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HOUSE BILL 1029

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State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Haigh, Eickmeyer, Hunt and Cox

Read first time 01/11/2001. Referred to Committee on Education.

1            AN ACT Relating to nonhigh school district payments; amending  
2 RCW 28A.545.070, 28A.545.090, and 28A.310.300; and adding a new  
3 section to chapter 28A.545 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 28A.545  
6 RCW to read as follows:

7            (1) The legislature finds that there is a significant burden  
8 placed on a high school district and a nonhigh school district  
9 when the nonhigh school district cannot pay the maintenance and  
10 operating portion of the amount owed to the high school district  
11 as required under this chapter. The inability to pay often is due  
12 to levy failures and other related issues. The legislature intends  
13 to establish a dispute resolution process to help facilitate the  
14 purposes of this chapter.

15            (2) When a dispute arises between a nonhigh school district and  
16 a high school district regarding payments under this chapter,  
17 whether it is the amount due or the payment schedule, either  
18 district may petition the educational service district to appoint

1 a mediator. If the nonhigh school district and the high school  
2 district are in different educational service districts, then the  
3 educational service district in which the petitioning school  
4 district is located shall receive the petition. If the mediator is  
5 unable to bring the districts to agreement within forty-five days  
6 of the appointment of the mediator, the educational service  
7 district shall hold a hearing within thirty days and then adopt an  
8 amount due or a payment plan within thirty days of the hearing.

9 (3) The cost of mediation under subsection (2) of this section  
10 shall be paid by the petitioning school district.

11 **Sec. 2.** RCW 28A.545.070 and 1990 c 33 s 491 are each amended to  
12 read as follows:

13 (1) The superintendent of public instruction shall annually  
14 determine the estimated amount due by a nonhigh school district to  
15 a high school district for the school year as follows:

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

26 (b) The result of the calculation provided for in subsection  
27 (1)(a) of this section shall then be multiplied by the estimated  
28 number of annual average full-time equivalent students residing in  
29 the nonhigh school district that will be enrolled in the high  
30 school district during the school year which has been established  
31 pursuant to RCW 28A.545.060; and

32 (c) The result of the calculation provided for in subsection  
33 (1)(b) of this section shall be adjusted upward to the extent the  
34 estimated amount due by a nonhigh school district for the prior  
35 school year was less than the actual amount due based upon actual  
36 annual average full-time equivalent student enrollments during the  
37 previous school year and the actual per annual average full-time

1 equivalent student maintenance and operation excess tax levy rate  
2 for the current tax collection year, of the high school district,  
3 or adjusted downward to the extent the estimated amount due was  
4 greater than such actual amount due or greater than such lesser  
5 amount as a high school district may have elected to assess  
6 pursuant to RCW 28A.545.090.

7 (2) The amount arrived at pursuant to subsection (1)(c) of this  
8 subsection shall constitute the estimated amount due by a nonhigh  
9 school district to a high school district for the school year.

10 (3) The amount due under this section may be adjusted under  
11 section 1 of this act. Any adjustment under section 1 of this act  
12 shall be the applicable amount due.

13 **Sec. 3.** RCW 28A.545.090 and 1990 c 33 s 493 are each amended to  
14 read as follows:

15 Notwithstanding any provision of RCW 28A.545.050 through  
16 28A.545.080 to the contrary, any high school district board of  
17 directors may elect to assess a nonhigh school district an amount  
18 which is less than that otherwise established by the  
19 superintendent of public instruction pursuant to RCW 28A.545.070  
20 to be due or section 1 of this act. In the event a high school  
21 district elects to do so, it shall notify both the superintendent  
22 of public instruction and the nonhigh school district of its  
23 election and the lesser amount no later than September first  
24 following the school year for which the amount is due. In the  
25 absence of such notification, each nonhigh school district shall  
26 pay the amount otherwise established by the superintendent of  
27 public instruction pursuant to RCW 28A.545.070 or section 1 of  
28 this act.

29 **Sec. 4.** RCW 28A.310.300 and 1998 c 244 s 13 are each amended to  
30 read as follows:

31 In addition to other powers and duties as provided by law, each  
32 educational service district superintendent shall:

33 (1) Assist the school districts in preparation of their budgets  
34 as provided in chapter 28A.505 RCW(~~(-)~~);

35 (2) Enforce the provisions of the compulsory attendance law as  
36 provided in RCW 28A.225.010 through 28A.225.140, 28A.200.010, and

1 28A.200.020((~~-~~))*i*

2 (3) Perform duties relating to capital fund aid by nonhigh  
3 districts as provided in chapter 28A.540 RCW((~~-~~))*i*

4 (4) Carry out the duties and issue orders creating new school  
5 districts and transfers of territory as provided in chapter  
6 28A.315 RCW((~~-~~))*i*

7 (5) Perform the limited duties as provided in chapter 28A.193  
8 RCW((~~-~~))*i*

9 (6) Facilitate resolution of disputes between high school and  
10 nonhigh school districts as provided in section 1 of this act; and

11 (7) Perform all other duties prescribed by law and the  
12 educational service district board.

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