
SENATE BILL 5981

State of Washington 52nd Legislature 1991 Regular Session

By Senators Gaspard, Rinehart, Murray, Vognild, Rasmussen, Conner, Wojahn, Moore, Snyder, Pelz, Skratek, McMullen, Madsen, Talmadge, Bauer, Owen and M. Kreidler.

Read first time April 18, 1991. Referred to Committee on Ways & Means.

1 AN ACT Relating to education; amending RCW 28A.240.010,
2 28A.240.020, 28A.240.030, 28A.150.250, 28A.150.260, and 28A.500.010;
3 reenacting and amending RCW 28A.400.200; adding a new section to
4 chapter 84.52 RCW; adding a new section to chapter 28A.500 RCW; adding
5 a new section to chapter 28A.150 RCW; creating new sections; repealing
6 RCW 28A.150.410 and 84.52.0531; providing an effective date; and
7 declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 84.52 RCW
10 to read as follows:

11 (1) In addition to the maximum dollar amount which may be levied by
12 any school district for maintenance and operation support pursuant to
13 RCW 84.52.0531, a supplemental levy may be made by any school district
14 when authorized to do so by the electors of such school district at a
15 special or general election. Employee compensation beyond that

1 provided by the state may be provided by funds authorized under this
2 section and be a subject of collective bargaining.

3 (2) A supplemental levy shall not exceed five percent of the
4 district's levy base as determined by RCW 84.52.0531(4) and must be
5 first approved in calendar year 1991 for collection in 1992, or
6 approved in calendar year 1992 for collection in 1993, in order for
7 such district to continue to seek approval of a supplemental levy in
8 any year thereafter.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.500
10 RCW to read as follows:

11 Approval of a supplemental levy as authorized by section 1 of this
12 act shall not entitle a school district to additional local effort
13 assistance funds as defined by RCW 28A.500.010.

14 **Sec. 3.** RCW 28A.240.010 and 1990 c 33 s 248 are each amended to
15 read as follows:

16 To carry out the school-based ~~((management pilot))~~ improvement
17 projects of RCW 28A.240.030, the superintendent of public instruction
18 shall:

19 (1) Grant funds to local school districts that apply for funding on
20 a grant proposal or other basis, to establish ~~((pilot))~~ projects in
21 school-based management(~~(:—PROVIDED, That in at least one project~~
22 ~~every building in a district shall use school-based management))~~);

23 (2) Develop guidelines, in consultation with school districts, for
24 school-based ~~((management))~~ improvement programs;

25 (3) Assist districts and schools, upon request, to design,
26 implement, or evaluate school improvement programs authorized by RCW
27 28A.240.030;

1 (4) (~~Submit a report to the legislature not later than two and~~
2 ~~one half years after June 27, 1985, on the results of the pilot~~
3 ~~projects, any other similar programs being used in local districts, and~~
4 ~~any recommendations;~~

5 (5)) These school-based ((~~management pilot~~)) improvement projects
6 are not part of the program of basic education which the state must
7 fund under Article IX of the state Constitution.

8 **Sec. 4.** RCW 28A.240.020 and 1985 c 422 s 1 are each amended to
9 read as follows:

10 (1) The legislature believes that teachers, principals and other
11 school administrators, parents, students, school district personnel,
12 school board members, and members of the community, utilizing the
13 results of continuing research on effective education, can best
14 identify the educational goals, needs, and conditions of the community
15 and develop and implement a basic education program that will provide
16 excellence.

17 (2) To meet the goals set forth in this section, it is the intent
18 and purpose of the legislature to encourage improvement of Washington's
19 public school system by returning more control over the operation of
20 local education programs to local districts through a program of
21 ((~~pilot~~)) projects in school-based ((~~management~~)) improvement.

22 **Sec. 5.** RCW 28A.240.030 and 1990 c 33 s 249 are each amended to
23 read as follows:

24 (1) Each ((~~pilot~~)) project school that participates in the school-
25 based ((~~management~~)) improvement program authorized by RCW 28A.240.010
26 shall be required to establish a school site council. The council
27 shall be minimally composed of the school principal, teachers, other
28 school personnel, parents of pupils attending the school, nonparent

1 community members from the school's service area, and, in secondary
2 schools, pupils. Existing school-wide advisory groups or school
3 support groups may be used as the school site council if such groups
4 conform to the general membership requirements of this section.

5 (2) The exact size of the council and the term and method of
6 selection and replacement of council members shall be specified in the
7 school improvement plan developed pursuant to subsection (3) of this
8 section.

9 (3) Each school site council shall be required to develop an annual
10 school improvement plan containing improvement objectives as
11 established by the council under guidelines developed by the
12 superintendent of public instruction.

13 (4) To establish a site-based council project, an agreement between
14 one school district and the employee organization must be in place to
15 authorize the councils.

16 (5) The board of directors of each school district in which a
17 school is participating in the school-based ((management)) improvement
18 program authorized by RCW 28A.240.010 shall review and approve or
19 disapprove planning applications and school improvement plans
20 consistent with, but not limited to, rules and regulations adopted by
21 the superintendent of public instruction. No school improvement plan
22 may be approved unless it was developed and recommended by a school
23 site council. The board of directors shall notify the school site
24 council in writing of specific reasons for not approving the school
25 improvement plan. Modifications to the plan shall be developed and
26 recommended by the council and approved or disapproved by the board of
27 directors.

28 NEW SECTION. Sec. 6. On the basis of average annual full time
29 equivalent enrollments, excluding full time equivalent enrollment

1 otherwise recognized for certificated staff unit allocations, the
2 legislature shall appropriate funds equivalent to those necessary to
3 implement an increase of two certificated instructional staff for each
4 one thousand full time equivalent students in kindergarten through
5 third grade, excluding full time equivalent handicapped students ages
6 six through eight, to the superintendent of public instruction. This
7 formula is for allocation only.

8 Districts shall use the additional certificated unit allocations to
9 provide certificated instructional staff to reduce the student to
10 teacher ratio in any grade or grades kindergarten through grade twelve.
11 Subject to considerations including, but not limited to, programmatic
12 constraints, facility limitations, and the availability of certificated
13 instructional staff with appropriate endorsements, districts may use
14 the additional certificated unit allocations to provide additional
15 certificated or classified personnel whose primary duty is the daily
16 educational instruction of students.

17 NEW SECTION. **Sec. 7.** Considering the likelihood that
18 additional state revenue above currently forecast levels could
19 materialize during the 1991-93 biennium and provide an opportunity for
20 additional salary adjustments, and considering the growing differences
21 in the cost of living in different regions of the state, the
22 superintendent shall prepare a study of cost-of-living differences that
23 could be used as the basis for a salary allocation methodology for
24 future salary fiscal policy. As part of this study of salary fiscal
25 policy, the superintendent, in consultation with appropriate
26 representatives of teachers, the legislature, the governor and others,
27 shall also study the development of a weighted student formula as a
28 potential for budgeting resources for the common schools in the future.
29 The study shall be provided to the appropriate fiscal and policy

1 committees of the house of representatives and senate by December 1,
2 1991.

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

5 (1)(a) The office of the superintendent of public instruction shall
6 develop at least two options of a weighted student formula for
7 consideration by the oversight committee for implementation in the
8 1992-93 school year. One option shall be to establish weights that
9 reflect the 1991-92 state-wide allocation for student classifications
10 for kindergarten through third grade, fourth through twelfth grade,
11 vocational education, skills center, identified handicapped education
12 conditions, transitional bilingual education, the learning assistance
13 program, highly capable students, and traffic safety. One other option
14 shall include funding levels greater than the 1991-92 level reflected
15 in the weights for student classifications for kindergarten through
16 third grade, fourth through twelfth grade, vocational education, skills
17 center, identified handicapped education conditions, transitional
18 bilingual education, the learning assistance program, highly capable
19 students, and traffic safety.

20 (b) The weight assigned for the fourth through twelfth grade
21 classification shall be one.

22 (c) Weighting shall be established for students from low-income
23 families and for large district relief.

24 (d) The low-income family factor shall take into account the number
25 of students eligible for free and reduced lunches. The large district
26 relief factor shall be for districts with a total weighted full-time
27 equivalent student population of thirty-five thousand or more.

1 (2)(a) The formula shall recognize the administrative and
2 certificated instructional staff mix for each school district based on
3 LEAP Document 1R developed on May 7, 1989, at 11:00 hours.

4 (b) Beginning with the 1992-93 school year, the formula shall
5 recognize a composite staff mix representative of administrative,
6 certificated, and classified staff for each school district.

7 (c) During the 1991-92 school year, the superintendent of public
8 instruction shall collect data on classified staff mix using a modified
9 LEAP Document 1R that includes a column for classified staff
10 experience.

11 (3) The legislature shall identify in the appropriations act a
12 dollar amount per full-time equivalent student to use as the base for
13 the weighted student allocation. Each school district shall receive
14 funding based on the amount derived in the appropriations act
15 multiplied by (a) the total weighted student population multiplied by
16 (b) the sum of the district's composite staff mix plus .8189.

17 (4) For the 1992-93 school year, excluding enhancements for the
18 low-income factor and for the large district relief factor, a district
19 shall not receive fewer funds per full-time equivalent student than it
20 did in the 1991-92 school year.

21 NEW SECTION. **Sec. 9.** (1) An oversight committee shall be
22 appointed by the superintendent of public instruction to participate in
23 the development of the weighted student formula. The committee shall
24 be composed of the following: One representative from each of the two
25 largest caucuses of the senate; one representative from each of the two
26 largest caucuses of the house of representatives; one representative
27 who is a parent, from an educational organization; one representative
28 who is a parent, from an organization concerned with the delivery of
29 categorical instructional services and regular classroom instruction;

1 and two representatives from educational employee organizations. The
2 weighted student formula developed by the superintendent of public
3 instruction shall be approved by the committee before implementation.

4 (2) This section shall expire January 31, 1993.

5 **Sec. 10.** RCW 28A.400.200 and 1990 1st ex.s. c 11 s 2 and 1990 c 33
6 s 381 are each reenacted and amended to read as follows:

7 (1) Every school district board of directors shall fix, alter,
8 allow, and order paid salaries and compensation for all district
9 employees ~~((in conformance with this section))~~. Salary and benefit
10 increases for district employees granted after the effective date of
11 this section are solely the responsibility of that school district.
12 Such increases shall not cause the state to incur any present or future
13 funding obligations.

14 ~~((2)(a) Salaries for certificated instructional staff shall not be~~
15 ~~less than the salary provided in the appropriations act in the state-~~
16 ~~wide salary allocation schedule for an employee with a baccalaureate~~
17 ~~degree and zero years of service; and~~

18 ~~(b) Salaries for certificated instructional staff with a masters~~
19 ~~degree shall not be less than the salary provided in the appropriations~~
20 ~~act in the state-wide salary allocation schedule for an employee with~~
21 ~~a masters degree and zero years of service;~~

22 ~~(3)(a) The actual average salary paid to basic education~~
23 ~~certificated instructional staff shall not exceed the district's~~
24 ~~average basic education certificated instructional staff salary used~~
25 ~~for the state basic education allocations for that school year as~~
26 ~~determined pursuant to RCW 28A.150.410.~~

27 ~~(b) Fringe benefit contributions for basic education certificated~~
28 ~~instructional staff shall be included as salary under (a) of this~~
29 ~~subsection to the extent that the district's actual average benefit~~

1 contribution exceeds the greater of: (i) The formula amount for
2 insurance benefits provided per certificated instructional staff unit
3 in the state operating appropriations act in effect at the time the
4 compensation is payable; or (ii) the actual average amount provided by
5 the school district in the 1986-87 school year. For purposes of this
6 section, fringe benefits shall not include payment for unused leave for
7 illness or injury under RCW 28A.58.096, or employer contributions for
8 old age survivors insurance, workers' compensation, unemployment
9 compensation, and retirement benefits under the Washington state
10 retirement system.

11 (c) Salary and benefits for certificated instructional staff in
12 programs other than basic education shall be consistent with the salary
13 and benefits paid to certificated instructional staff in the basic
14 education program.

15 (4) Salaries and benefits for certificated instructional staff may
16 exceed the limitations in subsection (3) of this section only by
17 separate contract for additional time, additional responsibilities, or
18 incentives. Supplemental contracts shall not cause the state to incur
19 any present or future funding obligation. Supplemental contracts shall
20 be subject to the collective bargaining provisions of chapter 41.59 RCW
21 and the provisions of RCW 28A.405.240, shall not exceed one year, and
22 if not renewed shall not constitute adverse change in accordance with
23 RCW 28A.405.300 through 28A.405.350. No district may enter into a
24 supplemental contract under this subsection for the provision of
25 services which are a part of the basic education program required by
26 Article IX, section 3 of the state Constitution.

27 (5)) (2) Employee benefit plans offered by any district shall
28 comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

1 **Sec. 11.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
2 read as follows:

3 From those funds made available by the legislature for the current
4 use of the common schools, the superintendent of public instruction
5 shall distribute annually as provided in RCW 28A.510.250 to each school
6 district of the state operating a program approved by the state board
7 of education an amount which, when combined with an appropriate portion
8 of such locally available revenues, other than receipts from federal
9 forest revenues distributed to school districts pursuant to RCW
10 28A.520.010 and 28A.520.020, as the superintendent of public
11 instruction may deem appropriate for consideration in computing state
12 equalization support, excluding excess property tax levies, will
13 constitute a basic education allocation in dollars for each annual
14 average full time equivalent student enrolled, based upon one full
15 school year of one hundred eighty days, except that for kindergartens
16 one full school year shall be one hundred eighty half days of
17 instruction, or the equivalent as provided in RCW 28A.150.220.

18 Basic education shall be considered to be fully funded by those
19 amounts of dollars appropriated by the legislature pursuant to RCW
20 28A.150.250 and ~~((28A.150.260))~~ section 8 of this 1991 act to fund
21 those program requirements identified in RCW 28A.150.220 in accordance
22 with the formula and ratios provided in ~~((RCW 28A.150.260))~~ section 8
23 of this 1991 act and those amounts of dollars appropriated by the
24 legislature ~~((to fund the salary requirements of RCW 28A.150.100 and~~
25 ~~28A.150.410))~~.

26 Operation of a program approved by the state board of education,
27 for the purposes of this section, shall include a finding that the
28 ratio of students per classroom teacher in grades kindergarten through
29 three is not greater than the ratio of students per classroom teacher
30 in grades four and above for such district: PROVIDED, That for the

1 purposes of this section, "classroom teacher" shall be defined as an
2 instructional employee possessing at least a provisional certificate,
3 but not necessarily employed as a certificated employee, whose primary
4 duty is the daily educational instruction of students: PROVIDED
5 FURTHER, That the state board of education shall adopt rules and
6 regulations to insure compliance with the student/teacher ratio
7 provisions of this section, and such rules and regulations shall allow
8 for exemptions for those special programs and/or school districts which
9 may be deemed unable to practicably meet the student/teacher ratio
10 requirements of this section by virtue of a small number of students.

11 If a school district's basic education program fails to meet the
12 basic education requirements enumerated in RCW 28A.150.250,
13 (~~28A.150.260~~) section 8 of this 1991 act and 28A.150.220, the state
14 board of education shall require the superintendent of public
15 instruction to withhold state funds in whole or in part for the basic
16 education allocation until program compliance is assured: PROVIDED,
17 That the state board of education may waive this requirement in the
18 event of substantial lack of classroom space.

19 **Sec. 12.** RCW 28A.150.260 and 1990 c 33 s 108 are each amended to
20 read as follows:

21 ~~((The basic education allocation for each annual average full time
22 equivalent student shall be determined in accordance with the following
23 procedures:~~

24 ~~(1) The governor shall and the superintendent of public instruction
25 may recommend to the legislature a formula based on a ratio of students
26 to staff for the distribution of a basic education allocation for each
27 annual average full time equivalent student enrolled in a common
28 school. The distribution formula shall have the primary objective of
29 equalizing educational opportunities and shall provide appropriate~~

1 recognition of the following costs among the various districts within
2 the state:

3 (a) Certificated instructional staff and their related costs;

4 (b) Certificated administrative staff and their related costs;

5 (c) Classified staff and their related costs;

6 (d) Nonsalary costs;

7 (e) Extraordinary costs of remote and necessary schools and small
8 high schools, including costs of additional certificated and classified
9 staff; and

10 (f) The attendance of students pursuant to RCW 28A.335.160 and
11 28A.225.250 who do not reside within the servicing school district.

12 (2)(a) This formula for distribution of basic education funds shall
13 be reviewed biennially by the superintendent and governor. The
14 recommended formula shall be subject to approval, amendment or
15 rejection by the legislature. The formula shall be for allocation
16 purposes only. While the legislature intends that the allocations for
17 additional instructional staff be used to increase the ratio of such
18 staff to students, nothing in this section shall require districts to
19 reduce the number of administrative staff below existing levels.

20 (b) The formula adopted by the legislature for the 1987-88 school
21 year shall reflect the following ratios at a minimum: (i) Forty-eight
22 certificated instructional staff to one thousand annual average full
23 time equivalent students enrolled in grades kindergarten through three;
24 (ii) forty-six certificated instructional staff to one thousand annual
25 average full time equivalent students enrolled in grades four through
26 twelve; (iii) four certificated administrative staff to one thousand
27 annual average full time equivalent students enrolled in grades
28 kindergarten through twelve; and (iv) sixteen and sixty-seven
29 one-hundredths classified personnel to one thousand annual average full

1 ~~time equivalent students enrolled in grades kindergarten through~~
2 ~~twelve.~~

3 ~~(c) Commencing with the 1988-89 school year, the formula adopted by~~
4 ~~the legislature shall reflect the following ratios at a minimum: (i)~~
5 ~~Forty nine certificated instructional staff to one thousand annual~~
6 ~~average full time equivalent students enrolled in grades kindergarten~~
7 ~~through three; (ii) forty six certificated instructional staff to one~~
8 ~~thousand annual average full time equivalent students in grades four~~
9 ~~through twelve; (iii) four certificated administrative staff to one~~
10 ~~thousand annual average full time equivalent students in grades~~
11 ~~kindergarten through twelve; and (iv) sixteen and sixty seven~~
12 ~~one hundredths classified personnel to one thousand annual average full~~
13 ~~time equivalent students enrolled in grades kindergarten through~~
14 ~~twelve.~~

15 ~~(d) In the event the legislature rejects the distribution formula~~
16 ~~recommended by the governor, without adopting a new distribution~~
17 ~~formula, the distribution formula for the previous school year shall~~
18 ~~remain in effect: PROVIDED, That the distribution formula developed~~
19 ~~pursuant to this section shall be for state apportionment and~~
20 ~~equalization purposes only and shall not be construed as mandating~~
21 ~~specific operational functions of local school districts other than~~
22 ~~those program requirements identified in RCW 28A.150.220 and~~
23 ~~28A.150.100. The enrollment of any district shall be the annual~~
24 ~~average number of full time equivalent students and part time students~~
25 ~~as provided in RCW 28A.150.350, enrolled on the first school day of~~
26 ~~each month and shall exclude full time equivalent handicapped students~~
27 ~~recognized for the purposes of allocation of state funds for programs~~
28 ~~under RCW 28A.155.010 through 28A.155.100. The definition of full time~~
29 ~~equivalent student shall be determined by rules and regulations of the~~
30 ~~superintendent of public instruction: PROVIDED, That the definition~~

1 shall be included as part of the superintendent's biennial budget
2 request: ~~PROVIDED, FURTHER, That any revision of the present~~
3 ~~definition shall not take effect until approved by the house~~
4 ~~appropriations committee and the senate ways and means committee:~~
5 ~~PROVIDED, FURTHER, That the office of financial management shall make~~
6 ~~a monthly review of the superintendent's reported full time equivalent~~
7 ~~students in the common schools in conjunction with RCW 43.62.050.~~

8 ~~(3))~~ (1)(a) Certificated instructional staff shall include those
9 persons employed by a school district who are nonsupervisory employees
10 within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional
11 cases, people of unusual competence but without certification may teach
12 students so long as a certificated person exercises general
13 supervision: PROVIDED, FURTHER, That the hiring of such noncertificated
14 people shall not occur during a labor dispute and such noncertificated
15 people shall not be hired to replace certificated employees during a
16 labor dispute.

17 (b) Certificated administrative staff shall include all those
18 persons who are chief executive officers, chief administrative
19 officers, confidential employees, supervisors, principals, or assistant
20 principals within the meaning of RCW 41.59.020(4).

21 ~~((4))~~ (2) Each annual average full time equivalent certificated
22 classroom teacher's direct classroom contact hours shall average at
23 least twenty-five hours per week. Direct classroom contact hours shall
24 be exclusive of time required to be spent for preparation, conferences,
25 or any other nonclassroom instruction duties. Up to two hundred
26 minutes per week may be deducted from the twenty-five contact hour
27 requirement, at the discretion of the school district board of
28 directors, to accommodate authorized teacher/parent-guardian
29 conferences, recess, passing time between classes, and informal
30 instructional activity. Implementing rules to be adopted by the state

1 board of education pursuant to RCW 28A.58.754(6) shall provide that
2 compliance with the direct contact hour requirement shall be based upon
3 teachers' normally assigned weekly instructional schedules, as assigned
4 by the district administration. Additional record-keeping by classroom
5 teachers as a means of accounting for contact hours shall not be
6 required. However, upon request from the board of directors of any
7 school district, the provisions relating to direct classroom contact
8 hours for individual teachers in that district may be waived by the
9 state board of education if the waiver is necessary to implement a
10 locally approved plan for educational excellence and the waiver is
11 limited to those individual teachers approved in the local plan for
12 educational excellence. The state board of education shall develop
13 criteria to evaluate the need for the waiver. Granting of the waiver
14 shall depend upon verification that: (a) The students' classroom
15 instructional time will not be reduced; and (b) the teacher's expertise
16 is critical to the success of the local plan for excellence.

17 **Sec. 13.** RCW 28A.500.010 and 1987 1st ex.s. c 2 s 102 are each
18 amended to read as follows:

19 (1) Commencing with taxes assessed in (~~(1988)~~) 1991 to be collected
20 in calendar year (~~(1989)~~) 1992 and thereafter, in addition to a school
21 district's other general fund allocations, each eligible district shall
22 be provided local effort assistance funds as provided in this section.
23 Such funds are not part of the district's basic education allocation.
24 (~~(For the first distribution of local effort assistance funds provided~~
25 ~~under this section in calendar year 1989, state funds may be prorated~~
26 ~~according to the formula in this section.)~~)

27 (2) (a) "Prior tax collection year" shall mean the year immediately
28 preceding the year in which the local effort assistance shall be
29 allocated.

1 (b) The "state-wide average ten percent levy rate" shall mean ten
2 percent of the total levy bases as defined in RCW 84.52.0531(4) summed
3 for all school districts, and divided by the total assessed valuation
4 for excess levy purposes in the prior tax collection year for all
5 districts as adjusted to one hundred percent by the county indicated
6 ratio established in RCW 84.48.075.

7 (c) The "ten percent levy rate" of a district shall mean:

8 (i) Ten percent of the district's levy base as defined in ((RCW
9 84.52.0531(4))) subsection (5) of this section, plus ((~~one-half of any~~
10 ~~amount computed under RCW 84.52.0531(3)(b))~~), in the case of nonhigh
11 school districts, one-half of the total estimated amount due by the
12 nonhigh school district to high school districts under chapter 28A.545
13 RCW for the current school year; divided by

14 (ii) The district's assessed valuation for excess levy purposes for
15 the prior tax collection year as adjusted to one hundred percent by the
16 county indicated ratio.

17 (d) "Eligible districts" shall mean those districts with a ten
18 percent levy rate which exceeds the state-wide average ten percent levy
19 rate.

20 (3) Allocation of state matching funds to eligible districts for
21 local effort assistance shall be determined as follows:

22 (a) Funds raised by the district through maintenance and operation
23 levies during that tax collection year shall be matched with state
24 funds using the following ratio of state funds to levy funds: (i) The
25 difference between the district's ten percent levy rate and the
26 state-wide average ten percent levy rate; to (ii) the state-wide
27 average ten percent levy rate.

28 (b) The maximum amount of state matching funds for which a district
29 may be eligible in any tax collection year shall be ((~~ten~~)) twenty
30 percent of the district's levy base as defined in RCW 84.52.0531(4),

1 multiplied by the following percentage: (i) The difference between the
2 district's ten percent levy rate and the state-wide average ten percent
3 levy rate; divided by (ii) the district's ten percent levy rate.

4 (4) Fifty-five percent of local effort assistance funds shall be
5 distributed to qualifying districts during the applicable tax
6 collection year on or before June 30 and forty-five percent shall be
7 distributed on or before December 31 of any year.

8 (5) For purposes of this section, a district's levy base shall be
9 the sum of the following allocations received by the district for the
10 prior school year, including allocations for compensation increases:

11 (a) The district's basic education allocation as determined
12 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350, or the
13 weighted pupil formula established in section 8 of this 1991 act;

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

16 (i) Pupil transportation;

17 (ii) Handicapped education;

18 (iii) Education of highly capable students;

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

22 (v) Food services; and

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

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

27 (6) For purposes of this section:

28 (a) "Prior school year" means the most recent school year completed
29 before the year in which levies are to be collected; and

1 (b) "Current school year" means the year immediately following the
2 prior school year.

3 NEW SECTION. Sec. 14. The superintendent of public instruction
4 shall identify laws that will become obsolete or erroneous due to
5 changes in the funding formula in section 8 of this act and shall
6 report its findings and recommendations to the legislature by December
7 1, 1991.

8 NEW SECTION. Sec. 15. The superintendent of public instruction
9 shall adopt a complex needs factor formula after consultation with
10 representatives of the legislature, governor, teachers, administrators,
11 students, school board members, and others. The moneys shall be
12 distributed to school districts qualifying for elements specified in
13 this section within the amount provided in this section. The elements
14 of the complex needs formula shall include elements specified in LEAP
15 Document 30, as developed by the legislative evaluation and
16 accountability program committee on April 6, 1991, at 12:00 hours.
17 "LEAP Document 30" means the computerized tabulation and formulas for
18 the following elements:

19 (1) A poverty element based on the ratio of free and reduced meals
20 compared to the headcount enrollment of the school district.

21 (2) A special education element, based in part on the ratio of
22 special education students compared to the headcount enrollment of the
23 school district. School districts with more than two thousand students
24 participating in special education programs shall receive at least
25 fifty dollars per weighted special education student. A minimum of
26 nine percent of the students must be participating in special education
27 programs for a district to qualify for this funding element.

1 (3) A bilingual education element, based in part on the ratio of
2 students participating in bilingual education programs compared to
3 headcount enrollment of the school district. School districts with
4 more than twenty-five thousand headcount enrollment shall receive a
5 minimum of one hundred fifty dollars per weighted bilingual student.
6 For districts with enrollment under twenty-five thousand, a minimum of
7 nine percent of the district students must be participating in
8 bilingual education programs for a district to qualify for this funding
9 factor, except that any district with over twenty percent enrollment in
10 bilingual programs shall receive a minimum of fifty dollars per
11 student.

12 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 28A.150.410 and 1990 c 33 s 118, 1989 1st ex.s. c 16 s 1,
15 1987 3rd ex.s. c 1 s 4, & 1987 1st ex.s. c 2 s 204; and

16 (2) RCW 84.52.0531 and 1990 c 33 s 601, 1989 c 141 s 1, 1988 c 252
17 s 1, 1987 1st ex.s. c 2 s 101, 1987 c 185 s 40, & 1985 c 374 s 1.

18 NEW SECTION. **Sec. 17.** (1) Sections 8 through 12 and 16 of this
19 act are necessary for the immediate preservation of the public peace,
20 health, or safety, or support of the state government and its existing
21 public institutions, and shall take effect immediately.

22 (2) Section 13 of this act shall take effect January 1, 1992.