennial budget between the prior school year and the current school  
34 year divided by fifty-five percent;

35       (d) The district's maximum levy amount shall be reduced by the  
36 maximum amount of state matching funds for which the district is  
37 eligible under RCW 28A.500.010.

38       (3) For excess levies for collection in calendar year 1998 and  
39 thereafter, a district's levy base shall be the sum of allocations in

1 (a) through (c) of this subsection received by the district for the  
2 prior school year, including allocations for compensation increases,  
3 plus the sum of such allocations multiplied by the percent increase per  
4 full time equivalent student as stated in the state basic education  
5 appropriation section of the biennial budget between the prior school  
6 year and the current school year and divided by fifty-five percent. A  
7 district's levy base shall not include local school district property  
8 tax levies or other local revenues, or state and federal allocations  
9 not identified in (a) through (c) of this subsection.

10 (a) The district's basic education allocation as determined  
11 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

12 (b) State and federal categorical allocations for the following  
13 programs:

14 (i) Pupil transportation;

15 (ii) Special education;

16 (iii) Education of highly capable students;

17 (iv) Compensatory education, including but not limited to learning  
18 assistance, migrant education, Indian education, refugee programs, and  
19 bilingual education;

20 (v) Food services; and

21 (vi) State-wide block grant programs; and

22 (c) Any other federal allocations for elementary and secondary  
23 school programs, including direct grants, other than federal impact aid  
24 funds and allocations in lieu of taxes.

25 (4) A district's maximum levy percentage shall be twenty-two  
26 percent in 1998 and twenty-four percent in 1999 and every year  
27 thereafter; plus, for qualifying districts, the grandfathered  
28 percentage determined as follows:

29 (a) For 1997, the difference between the district's 1993 maximum  
30 levy percentage and twenty percent; and

31 (b) For 1998 and thereafter, the percentage calculated as follows:

32 (i) Multiply the grandfathered percentage for the prior year times  
33 the district's levy base determined under subsection (3) of this  
34 section;

35 (ii) Reduce the result of (b)(i) of this subsection by any levy  
36 reduction funds as defined in subsection (5) of this section that are  
37 to be allocated to the district for the current school year;

38 (iii) Divide the result of (b)(ii) of this subsection by the  
39 district's levy base; and

1 (iv) Take the greater of zero or the percentage calculated in  
2 (b)(iii) of this subsection.

3 (5) "Levy reduction funds" shall mean increases in state funds from  
4 the prior school year for programs included under subsection (3) of  
5 this section: (a) That are not attributable to enrollment changes,  
6 compensation increases, or inflationary adjustments; and (b) that are  
7 or were specifically identified as levy reduction funds in the  
8 appropriations act. If levy reduction funds are dependent on formula  
9 factors which would not be finalized until after the start of the  
10 current school year, the superintendent of public instruction shall  
11 estimate the total amount of levy reduction funds by using prior school  
12 year data in place of current school year data. Levy reduction funds  
13 shall not include moneys received by school districts from cities or  
14 counties.

15 (6) For the purposes of this section, "prior school year" means the  
16 most recent school year completed prior to the year in which the levies  
17 are to be collected.

18 (7) For the purposes of this section, "current school year" means  
19 the year immediately following the prior school year.

20 (8) Funds collected from transportation vehicle fund tax levies  
21 shall not be subject to the levy limitations in this section.

22 (9) The superintendent of public instruction shall develop rules  
23 and regulations and inform school districts of the pertinent data  
24 necessary to carry out the provisions of this section.

25 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each  
26 repealed:

27 (1) RCW 28A.545.020 and 1983 c 3 s 32 & 1969 ex.s. c 223 s  
28 28A.44.095;

29 (2) RCW 28A.545.050 and 1985 c 341 s 11 & 1981 c 264 s 3;

30 (3) RCW 28A.545.080 and 1990 c 33 s 492 & 1981 c 264 s 6;

31 (4) RCW 28A.545.090 and 1990 c 33 s 493 & 1981 c 264 s 7; and

32 (5) RCW 28A.545.100 and 1995 c 77 s 26, 1990 c 33 s 494, 1983 1st  
33 ex.s. c 61 s 7, & 1981 c 264 s 8.

34 NEW SECTION. **Sec. 6.** (1) The sum of two million seven hundred  
35 thousand dollars, or as much thereof as may be necessary, is  
36 appropriated for the fiscal year ending June 30, 2001, from the general

1 fund to the superintendent of public instruction for the purposes of  
2 this act.

3 (2) The sum of two million seven hundred thousand dollars, or as  
4 much thereof as may be necessary, is appropriated for the fiscal year  
5 ending June 30, 2002, from the general fund to the superintendent of  
6 public instruction for the purposes of this act.

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