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HOUSE BILL 2295

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Rossetti, Orcutt, Blake, Haler, Reykdal, Buys, Magendanz, Van De Wege, Griffey, Condotta, Santos, and Tharinger

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1 AN ACT Relating to eliminating the reduction in state basic  
2 education funding that occurs in counties with federal forest lands;  
3 amending RCW 28A.150.250 and 28A.520.020; creating a new section; and  
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** School districts in counties with federal  
7 forests are at a disadvantage in terms of generating local revenue  
8 due to economic and private development opportunities that are  
9 forgone on these lands. The legislature intends to cease reducing  
10 state basic education funding to school districts in counties with  
11 federal forest lands. The money school districts receive as a result  
12 of federal forest revenue payments should be considered as grants, or  
13 compensation from the federal government, to inhabitants of local  
14 areas for impacts associated with the presence of federal lands.  
15 These revenues should be delivered to school districts as a  
16 supplement to basic education allocations in addition to the state's  
17 basic education apportionment.

18 **Sec. 2.** RCW 28A.150.250 and 2009 c 548 s 105 are each amended to  
19 read as follows:

1 (1) From those funds made available by the legislature for the  
2 current use of the common schools, the superintendent of public  
3 instruction shall distribute annually as provided in RCW 28A.510.250  
4 to each school district of the state operating a basic education  
5 instructional program approved by the state board of education an  
6 amount based on the formulas provided in RCW 28A.150.260,  
7 28A.150.390, and 28A.150.392 which, when combined with an appropriate  
8 portion of such locally available revenues(~~(, other than receipts~~  
9 ~~from federal forest revenues distributed to school districts pursuant~~  
10 ~~to RCW 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.~~

15 (2) The instructional program of basic education shall be  
16 considered to be fully funded by those amounts of dollars  
17 appropriated by the legislature pursuant to RCW 28A.150.260,  
18 28A.150.390, and 28A.150.392 to fund those program requirements  
19 identified in RCW 28A.150.220 in accordance with the formula provided  
20 in RCW 28A.150.260 and those amounts of dollars appropriated by the  
21 legislature to fund the salary requirements of RCW 28A.150.410.

22 (3) If a school district's basic education program fails to meet  
23 the basic education requirements enumerated in RCW 28A.150.260 and  
24 28A.150.220, the state board of education shall require the  
25 superintendent of public instruction to withhold state funds in whole  
26 or in part for the basic education allocation until program  
27 compliance is assured. However, the state board of education may  
28 waive this requirement in the event of substantial lack of classroom  
29 space.

30 **Sec. 3.** RCW 28A.520.020 and 2014 c 155 s 2 are each amended to  
31 read as follows:

32 (1) There shall be a fund known as the federal forest revolving  
33 account. The state treasurer, who shall be custodian of the revolving  
34 account, shall deposit into the revolving account the funds for each  
35 county received by the state in accordance with Title 16, section  
36 500, United States Code. The state treasurer shall distribute these  
37 moneys to the counties according to the determined proportional area.  
38 The county legislative authority shall expend fifty percent of the  
39 money for the benefit of the public roads and other public purposes

1 as authorized by federal statute or public schools of such county and  
2 not otherwise. Disbursements by the counties of the remaining fifty  
3 percent of the money shall be as authorized by the superintendent of  
4 public instruction, or the superintendent's designee, and shall occur  
5 in the manner provided in subsection (2) of this section.

6 (2) No later than thirty days following receipt of the funds from  
7 the federal government, the superintendent of public instruction  
8 shall apportion moneys distributed to counties for schools to public  
9 school districts in the respective counties in proportion to the  
10 number of resident full-time equivalent students enrolled in each  
11 public school district to the number of resident full-time equivalent  
12 students enrolled in public schools in the county. In apportioning  
13 these funds, the superintendent of public instruction shall utilize  
14 the October enrollment count.

15 (3) ~~((a) Except as provided in (b) of this subsection, if))~~ The  
16 amount received by any public school district pursuant to subsection  
17 (2) of this section ~~((is less than))~~ does not reduce the basic  
18 education allocation to which the district would otherwise be  
19 entitled ~~((, the superintendent of public instruction shall apportion  
20 to the district, in the manner provided by RCW 28A.510.250, an amount  
21 which shall be the difference between the amount received pursuant to  
22 subsection (2) of this section and the basic education allocation to  
23 which the district would otherwise be entitled.~~

24 ~~(b) If a school district has a poverty level of at least fifty-~~  
25 ~~seven percent, the superintendent may not offset that district's~~  
26 ~~basic education allocation by the amount of those federal forest~~  
27 ~~revenues, to the extent that such revenues do not exceed seventy~~  
28 ~~thousand dollars. The superintendent may offset the district's basic~~  
29 ~~education allocations by the portion of the federal forest revenues~~  
30 ~~that exceeds seventy thousand dollars. For purposes of this section,~~  
31 ~~poverty is measured by the percentage of students eligible for free~~  
32 ~~and reduced-price lunch in the previous school year)).~~

33 (4) All federal forest funds shall be expended in accordance with  
34 the requirements of Title 16, section 500, United States Code, as now  
35 existing or hereafter amended.

36 (5) The definition of resident student for purposes of this  
37 section shall be based on rules adopted by the superintendent of  
38 public instruction, which shall consider and address the impact of  
39 alternative learning experience students on federal forest funds  
40 distribution.

1        NEW SECTION.    **Sec. 4.**    This act takes effect September 1, 2016.

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