
HOUSE BILL 2082

State of Washington 58th Legislature 2003 Regular Session

By Representatives Jarrett, Chase, Tom, Anderson and Hankins

Read first time 02/24/2003. Referred to Committee on Education.

1 AN ACT Relating to basic education; amending RCW 28A.150.200,
2 28A.150.220, 28A.150.230, and 84.52.0531; adding a new section to
3 chapter 28A.150 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds the children of
6 Washington state need and deserve high quality public schools that will
7 give all students the opportunity to meet the state's academic
8 standards and gain the knowledge and skill required to be successful
9 and contented citizens of the twenty-first century. A quality public
10 education system is also crucial for our state's future economic
11 success and prosperity. The legislature further finds that Washington
12 state made a major commitment to improved public education by passing
13 the Washington education reform act in 1993. That act established new,
14 higher standards of academic achievement for all students. It also
15 established new levels of accountability for students, teachers,
16 schools, and school districts. Finally, it promised management and
17 fiscal flexibility to school districts to help them use their ingenuity
18 to improve student learning and help all children meet the state's new
19 academic standards.

1 The legislature intends to take the next step toward education
2 reform by changing the basic education act to increase school district
3 management flexibility and to give all children the opportunity to
4 attend a school in which at least seventy-five percent of children meet
5 or exceed the state's academic standards. The legislature further
6 intends to allow school districts that meet this goal in every school
7 to ask their voters for additional local funds.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150
9 RCW to read as follows:

10 (1) Beginning September 1, 2005, basic education includes the
11 opportunity to attend a school in which at least seventy-five percent
12 of the students achieve the state's academic standards in reading,
13 writing, and mathematics, as measured by the fourth, seventh, or high
14 school Washington assessment of student learning.

15 (2) At the beginning of the fourth school year after the Washington
16 assessment of student learning in science and social studies is
17 required by law, basic education shall include the opportunity to
18 attend a school in which at least seventy-five percent of the students
19 achieve the state's academic standards in those two subjects as
20 measured by such assessment.

21 **Sec. 3.** RCW 28A.150.200 and 1990 c 33 s 104 are each amended to
22 read as follows:

23 This 1977 amendatory act shall be known and may be cited as "The
24 Washington Basic Education Act of 1977." The program evolving from the
25 Basic Education Act shall include (1) the goal of the school system as
26 defined in RCW 28A.150.210, (2) those program requirements enumerated
27 in RCW 28A.150.220, (~~and~~) (3) the determination and distribution of
28 state resources as defined in RCW 28A.150.250 and 28A.150.260, and (4)
29 the provisions in section 2 of this act.

30 The requirements of the Basic Education Act are deemed by the
31 legislature to comply with the requirements of Article IX, section 1 of
32 the state Constitution, which states that "It is the paramount duty of
33 the state to make ample provision for the education of all children
34 residing within its borders, without distinction or preference on
35 account of race, color, caste, or sex," and are adopted pursuant to

1 Article IX, section 2 of the state Constitution, which states that "The
2 legislature shall provide for a general and uniform system of public
3 schools."

4 **Sec. 4.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
5 read as follows:

6 ~~((1))~~ Satisfaction of the basic education program requirements
7 identified in RCW 28A.150.210 shall be considered to be implemented by
8 ~~((the following program:~~

9 ~~(a) Each school district shall make available to students enrolled~~
10 ~~in kindergarten at least a total instructional offering of four hundred~~
11 ~~fifty hours. The program shall include instruction in the essential~~
12 ~~academic learning requirements under RCW 28A.630.885 and such other~~
13 ~~subjects and such activities as the school district shall determine to~~
14 ~~be appropriate for the education of the school district's students~~
15 ~~enrolled in such program;~~

16 ~~(b) Each school district shall make available to students enrolled~~
17 ~~in grades one through twelve, at least a district wide annual average~~
18 ~~total instructional hour offering of one thousand hours. The state~~
19 ~~board of education may define alternatives to classroom instructional~~
20 ~~time for students in grades nine through twelve enrolled in alternative~~
21 ~~learning experiences. The state board of education shall establish~~
22 ~~rules to determine annual average instructional hours for districts~~
23 ~~including fewer than twelve grades. The program shall include the~~
24 ~~essential academic learning requirements under RCW 28A.630.885 and such~~
25 ~~other subjects and such activities as the school district shall~~
26 ~~determine to be appropriate for the education of the school district's~~
27 ~~students enrolled in such group;~~

28 ~~(c) If the essential academic learning requirements include a~~
29 ~~requirement of languages other than English, the requirement may be met~~
30 ~~by students receiving instruction in one or more American Indian~~
31 ~~languages.~~

32 ~~(2) Nothing contained in subsection (1) of this section shall be~~
33 ~~construed to require individual students to attend school for any~~
34 ~~particular number of hours per day or to take any particular courses.~~

35 ~~(3) Each school district's kindergarten through twelfth grade basic~~
36 ~~educational program shall be accessible to all students who are five~~
37 ~~years of age, as provided by RCW 28A.225.160, and less than twenty one~~

1 years of age and shall consist of a minimum of one hundred eighty
2 school days per school year in such grades as are conducted by a school
3 district, and one hundred eighty half days of instruction, or
4 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
5 school district may schedule the last five school days of the one
6 hundred and eighty day school year for noninstructional purposes in the
7 case of students who are graduating from high school, including, but
8 not limited to, the observance of graduation and early release from
9 school upon the request of a student, and all such students may be
10 claimed as a full time equivalent student to the extent they could
11 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
12 28A.150.260.

13 ~~(4) The state board of education shall adopt rules to implement and~~
14 ~~ensure compliance with the program requirements imposed by this~~
15 ~~section, RCW 28A.150.250 and 28A.150.260, and such related supplemental~~
16 ~~program approval requirements as the state board may establish))~~
17 meeting the requirements of section 2 of this act.

18 **Sec. 5.** RCW 28A.150.230 and 1994 c 245 s 9 are each amended to
19 read as follows:

20 (1) It is the intent and purpose of this section to guarantee that
21 each common school district board of directors, whether or not acting
22 through its respective administrative staff, be held accountable for
23 the proper operation of their district to the local community and its
24 electorate. In accordance with the provisions of Title 28A RCW, as now
25 or hereafter amended, each common school district board of directors
26 shall be vested with the final responsibility for the setting of
27 policies ensuring quality in the content and extent of its educational
28 program and that such program provide students with the opportunity to
29 achieve those skills which are generally recognized as requisite to
30 learning.

31 (2) In conformance with the provisions of Title 28A RCW, as now or
32 hereafter amended, it shall be the responsibility of each common school
33 district board of directors to adopt policies to:

34 (a) Establish performance criteria and an evaluation process for
35 its certificated personnel, including administrative staff, and for all
36 programs constituting a part of such district's curriculum;

1 (b) Determine the final assignment of staff, certificated or
2 classified, according to board enumerated classroom and program needs;

3 (c) Determine the amount of instructional hours necessary for any
4 student to acquire a quality education in such district, in not less
5 than an amount otherwise required in RCW 28A.150.220, or rules and
6 regulations of the state board of education;

7 (d) Determine the allocation of staff time, whether certificated or
8 classified;

9 (e) Establish final curriculum standards consistent with law and
10 rules and regulations of the state board of education, relevant to the
11 particular needs of district students or the unusual characteristics of
12 the district, and ensuring a quality education for each student in the
13 district; (~~and~~)

14 (f) Evaluate teaching materials, including text books, teaching
15 aids, handouts, or other printed material, in public hearing upon
16 complaint by parents, guardians or custodians of students who consider
17 dissemination of such material to students objectionable; and

18 (g) Meet the requirements of section 2 of this act.

19 **Sec. 6.** RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read
20 as follows:

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

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

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

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

33 (b) For districts in a high/nonhigh relationship, the high school
34 district's maximum levy amount shall be reduced and the nonhigh school
35 district's maximum levy amount shall be increased by an amount equal to
36 the estimated amount of the nonhigh payment due to the high school

1 district under RCW 28A.545.030(3) and 28A.545.050 for the school year
2 commencing the year of the levy;

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

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

11 (ii) The serving district's maximum levy percentage determined
12 under subsection (4) or (5) of this section; increased by:

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

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

20 (3) For excess levies for collection in calendar year 1998 and
21 thereafter, a district's levy base shall be the sum of allocations in
22 (a) through (c) of this subsection received by the district for the
23 prior school year, including allocations for compensation increases,
24 plus the sum of such allocations multiplied by the percent increase per
25 full time equivalent student as stated in the state basic education
26 appropriation section of the biennial budget between the prior school
27 year and the current school year and divided by fifty-five percent. A
28 district's levy base shall not include local school district property
29 tax levies or other local revenues, or state and federal allocations
30 not identified in (a) through (c) of this subsection.

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

33 (b) State and federal categorical allocations for the following
34 programs:

35 (i) Pupil transportation;

36 (ii) Special education;

37 (iii) Education of highly capable students;

1 (iv) Compensatory education, including but not limited to learning
2 assistance, migrant education, Indian education, refugee programs, and
3 bilingual education;

4 (v) Food services; and

5 (vi) Statewide block grant programs; and

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

9 (4) With the exception of a district that meets the requirements of
10 subsection (5) of this section, a district's maximum levy percentage
11 shall be twenty-two percent in 1998 and twenty-four percent in 1999 and
12 every year thereafter; plus, for qualifying districts, the
13 grandfathered percentage determined as follows:

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

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

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

20 (ii) Reduce the result of (b)(i) of this subsection by any levy
21 reduction funds as defined in subsection ~~((+5))~~ (6) of this section
22 that are to be allocated to the district for the current school year;

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

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

27 (5) For any year in which each school in a school district meets
28 the requirements of section 2 of this act, the district shall have no
29 maximum levy percentage.

30 (6) "Levy reduction funds" shall mean increases in state funds from
31 the prior school year for programs included under subsection (3) of
32 this section: (a) That are not attributable to enrollment changes,
33 compensation increases, or inflationary adjustments; and (b) that are
34 or were specifically identified as levy reduction funds in the
35 appropriations act. If levy reduction funds are dependent on formula
36 factors which would not be finalized until after the start of the
37 current school year, the superintendent of public instruction shall
38 estimate the total amount of levy reduction funds by using prior school

1 year data in place of current school year data. Levy reduction funds
2 shall not include moneys received by school districts from cities or
3 counties.

4 ~~((+6))~~ (7) For the purposes of this section, "prior school year"
5 means the most recent school year completed prior to the year in which
6 the levies are to be collected.

7 ~~((+7))~~ (8) For the purposes of this section, "current school year"
8 means the year immediately following the prior school year.

9 ~~((+8))~~ (9) Funds collected from transportation vehicle fund tax
10 levies shall not be subject to the levy limitations in this section.

11 ~~((+9))~~ (10) The superintendent of public instruction shall develop
12 rules (~~and regulations~~) and inform school districts of the pertinent
13 data necessary to carry out the provisions of this section.

14 NEW SECTION. **Sec. 7.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

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