

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1590

Chapter 108, Laws of 2022

67th Legislature
2022 Regular Session

PUBLIC SCHOOLS—ENROLLMENT STABILIZATION FUNDING—COVID-19 PANDEMIC

EFFECTIVE DATE: March 23, 2022

Passed by the House March 8, 2022
Yeas 62 Nays 36

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2022
Yeas 28 Nays 21

DENNY HECK

President of the Senate

Approved March 23, 2022 3:56 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1590** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 23, 2022

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1590

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By House Appropriations (originally sponsored by Representatives Dolan, Callan, Pollet, Bateman, Ramel, Wicks, J. Johnson, Senn, Ryu, Duerr, Walen, Goehner, Valdez, Davis, Fey, Ramos, Santos, Simmons, Wylie, Slatter, Kloba, Stonier, Riccelli, Hackney, and Frame)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to enrollment stabilization funding to address
2 enrollment declines due to the COVID-19 pandemic; amending RCW
3 28A.500.015; reenacting and amending RCW 84.52.0531; creating new
4 sections; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that the
7 COVID-19 pandemic has impacted the delivery of education across the
8 state, as school districts resume in-person instructional models with
9 heightened efforts to protect the health and well-being of students
10 and staff and address the pandemic's impact on student learning. The
11 legislature also recognizes that state funding formulas are largely
12 driven by enrollment, and the pandemic has resulted in unforeseen,
13 temporary enrollment declines in many districts. Funding declines due
14 to temporary, unforeseen changes in enrollment can affect a
15 district's ability to maintain the staffing and resources needed to
16 deliver education services. Stabilization funding in the 2020-21
17 school year provided important support for schools to maintain
18 services amid enrollment declines. With this act and in the omnibus
19 operating appropriations act, the legislature intends to extend
20 stabilizing funding to districts that have seen temporary enrollment
21 declines due to the COVID-19 pandemic for the final time.

1 NEW SECTION. **Sec. 2.** (1) If a local education agency's combined
2 state revenue generated in the 2021-22 school year is less than what
3 its combined state revenue would be using 2019-20 annual average
4 enrollment values and formulas in place for the 2021-22 school year,
5 then the superintendent of public instruction must provide an
6 enrollment stabilization amount to the local education agency in the
7 2021-22 school year. The enrollment stabilization amount shall be
8 equal to 50 percent of the local education agency low enrollment
9 impact.

10 (2) The definitions in this subsection apply throughout this
11 section unless the context clearly requires otherwise.

12 (a) "Combined state revenue" means the combined amount from the
13 following allocations to local education agencies:

14 (i) General apportionment allocations as described in RCW
15 28A.150.260;

16 (ii) Special education allocations as described in RCW
17 28A.150.390. Allocations for special education enrollment above
18 2021-22 levels in kindergarten through 12th grades must be based on
19 an excess cost multiplier of 0.995;

20 (iii) Learning assistance program allocations as described in RCW
21 28A.150.260(10)(a). Learning assistance program allocations based on
22 2019-20 enrollments must include the prior years' free or reduced-
23 price meal percentages used for allocations in the 2020-21 school
24 year;

25 (iv) Transitional bilingual program allocations as described in
26 RCW 28A.150.260(10)(b);

27 (v) Highly capable program allocations as described in RCW
28 28A.150.260(10)(c);

29 (vi) Career and technical education and skill centers allocations
30 as described in RCW 28A.150.260 (4)(c), (7), and (9);

31 (vii) Allocations to support institutional education for
32 residential schools as defined by RCW 28A.190.005 and of juveniles in
33 detention facilities as identified by RCW 28A.190.010;

34 (viii) Dropout reengagement program allocations for eligible
35 students under RCW 28A.175.100;

36 (ix) Alternative learning experience allocations as described in
37 RCW 28A.232.020; and

38 (x) Running start allocations as described in RCW 28A.600.310.

1 (b) "Local education agency" means a school district, charter
2 school, or state-tribal education compact school established under
3 chapter 28A.715 RCW.

4 (c) "Local education agency low enrollment impact" is equal to a
5 local education agency's combined state revenue that would be
6 generated using 2019-20 annual average enrollment values and formulas
7 in place for the 2021-22 school year minus its combined state revenue
8 generated in the 2021-22 school year, if the difference is greater
9 than zero.

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

13 **Sec. 3.** RCW 84.52.0531 and 2021 c 221 s 2 and 2021 c 145 s 22
14 are each reenacted and amended to read as follows:

15 (1) Beginning with taxes levied for collection in 2020, the
16 maximum dollar amount which may be levied by or for any school
17 district for enrichment levies under RCW 84.52.053 is equal to the
18 lesser of two dollars and fifty cents per thousand dollars of the
19 assessed value of property in the school district or the maximum per-
20 pupil limit. This maximum dollar amount shall be reduced accordingly
21 as provided under RCW 43.09.2856(2).

22 (2) The definitions in this subsection apply to this section
23 unless the context clearly requires otherwise.

24 (a) For the purpose of this section, "inflation" means the
25 percentage change in the seasonally adjusted consumer price index for
26 all urban consumers, Seattle area, for the most recent 12-month
27 period as of September 25th of the year before the taxes are payable,
28 using the official current base compiled by the United States bureau
29 of labor statistics.

30 (b) "Maximum per-pupil limit" means:

31 (i) Two thousand five hundred dollars, as increased by inflation
32 beginning with property taxes levied for collection in 2020,
33 multiplied by the number of average annual full-time equivalent
34 students enrolled in the school district in the prior school year,
35 for school districts with fewer than forty thousand annual full-time
36 equivalent students enrolled in the school district in the prior
37 school year; or

38 (ii) Three thousand dollars, as increased by inflation beginning
39 with property taxes levied for collection in 2020, multiplied by the

1 number of average annual full-time equivalent students enrolled in
2 the school district in the prior school year, for school districts
3 with forty thousand or more annual full-time equivalent students
4 enrolled in the school district in the prior school year.

5 (c) "Open for in-person instruction to all students" means that
6 all students in all grades have the option to participate in at least
7 40 hours of planned in-person instruction per month and the school
8 follows state department of health guidance and recommendations for
9 resuming in-person instruction to the greatest extent practicable.

10 (d) "Prior school year" means the most recent school year
11 completed prior to the year in which the levies are to be collected,
12 except (~~that in~~) as follows:

13 (i) In the 2022 calendar year, if 2019-20 school year average
14 annual full-time equivalent enrollment is greater than the school
15 district's 2020-21 school year average annual full-time equivalent
16 enrollment and the school district is open for in-person instruction
17 to all students by the beginning of the 2021-22 school year, "prior
18 school year" means the 2019-20 school year.

19 (ii) In the 2023 calendar year, if 2019-20 school year average
20 annual full-time equivalent enrollment is greater than the school
21 district's 2021-22 school year average annual full-time equivalent
22 enrollment and the school district was open for in-person instruction
23 to all students by the beginning of the 2021-22 school year, "prior
24 school year" means the 2019-20 school year.

25 (3) For districts in a high/nonhigh relationship, the enrollments
26 of the nonhigh students attending the high school shall only be
27 counted by the nonhigh school districts for purposes of funding under
28 this section.

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

34 (5) Beginning with propositions for enrichment levies for
35 collection in calendar year 2020 and thereafter, a district must
36 receive approval of an enrichment levy expenditure plan under RCW
37 28A.505.240 before submission of the proposition to the voters.

38 (6) The superintendent of public instruction shall develop rules
39 and regulations and inform school districts of the pertinent data
40 necessary to carry out the provisions of this section.

1 (7) Beginning with taxes levied for collection in 2018,
2 enrichment levy revenues must be deposited in a separate subfund of
3 the school district's general fund pursuant to RCW 28A.320.330, and
4 for the 2018-19 school year are subject to the restrictions of RCW
5 28A.150.276 and the audit requirements of RCW 43.09.2856.

6 (8) Funds collected from levies for transportation vehicles,
7 construction, modernization, or remodeling of school facilities as
8 established in RCW 84.52.053 are not subject to the levy limitations
9 in subsections (1) through (5) of this section.

10 **Sec. 4.** RCW 28A.500.015 and 2019 c 410 s 1 are each amended to
11 read as follows:

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

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

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

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

1 ~~((d) For a school district that meets the criteria in this~~
2 ~~subsection and is located west of the Cascades in a county that~~
3 ~~borders another state, the annual local effort assistance funding is~~
4 ~~equal to the local effort assistance funding authorized under (b) of~~
5 ~~this subsection and additional local effort assistance funding equal~~
6 ~~to the following amounts:~~

7 ~~(i) Two hundred forty-six dollars per pupil in the 2019-20 school~~
8 ~~year for a school district with more than twenty-five thousand annual~~
9 ~~full-time equivalent students; and~~

10 ~~(ii) Two hundred eighty-six dollars per pupil in the 2019-20~~
11 ~~school year for a school district with more than twenty thousand~~
12 ~~annual full-time equivalent enrolled students but fewer than twenty-~~
13 ~~five thousand annual full-time equivalent enrolled students.)~~

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

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

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

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

30 (c) "Maximum local effort assistance" means the difference
31 between the following:

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

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

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

39 (i) In the 2022 calendar year, if 2019-20 school year average
40 annual full-time equivalent enrollment is greater than the school

1 district's 2020-21 school year average annual full-time equivalent
2 enrollment, "prior school year" means the 2019-20 school year.

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

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

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

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

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

21 NEW SECTION. Sec. 5. This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and takes
24 effect immediately.

Passed by the House March 8, 2022.

Passed by the Senate March 3, 2022.

Approved by the Governor March 23, 2022.

Filed in Office of Secretary of State March 23, 2022.

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