
SENATE BILL 6084

State of Washington

62nd Legislature

2012 Regular Session

By Senators Swecker, Schoesler, Haugen, King, Sheldon, Hatfield, Honeyford, and Shin

Read first time 01/11/12. Referred to Committee on Ways & Means.

1 AN ACT Relating to eliminating nonhigh school district
2 reimbursement fees; reenacting and amending RCW 84.52.0531 and
3 84.52.0531; repealing RCW 28A.545.020, 28A.545.030, 28A.545.040,
4 28A.545.050, 28A.545.060, 28A.545.070, 28A.545.080, 28A.545.090,
5 28A.545.100, 28A.545.110, and 28A.545.120; providing effective dates;
6 and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The following acts or parts of acts are each
9 repealed:

10 (1) RCW 28A.545.020 (Reimbursement not a tuition charge) and 1983
11 c 3 s 32 & 1969 ex.s. c 223 s 28A.44.095;

12 (2) RCW 28A.545.030 (Purposes) and 1990 c 33 s 488 & 1981 c 264 s
13 1;

14 (3) RCW 28A.545.040 ("Student residing in a nonhigh school
15 district" defined) and 2010 c 99 s 7, 1995 c 77 s 25, 1990 c 33 s 489,
16 & 1981 c 264 s 2;

17 (4) RCW 28A.545.050 (Amounts due from nonhigh districts) and 1985
18 c 341 s 11 & 1981 c 264 s 3;

1 (5) RCW 28A.545.060 (Enrollment data for computation of amounts
2 due) and 1990 c 33 s 490 & 1981 c 264 s 4;

3 (6) RCW 28A.545.070 (Superintendent's annual determination of
4 estimated amount due--Process) and 1990 c 33 s 491 & 1981 c 264 s 5;

5 (7) RCW 28A.545.080 (Estimated amount due paid in May and November
6 installments) and 1990 c 33 s 492 & 1981 c 264 s 6;

7 (8) RCW 28A.545.090 (Assessing nonhigh school lesser amount--Notice
8 of) and 1990 c 33 s 493 & 1981 c 264 s 7;

9 (9) RCW 28A.545.100 (Amount due reflects cost of education and
10 transportation of students) and 1995 c 77 s 26, 1990 c 33 s 494, 1983
11 1st ex.s. c 61 s 7, & 1981 c 264 s 8;

12 (10) RCW 28A.545.110 (Rules to effect purposes and implement
13 provisions) and 1990 c 33 s 495 & 1981 c 264 s 9; and

14 (11) RCW 28A.545.120 (New programs or grades--Approval--Rules) and
15 2010 c 99 s 8 & 2006 c 263 s 325.

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

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

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

24 ~~(2))~~ For excess levies for collection in calendar year ~~((1998))~~
25 2012 and thereafter, the maximum dollar amount shall be the sum of (a)
26 plus or minus (b)~~((7))~~ and (c)~~((7 and (d))~~ of this subsection minus
27 ~~((e))~~ (d) of this subsection:

28 (a) The district's levy base as defined in subsections (2) and (3)
29 ~~((and (4))~~ of this section multiplied by the district's maximum levy
30 percentage as defined in subsection ~~((6))~~ (5) of this section;

31 (b) ~~((For districts in a high/nonhigh relationship, the high school
32 district's maximum levy amount shall be reduced and the nonhigh school
33 district's maximum levy amount shall be increased by an amount equal to
34 the estimated amount of the nonhigh payment due to the high school
35 district under RCW 28A.545.030(3) and 28A.545.050 for the school year
36 commencing the year of the levy;~~

1 ~~(c) Except for nonhigh districts under (d) of this subsection,~~)
2 For districts in an interdistrict cooperative agreement, the
3 nonresident school district's maximum levy amount shall be reduced and
4 the resident school district's maximum levy amount shall be increased
5 by an amount equal to the per pupil basic education allocation included
6 in the nonresident district's levy base under subsection ~~((+3+))~~ (2) of
7 this section multiplied by:
8 (i) The number of full-time equivalent students served from the
9 resident district in the prior school year; multiplied by:
10 (ii) The serving district's maximum levy percentage determined
11 under subsection ~~((+6+))~~ (5) of this section; increased by:
12 (iii) The percent increase per full-time equivalent student as
13 stated in the state basic education appropriation section of the
14 biennial budget between the prior school year and the current school
15 year divided by fifty-five percent;
16 ~~((+d+))~~ (c) The levy bases of nonhigh districts participating in an
17 innovation academy cooperative established under RCW 28A.340.080 shall
18 be adjusted by the office of the superintendent of public instruction
19 to reflect each district's proportional share of student enrollment in
20 the cooperative;
21 ~~((+e+))~~ (d) The district's maximum levy amount shall be reduced by
22 the maximum amount of state matching funds for which the district is
23 eligible under RCW 28A.500.010.
24 ~~((+3+))~~ (2) For excess levies for collection in calendar year 2005
25 and thereafter, a district's levy base shall be the sum of allocations
26 in (a) through (c) of this subsection received by the district for the
27 prior school year and the amounts determined under subsection ~~((+4+))~~
28 (3) of this section, including allocations for compensation increases,
29 plus the sum of such allocations multiplied by the percent increase per
30 full time equivalent student as stated in the state basic education
31 appropriation section of the biennial budget between the prior school
32 year and the current school year and divided by fifty-five percent. A
33 district's levy base shall not include local school district property
34 tax levies or other local revenues, or state and federal allocations
35 not identified in (a) through (c) of this subsection.
36 (a) The district's basic education allocation as determined
37 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

1 (b) State and federal categorical allocations for the following
2 programs:

3 (i) Pupil transportation;

4 (ii) Special education;

5 (iii) Education of highly capable students;

6 (iv) Compensatory education, including but not limited to learning
7 assistance, migrant education, Indian education, refugee programs, and
8 bilingual education;

9 (v) Food services; and

10 (vi) Statewide block grant programs; and

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

14 ~~((+4))~~ (3) For levy collections in calendar years 2005 through
15 2017, in addition to the allocations included under subsection ~~((+3))~~
16 (2)(a) through (c) of this section, a district's levy base shall also
17 include the following:

18 (a)(i) For levy collections in calendar year 2010, the difference
19 between the allocation the district would have received in the current
20 school year had RCW 84.52.068 not been amended by chapter 19, Laws of
21 2003 1st sp. sess. and the allocation the district received in the
22 current school year pursuant to RCW 28A.505.220;

23 (ii) For levy collections in calendar years 2011 through 2017, the
24 difference between the allocation rate the district would have received
25 in the prior school year using the Initiative 728 rate and the
26 allocation rate the district received in the prior school year pursuant
27 to RCW 28A.505.220 multiplied by the full-time equivalent student
28 enrollment used to calculate the Initiative 728 allocation for the
29 prior school year; and

30 (b) The difference between the allocations the district would have
31 received the prior school year using the Initiative 732 base and the
32 allocations the district actually received the prior school year
33 pursuant to RCW 28A.400.205.

34 ~~((+5))~~ (4) For levy collections in calendar years 2011 through
35 2017, in addition to the allocations included under subsections ~~((+3))~~
36 (2)(a) through (c) and ~~((+4))~~ (3)(a) and (b) of this section, a
37 district's levy base shall also include the difference between an
38 allocation of fifty-three and two-tenths certificated instructional

1 staff units per thousand full-time equivalent students in grades
2 kindergarten through four enrolled in the prior school year and the
3 allocation of certificated instructional staff units per thousand full-
4 time equivalent students in grades kindergarten through four that the
5 district actually received in the prior school year, except that the
6 levy base for a school district whose allocation in the 2009-10 school
7 year was less than fifty-three and two-tenths certificated
8 instructional staff units per thousand full-time equivalent students in
9 grades kindergarten through four shall include the difference between
10 the allocation the district actually received in the 2009-10 school
11 year and the allocation the district actually received in the prior
12 school year.

13 ~~((+6+))~~ (5)(a) A district's maximum levy percentage shall be
14 twenty-four percent in 2010 and twenty-eight percent in 2011 through
15 2017 and twenty-four percent every year thereafter;

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

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

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

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

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

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

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

31 ~~((+7+))~~ (6) "Levy reduction funds" shall mean increases in state
32 funds from the prior school year for programs included under
33 subsections ~~((+3+))~~ (2) and ~~((+4+))~~ (3) of this section: (a) That are
34 not attributable to enrollment changes, compensation increases, or
35 inflationary adjustments; and (b) that are or were specifically
36 identified as levy reduction funds in the appropriations act. If levy
37 reduction funds are dependent on formula factors which would not be
38 finalized until after the start of the current school year, the

1 superintendent of public instruction shall estimate the total amount of
2 levy reduction funds by using prior school year data in place of
3 current school year data. Levy reduction funds shall not include
4 moneys received by school districts from cities or counties.

5 ~~((+8+))~~ (7) The definitions in this subsection apply throughout
6 this section unless the context clearly requires otherwise.

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

9 (b) "Current school year" means the year immediately following the
10 prior school year.

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

16 (d) "Initiative 732 base" means the prior year's state allocation
17 for annual salary cost-of-living increases for district employees in
18 the state-funded salary base as it would have been calculated under
19 chapter 4, Laws of 2001, if each annual cost-of-living increase
20 allocation had been provided in previous years and in each subsequent
21 year.

22 ~~((+9+))~~ (8) Funds collected from transportation vehicle fund tax
23 levies shall not be subject to the levy limitations in this section.

24 ~~((+10+))~~ (9) The superintendent of public instruction shall develop
25 rules and inform school districts of the pertinent data necessary to
26 carry out the provisions of this section.

27 ~~((+11+))~~ (10) For calendar year 2009, the office of the
28 superintendent of public instruction shall recalculate school district
29 levy authority to reflect levy rates certified by school districts for
30 calendar year 2009.

31 **Sec. 3.** RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are
32 each reenacted and amended to read as follows:

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

36 (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))~~
4 2012 and thereafter, the maximum dollar amount shall be the sum of (a)
5 plus or minus (b)~~((7))~~ and (c)~~((7 and (d))~~) of this subsection minus
6 ~~((e))~~ (d) of this subsection:

7 (a) The district's levy base as defined in subsection ~~((3))~~ (2)
8 of this section multiplied by the district's maximum levy percentage as
9 defined in subsection ~~((4))~~ (3) 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,~~)
17 For districts in an interdistrict cooperative agreement, the
18 nonresident school district's maximum levy amount shall be reduced and
19 the resident school district's maximum levy amount shall be increased
20 by an amount equal to the per pupil basic education allocation included
21 in the nonresident district's levy base under subsection ~~((3))~~ (2) of
22 this section 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 ~~((4))~~ (3) 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))~~ (c) 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))~~ (d) The district's maximum levy amount shall be reduced by
37 the maximum amount of state matching funds for which the district is
38 eligible under RCW 28A.500.010.

1 ~~((3))~~ (2) For excess levies for collection in calendar year 1998
2 and thereafter, a district's levy base shall be the sum of allocations
3 in ~~(a) ~~(through (c))~~~~ and (b) of this subsection received by the
4 district for the prior school year, including allocations for
5 compensation increases, plus the sum of such allocations multiplied by
6 the percent increase per full time equivalent student as stated in the
7 state basic education appropriation section of the biennial budget
8 between the prior school year and the current school year and divided
9 by fifty-five percent. A district's levy base shall not include local
10 school district property tax levies or other local revenues, or state
11 and federal allocations not identified in ~~(a) ~~(through (c))~~~~ and (b)
12 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))~~ (3)(a) A district's maximum levy percentage shall be
29 twenty-four percent in 2010 and twenty-eight percent in 2011 through
30 2017 and twenty-four percent every year thereafter;

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

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

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

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

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

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

6 (D) Take the greater of zero or the percentage calculated in
7 (b)(ii)(C) of this subsection;

8 (iii) For 2018 and thereafter, the percentage shall be calculated
9 as follows:

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

13 (B) Reduce the result of (b)(iii)(A) of this subsection by any levy
14 reduction funds as defined in subsection ~~((+5))~~ (4) of this section
15 that are to be allocated to the district for the current school year;

16 (C) Divide the result of (b)(iii)(B) of this subsection by the
17 district's levy base; and

18 (D) Take the greater of zero or the percentage calculated in
19 (b)(iii)(C) of this subsection.

20 ~~((+5))~~ (4) "Levy reduction funds" shall mean increases in state
21 funds from the prior school year for programs included under subsection
22 ~~((+3))~~ (2) of this section: (a) That are not attributable to
23 enrollment changes, compensation increases, or inflationary
24 adjustments; and (b) that are or were specifically identified as levy
25 reduction funds in the appropriations act. If levy reduction funds are
26 dependent on formula factors which would not be finalized until after
27 the start of the current school year, the superintendent of public
28 instruction shall estimate the total amount of levy reduction funds by
29 using prior school year data in place of current school year data.
30 Levy reduction funds shall not include moneys received by school
31 districts from cities or counties.

32 ~~((+6))~~ (5) For the purposes of this section, "prior school year"
33 means the most recent school year completed prior to the year in which
34 the levies are to be collected.

35 ~~((+7))~~ (6) For the purposes of this section, "current school year"
36 means the year immediately following the prior school year.

37 ~~((+8))~~ (7) Funds collected from transportation vehicle fund tax
38 levies shall not be subject to the levy limitations in this section.

1 (~~(9)~~) (8) The superintendent of public instruction shall develop
2 rules (~~and regulations~~) and inform school districts of the pertinent
3 data necessary to carry out the provisions of this section.

4 NEW SECTION. **Sec. 4.** Section 1 of this act takes effect August 1,
5 2012.

6 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect January
7 1, 2013.

8 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect January
9 1, 2018.

10 NEW SECTION. **Sec. 7.** Section 2 of this act expires January 1,
11 2018.

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