
SENATE BILL 5651

State of Washington

62nd Legislature

2011 Regular Session

By Senators McAuliffe, Litzow, Eide, and Shin

Read first time 02/03/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to preserving the school district levy base;
2 reenacting and amending RCW 84.52.0531; creating a new section;
3 providing an effective date; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The federal education jobs fund was intended
6 to support teachers' jobs and enhance quality education. In the 2010
7 second special session, the legislature cut state education funding to
8 school districts by an amount equal to the districts' allocation from
9 the education jobs fund. The intent of the legislature is to preserve
10 the districts' levy base by including in the levy base an amount
11 equivalent to the district's education jobs fund allocation.

12 **Sec. 2.** RCW 84.52.0531 and 2010 c 237 s 1 and 2010 c 99 s 11 are
13 each reenacted and amended to read as follows:

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

17 (1) For excess levies for collection in calendar year 1997, the

1 maximum dollar amount shall be calculated pursuant to the laws and
2 rules in effect in November 1996.

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

7 (a) The district's levy base as defined in subsections (3) and (4)
8 of this section multiplied by the district's maximum levy percentage as
9 defined in subsection (6) of this section;

10 (b) For districts in a high/nonhigh relationship, the high school
11 district's maximum levy amount shall be reduced and the nonhigh school
12 district's maximum levy amount shall be increased by an amount equal to
13 the estimated amount of the nonhigh payment due to the high school
14 district under RCW 28A.545.030(3) and 28A.545.050 for the school year
15 commencing the year of the levy;

16 (c) Except for nonhigh districts under (d) of this subsection, for
17 districts in an interdistrict cooperative agreement, the nonresident
18 school district's maximum levy amount shall be reduced and the resident
19 school district's maximum levy amount shall be increased by an amount
20 equal to the per pupil basic education allocation included in the
21 nonresident district's levy base under subsection (3) of this section
22 multiplied by:

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

25 (ii) The serving district's maximum levy percentage determined
26 under subsection (6) of this section; increased by:

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

31 (d) The levy bases of nonhigh districts participating in an
32 innovation academy cooperative established under RCW 28A.340.080 shall
33 be adjusted by the office of the superintendent of public instruction
34 to reflect each district's proportional share of student enrollment in
35 the cooperative;

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

1 (3) For excess levies for collection in calendar year 2005 and
2 thereafter, a district's levy base shall be the sum of allocations in
3 (a) through (c) of this subsection received by the district for the
4 prior school year and the amounts determined under subsection (4) of
5 this section, including allocations for compensation increases, plus
6 the sum of such allocations multiplied by the percent increase per full
7 time equivalent student as stated in the state basic education
8 appropriation section of the biennial budget between the prior school
9 year and the current school year and divided by fifty-five percent. A
10 district's levy base shall not include local school district property
11 tax levies or other local revenues, or state and federal allocations
12 not identified in (a) through (c) of this subsection.

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

15 (b) State and federal categorical allocations for the following
16 programs:

- 17 (i) Pupil transportation;
- 18 (ii) Special education;
- 19 (iii) Education of highly capable students;
- 20 (iv) Compensatory education, including but not limited to learning
21 assistance, migrant education, Indian education, refugee programs, and
22 bilingual education;
- 23 (v) Food services; and
- 24 (vi) Statewide block grant programs; and

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

28 (4) For levy collections in calendar years 2005 through 2017, in
29 addition to the allocations included under subsection (3)(a) through
30 (c) of this section, a district's levy base shall also include the
31 following:

32 (a)(i) For levy collections in calendar year 2010, the difference
33 between the allocation the district would have received in the current
34 school year had RCW 84.52.068 not been amended by chapter 19, Laws of
35 2003 1st sp. sess. and the allocation the district received in the
36 current school year pursuant to RCW 28A.505.220;

37 (ii) For levy collections in calendar years 2011 through 2017, the
38 difference between the allocation rate the district would have received

1 in the prior school year using the Initiative 728 rate and the
2 allocation rate the district received in the prior school year pursuant
3 to RCW 28A.505.220 multiplied by the full-time equivalent student
4 enrollment used to calculate the Initiative 728 allocation for the
5 prior school year; and

6 (b) The difference between the allocations the district would have
7 received the prior school year using the Initiative 732 base and the
8 allocations the district actually received the prior school year
9 pursuant to RCW 28A.400.205.

10 (5) For levy collections in calendar years 2011 through 2017, in
11 addition to the allocations included under subsections (3)(a) through
12 (c) and (4)(a) and (b) of this section, a district's levy base shall
13 also include:

14 (a) The difference between an allocation of fifty-three and two-
15 tenths certificated instructional staff units per thousand full-time
16 equivalent students in grades kindergarten through four enrolled in the
17 prior school year and the allocation of certificated instructional
18 staff units per thousand full-time equivalent students in grades
19 kindergarten through four that the district actually received in the
20 prior school year, except that the levy base for a school district
21 whose allocation in the 2009-10 school year was less than fifty-three
22 and two-tenths certificated instructional staff units per thousand
23 full-time equivalent students in grades kindergarten through four shall
24 include the difference between the allocation the district actually
25 received in the 2009-10 school year and the allocation the district
26 actually received in the prior school year; and

27 (b) For districts where levies were approved by voters before April
28 30, 2011, the amount equivalent to the district's allocation of federal
29 funds provided through section 101 of P.L. 111-226 (education jobs
30 fund).

31 (6)(a) A district's maximum levy percentage shall be twenty-four
32 percent in 2010 and twenty-eight percent in 2011 through 2017 and
33 twenty-four percent every year thereafter;

34 (b) For qualifying districts, in addition to the percentage in (a)
35 of this subsection the grandfathered percentage determined as follows:

36 (i) For 1997, the difference between the district's 1993 maximum
37 levy percentage and twenty percent; and

38 (ii) For 2011 through 2017, the percentage calculated as follows:

1 (A) Multiply the grandfathered percentage for the prior year times
2 the district's levy base determined under subsection (3) of this
3 section;

4 (B) Reduce the result of (b)(ii)(A) of this subsection by any levy
5 reduction funds as defined in subsection (7) of this section that are
6 to be allocated to the district for the current school year;

7 (C) Divide the result of (b)(ii)(B) of this subsection by the
8 district's levy base; and

9 (D) Take the greater of zero or the percentage calculated in
10 (b)(ii)(C) of this subsection.

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

23 (8) The definitions in this subsection apply throughout this
24 section unless the context clearly requires otherwise.

25 (a) "Prior school year" means the most recent school year completed
26 prior to the year in which the levies are to be collected.

27 (b) "Current school year" means the year immediately following the
28 prior school year.

29 (c) "Initiative 728 rate" means the allocation rate at which the
30 student achievement program would have been funded under chapter 3,
31 Laws of 2001, if all annual adjustments to the initial 2001 allocation
32 rate had been made in previous years and in each subsequent year as
33 provided for under chapter 3, Laws of 2001.

34 (d) "Initiative 732 base" means the prior year's state allocation
35 for annual salary cost-of-living increases for district employees in
36 the state-funded salary base as it would have been calculated under
37 chapter 4, Laws of 2001, if each annual cost-of-living increase

1 allocation had been provided in previous years and in each subsequent
2 year.

3 (9) Funds collected from transportation vehicle fund tax levies
4 shall not be subject to the levy limitations in this section.

5 (10) The superintendent of public instruction shall develop rules
6 and inform school districts of the pertinent data necessary to carry
7 out the provisions of this section.

8 (11) For calendar year 2009, the office of the superintendent of
9 public instruction shall recalculate school district levy authority to
10 reflect levy rates certified by school districts for calendar year
11 2009.

12 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect January
13 1, 2012.

14 NEW SECTION. **Sec. 4.** Section 2 of this act expires January 1,
15 2018.

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