

ESSB 5313 - H AMD 928

By Representative Sullivan

WITHDRAWN 04/28/2020

1 Strike everything after the enacting clause and insert the
2 following:

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5 "Sec. 1. RCW 84.52.0531 and 2018 c 266 s 307 are each amended
6 to read as follows:

7 LOCAL ENRICHMENT LEVY REVISED.

8 (1) Beginning with taxes levied for collection in ~~((2019))~~ 2020,
9 the maximum dollar amount which may be levied by or for any school
10 district for enrichment levies under RCW 84.52.053 is ~~((equal to))~~
11 either:

12 (a) The lesser of one dollar and fifty cents per thousand
13 dollars of the assessed value of property in the school district or
14 the maximum per-pupil limit; or

15 (b) The sum of (b)(i) of this subsection plus or minus (b)(ii),
16 (iii), and (iv) of this subsection, minus (b)(v) of this subsection:

17 (i) The school district's levy base as defined in subsection (2)
18 of this section multiplied by twenty percent;

19 (ii) For school districts in a high/nonhigh relationship, the
20 high school district's maximum levy amount is reduced by, and the
21 nonhigh school district's maximum levy amount is increased by, an
22 amount equal to the estimated amount of the nonhigh payment due to
23 the high school district under RCW 28A.545.030(3) and 28A.545.050
24 for the school year commencing in the year of the levy;

25 (iii) Except for nonhigh school districts under (b)(iv) of this
26 subsection, for school districts in an interdistrict cooperative
27 agreement, the nonresident school district's maximum levy amount is

1 reduced by, and the resident school district's maximum levy amount
2 is increased by, an amount equal to the per-pupil basic education
3 allocation included in the nonresident school district's levy base
4 under subsection (2) of this section:

5 (A) Multiplied by the number of full-time equivalent students
6 served from the resident school district in the prior school year; and

7 (B) Multiplied by twenty percent;

8 (iv) The levy bases of nonhigh school districts participating in
9 an innovation academy cooperative formed under RCW 28A.340.080 must
10 be adjusted by the office of the superintendent of public
11 instruction to reflect each nonhigh school district's proportional
12 share of student enrollment in the cooperative;

13 (v) A school district's maximum levy amount is reduced by the
14 maximum amount of state matching funds for which the school district
15 is eligible under RCW 28A.500.010.

16 (2) A school district's levy base is the sum of allocations
17 under (a) through (c) of this subsection received by the school
18 district for the prior school year, including allocations for
19 compensation increases. A school district's levy base does not
20 include local school district property tax levies or other local
21 revenues, or state and federal allocations not identified in (a)
22 through (c) of this subsection.

23 (a) The school district's basic education allocation as
24 determined under RCW 28A.150.250, 28A.150.260, 28A.150.350, and 28A.
25 150.415;

26 (b) State and federal categorical allocations for the following
27 programs:

28 (i) Pupil transportation;

29 (ii) Special education;

30 (iii) Education of highly capable students;

31 (iv) Compensatory education including, but not limited to,
32 learning assistance, migrant education, Indian education, refugee
33 programs, and bilingual education;

34 (v) Food services; and

1 (vi) Statewide block grant programs; and
2 (c) Any other federal allocations for elementary and secondary
3 school programs, including direct grants, other than federal impact
4 aid funds and allocations in lieu of taxes.

5 ~~((+2))~~ (3) The definitions in this subsection apply to this
6 section unless the context clearly requires otherwise.

7 ~~((For the purpose of this section,))~~ "Inflation" means, for
8 any school year, the rate of the yearly increase of the previous
9 calendar year's annual average consumer price index for all urban
10 consumers, Seattle area, using the official current base compiled by
11 the bureau of labor statistics, United States department of labor.

12 (b) "Maximum per-pupil limit" means ~~((two))~~ three thousand
13 ~~((five hundred))~~ dollars, multiplied by the number of average annual
14 full-time equivalent students enrolled in the school district in the
15 prior school year. Beginning with property taxes levied for
16 collection in 2020, the maximum per-pupil limit shall be increased
17 by inflation from the 2019 calendar year.

18 ~~((c) "Prior school year" means the most recent school year~~
19 ~~completed prior to the year in which the levies are to be collected.~~

20 ~~(+3))~~ (i) For districts in a high/nonhigh relationship, the
21 enrollments of the nonhigh students attending the high school shall
22 only be counted by the nonhigh school districts for purposes of
23 ~~((funding under this section))~~ calculating the maximum per-pupil
24 limit.

25 ~~((+4))~~ (ii) For school districts participating in an innovation
26 academy cooperative established under RCW 28A.340.080, enrollments
27 of students attending the academy shall be adjusted so that each
28 participant district receives its proportional share of student
29 enrollments for purposes of ~~((funding under this section))~~
30 calculating the maximum per-pupil limit.

31 ~~((+5))~~ (c) "Prior school year" means the most recent school
32 year completed prior to the year in which the levies are collected.

33 (4) Beginning with propositions for enrichment levies for
34 collection in calendar year 2020 and thereafter, a district must

1 receive approval of an enrichment levy expenditure plan under RCW
2 28A.505.240 before submission of the proposition to the voters.

3 ~~((+6))~~ (5) The superintendent of public instruction shall
4 develop rules and regulations and inform school districts of the
5 pertinent data necessary to carry out the provisions of this section.

6 ~~((+7))~~ (6) Beginning with taxes levied for collection in 2018,
7 enrichment levy revenues must be deposited in a separate subfund of
8 the school district's general fund pursuant to RCW 28A.320.330, and
9 for the 2018-19 school year are subject to the restrictions of RCW
10 28A.150.276 and the audit requirements of RCW 43.09.2856.

11 ~~((+8))~~ (7) Funds collected from levies for transportation
12 vehicles, construction, modernization, or remodeling of school
13 facilities as established in RCW 84.52.053 are not subject to the
14 levy limitations in subsections (1) ~~((through (5)))~~ and (2) of this
15 section.

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17 **Sec. 2.** RCW 28A.500.015 and 2018 c 266 s 303 are each amended
18 to read as follows:

19 LEVY EQUALIZATION REVISED TO REFLECT ENRICHMENT LEVY CHANGES.

20 (1) Beginning in calendar year ~~((2019))~~ 2020 and each calendar
21 year thereafter, the state must provide state local effort
22 assistance funding to supplement school district enrichment levies
23 as provided in this section.

24 (2) ~~((For an))~~ The superintendent of public instruction must
25 allocate state matching funds to eligible school district~~((,~~
26 ~~annual))~~ s for local effort assistance ~~((funding is equal to the~~
27 ~~school district's maximum local effort assistance multiplied by a~~
28 ~~fraction equal to the school district's actual enrichment levy~~
29 ~~divided by the school district's maximum allowable enrichment levy))~~
30 as follows:

31 (a) Funds raised by the school district through enrichment
32 levies must be matched with state funds using the following ratio of
33 state funds to levy funds: The difference between the school
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1 district's ten percent levy rate and the statewide average ten
2 percent levy rate, to the statewide average ten percent levy rate.

3 (b) The maximum amount of state matching funds for school
4 districts eligible for local effort assistance is the school
5 district's ten percent levy amount, multiplied by the following
6 percentage: The difference between the school district's ten percent
7 levy rate and the statewide average ten percent levy rate, divided
8 by the school district's ten percent levy rate.

9 (c) For a school district that meets the criteria in this
10 subsection and is located west of the Cascades in a county that
11 borders another state, the annual local effort assistance funding is
12 equal to the local effort assistance funding authorized under (a)
13 and (b) of this subsection and additional local effort assistance
14 funding equal to the following amounts:

15 (i) Two hundred seventy-five dollars per pupil in the 2019-20
16 school year for a school district with more than twenty-five
17 thousand annual full-time equivalent students; and

18 (ii) Two hundred twenty dollars per pupil in the 2019-20 school
19 year for a school district with more than twenty thousand annual
20 full-time equivalent enrolled students but fewer than twenty-five
21 thousand annual full-time equivalent enrolled students.

22 (3) The state local effort assistance funding provided under
23 this section is not part of the state's program of basic education
24 deemed by the legislature to comply with the requirements of Article
25 IX, section 1 of the state Constitution.

26 (4) The definitions in this subsection apply throughout this
27 section unless the context clearly requires otherwise.

28 ~~(a) ("Eligible school district" means a school district whose~~
29 ~~maximum allowable enrichment levy divided by the school district's~~
30 ~~total student enrollment in the prior school year is less than the~~
31 ~~state local effort assistance threshold.~~

32 ~~(b) For the purpose of this section, "inflation" means, for any~~
33 ~~school year, the rate of the yearly increase of the previous~~
34 ~~calendar year's annual average consumer price index for all urban~~

1 consumers, Seattle area, using the official current base compiled by
2 the bureau of labor statistics, United States department of labor.

3 ~~(c) "Maximum allowable enrichment levy" means the maximum levy~~
4 ~~permitted by RCW 84.52.0531.~~

5 ~~(d) "Maximum local effort assistance" means the difference~~
6 ~~between the following:~~

7 ~~(i) The school district's actual prior school year enrollment~~
8 ~~multiplied by the state local effort assistance threshold; and~~

9 ~~(ii) The school district's maximum allowable enrichment levy.~~

10 ~~(e) "Prior school year" means the most recent school year~~
11 ~~completed prior to the year in which the state local effort~~
12 ~~assistance funding is to be distributed.~~

13 ~~(f) "State local effort assistance threshold" means one thousand~~
14 ~~five hundred dollars per student, increased for inflation beginning~~
15 ~~in calendar year 2020.~~

16 ~~(g) "Student enrollment" means the average annual full time~~
17 ~~equivalent student enrollment.~~

18 ~~(5) For districts in a high/nonhigh relationship, the~~
19 ~~enrollments of the nonhigh students attending the high school shall~~
20 ~~only be counted by the nonhigh school districts for purposes of~~
21 ~~funding under this section.~~

22 ~~(6) For school districts participating in an innovation academy~~
23 ~~cooperative established under RCW 28A.340.080, enrollments of~~
24 ~~students attending the academy shall be adjusted so that each~~
25 ~~participant district receives its proportional share of student~~
26 ~~enrollments for purposes of funding under this section.)) "Prior tax
27 collection year" means the year immediately preceding the year in
28 which the local effort assistance is allocated.~~

29 (b) "School districts eligible for local effort assistance"
30 means those school districts with a ten percent levy rate that
31 exceeds the statewide average ten percent levy rate.

32 (c) "School district's ten percent levy amount" means the school
33 district's maximum levy authority after transfers determined under
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1 RCW 84.52.0531(1)(b) (i) through (iii) divided by twenty percent
2 multiplied by ten percent.

3 (d) "School district's ten percent levy rate" means the school
4 district's ten percent levy amount divided by the school district's
5 assessed valuation for enrichment levy purposes for the prior tax
6 collection year.

7 (e) "Statewide average ten percent levy rate" means ten percent
8 of the total levy bases as defined in RCW 84.52.0531(2), summed for
9 all school districts and divided by the total assessed valuation for
10 enrichment levy purposes in the prior tax collection year for all
11 school districts.

12 (5) Unless otherwise stated, all rates, percentages, and amounts
13 are for the calendar year for which local effort assistance is
14 calculated under this chapter.

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17 **Sec. 3.** RCW 28A.320.330 and 2018 c 266 s 302 are each amended
18 to read as follows:

19 School districts shall establish the following funds in addition
20 to those provided elsewhere by law:

21 (1)(a) A general fund for the school district to account for all
22 financial operations of the school district except those required to
23 be accounted for in another fund.

24 (b) By the 2018-19 school year, a local revenue subfund of its
25 general fund to account for the financial operations of a school
26 district that are paid from local revenues. The local revenues that
27 must be deposited in the local revenue subfund are enrichment levies
28 and transportation vehicle levies collected under RCW 84.52.053,
29 local effort assistance funding received under chapter 28A.500 RCW,
30 and other school district local revenues including, but not limited
31 to, grants, donations, and state and federal payments in lieu of
32 taxes, but do not include other federal revenues, or local revenues
33 that operate as an offset to the district's basic education
34 allocation under RCW 28A.150.250. School districts must track

1 expenditures from this subfund separately to account for the
2 expenditure of each of these streams of revenue by source, and must
3 provide (~~any~~) the supplemental expenditure schedule(~~s~~) under (c)
4 of this subsection, and any other supplemental expenditure schedules
5 required by the superintendent of public instruction or state
6 auditor, for purposes of RCW 43.09.2856.

7 (c) Beginning in the 2019-20 school year, the superintendent of
8 public instruction must require school districts to provide a
9 supplemental expenditure schedule by revenue source that identifies
10 the amount expended by object for each of the following
11 supplementary enrichment activities beyond the state funded amount:

12 (i) Minimum instructional offerings under RCW 28A.150.220 or
13 28A.150.260 not otherwise included on other lines;

14 (ii) Staffing ratios or program components under RCW 28A.
15 150.260, including providing additional staff for class size
16 reduction beyond class sizes allocated in the prototypical school
17 model and additional staff beyond the staffing ratios allocated in
18 the prototypical school formula;

19 (iii) Program components under RCW 28A.150.200, 28A.150.220, or
20 28A.150.260, not otherwise included on other lines;

21 (iv) Program components to support students in the program of
22 special education;

23 (v) Program components of professional learning, as defined by
24 RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

25 (vi) Extracurricular activities;

26 (vii) Extended school days or an extended school year;

27 (viii) Additional course offerings beyond the minimum
28 instructional program established in the state's statutory program
29 of basic education;

30 (ix) Activities associated with early learning programs;

31 (x) Activities associated with providing the student
32 transportation program;

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1 (xi) Any additional salary costs attributable to the provision
2 or administration of the enrichment activities allowed under RCW
3 28A.150.276;

4 (xii) Additional activities or enhancements that the office of
5 the superintendent of public instruction determines to be a
6 documented and demonstrated enrichment of the state's statutory
7 program of basic education under RCW 28A.150.276; and

8 (xiii) All other costs not otherwise identified in other line
9 items.

10 (d) For any salary and related benefit costs identified in (c)
11 (xi), (xii), and (xiii) of this subsection, the school district
12 shall maintain a record describing how these expenditures are
13 documented and demonstrated enrichment of the state's statutory
14 program of basic education. School districts shall maintain these
15 records until the state auditor has completed the audit under RCW
16 43.09.2856.

17 (2) A capital projects fund shall be established for major
18 capital purposes. All statutory references to a "building fund"
19 shall mean the capital projects fund so established. Money to be
20 deposited into the capital projects fund shall include, but not be
21 limited to, bond proceeds, proceeds from excess levies authorized by
22 RCW 84.52.053, state apportionment proceeds as authorized by RCW
23 28A.150.270, earnings from capital projects fund investments as
24 authorized by RCW 28A.320.310 and 28A.320.320, and state forest
25 revenues transferred pursuant to subsection (3) of this section.

26 Money derived from the sale of bonds, including interest
27 earnings thereof, may only be used for those purposes described in
28 RCW 28A.530.010, except that accrued interest paid for bonds shall
29 be deposited in the debt service fund.

30 Money to be deposited into the capital projects fund shall
31 include but not be limited to rental and lease proceeds as
32 authorized by RCW 28A.335.060, and proceeds from the sale of real
33 property as authorized by RCW 28A.335.130.

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1 Money legally deposited into the capital projects fund from
2 other sources may be used for the purposes described in RCW 28A.
3 530.010, and for the purposes of:

4 (a) Major renovation and replacement of facilities and systems
5 where periodical repairs are no longer economical or extend the
6 useful life of the facility or system beyond its original planned
7 useful life. Such renovation and replacement shall include, but
8 shall not be limited to, major repairs, exterior painting of
9 facilities, replacement and refurbishment of roofing, exterior
10 walls, windows, heating and ventilating systems, floor covering in
11 classrooms and public or common areas, and electrical and plumbing
12 systems.

13 (b) Renovation and rehabilitation of playfields, athletic
14 fields, and other district real property.

15 (c) The conduct of preliminary energy audits and energy audits
16 of school district buildings. For the purpose of this section:

17 (i) "Preliminary energy audits" means a determination of the
18 energy consumption characteristics of a building, including the
19 size, type, rate of energy consumption, and major energy using
20 systems of the building.

21 (ii) "Energy audit" means a survey of a building or complex
22 which identifies the type, size, energy use level, and major energy
23 using systems; which determines appropriate energy conservation
24 maintenance or operating procedures and assesses any need for the
25 acquisition and installation of energy conservation measures,
26 including solar energy and renewable resource measures.

27 (iii) "Energy capital improvement" means the installation, or
28 modification of the installation, of energy conservation measures in
29 a building which measures are primarily intended to reduce energy
30 consumption or allow the use of an alternative energy source.

31 (d) Those energy capital improvements which are identified as
32 being cost-effective in the audits authorized by this section.

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1 (e) Purchase or installation of additional major items of
2 equipment and furniture: PROVIDED, That vehicles shall not be
3 purchased with capital projects fund money.

4 (f)(i) Costs associated with implementing technology systems,
5 facilities, and projects, including acquiring hardware, licensing
6 software, and online applications and training related to the
7 installation of the foregoing. However, the software or applications
8 must be an integral part of the district's technology systems,
9 facilities, or projects.

10 (ii) Costs associated with the application and modernization of
11 technology systems for operations and instruction including, but not
12 limited to, the ongoing fees for online applications, subscriptions,
13 or software licenses, including upgrades and incidental services,
14 and ongoing training related to the installation and integration of
15 these products and services. However, to the extent the funds are
16 used for the purpose under this subsection (2)(f)(ii), the school
17 district shall transfer to the district's general fund the portion
18 of the capital projects fund used for this purpose. The office of
19 the superintendent of public instruction shall develop accounting
20 guidelines for these transfers in accordance with internal revenue
21 service regulations.

22 (g) Major equipment repair, painting of facilities, and other
23 major preventative maintenance purposes. However, to the extent the
24 funds are used for the purpose under this subsection (2)(g), the
25 school district shall transfer to the district's general fund the
26 portion of the capital projects fund used for this purpose. The
27 office of the superintendent of public instruction shall develop
28 accounting guidelines for these transfers in accordance with
29 internal revenue service regulations. Based on the district's most
30 recent two-year history of general fund maintenance expenditures,
31 funds used for this purpose may not replace routine annual
32 preventive maintenance expenditures made from the district's general
33 fund.

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1 (3) A debt service fund to provide for tax proceeds, other
2 revenues, and disbursements as authorized in chapter 39.44 RCW.
3 State forestland revenues that are deposited in a school district's
4 debt service fund pursuant to RCW 79.64.110 and to the extent not
5 necessary for payment of debt service on school district bonds may
6 be transferred by the school district into the district's capital
7 projects fund.

8 (4) An associated student body fund as authorized by RCW 28A.
9 325.030.

10 (5) Advance refunding bond funds and refunded bond funds to
11 provide for the proceeds and disbursements as authorized in chapter
12 39.53 RCW.

13

14 **Sec. 4.** RCW 43.09.2856 and 2018 c 266 s 406 are each amended to
15 read as follows:

16 (1) Beginning with the 2019-20 school year, to ensure that
17 school district local revenues are used solely for purposes of
18 enriching the state's statutory program of basic education, the
19 state auditor's regular financial audits of school districts must
20 include a review of the expenditure of school district local
21 revenues for compliance with RCW 28A.150.276, including the spending
22 plan approved by the superintendent of public instruction under RCW
23 28A.505.240 and its implementation, and any supplemental contracts
24 entered into under RCW 28A.400.200. The audit must also include a
25 review of the expenditure schedule and supporting documentation
26 required by RCW 28A.320.330(1)(c).

27 (2) If an audit under subsection (1) of this section results in
28 findings that a school district has failed to comply with these
29 requirements, then within ninety days of completing the audit the
30 auditor must report the findings to the superintendent of public
31 instruction, the office of financial management, and the education
32 and operating budget committees of the legislature. If the
33 superintendent of public instruction receives a report of findings
34 from the state auditor that an expenditure of a school district is

1 out of compliance with the requirements of RCW 28A.150.276, and the
2 finding is not resolved in the subsequent audit, the maximum taxes
3 levied for collection by the school district under RCW 84.52.0531 in
4 the following calendar year shall be reduced by the expenditure
5 amount identified by the state auditor.

6 (3) The use of the state allocation provided for professional
7 learning under RCW 28A.150.415 must be audited as part of the
8 regular financial audits of school districts by the state auditor's
9 office to ensure compliance with the limitations and conditions of
10 RCW 28A.150.415.

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12 NEW SECTION. Sec. 5. EFFECTIVE DATE FOR LEVIES AND LOCAL
13 EFFORT ASSISTANCE. Sections 1 and 2 of this act take effect January
14 1, 2020."

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16 Correct the title.

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EFFECT: Strikes the underlying bill and replaces with the following:

Changes local enrichment levy limits to either 20 percent of a school district's levy base, or the lesser of \$3,000 per pupil or \$1.50 per \$1,000 of assessed property value in the district beginning in 2020, the same policy as in ESHB 2140.

Changes Local Effort Assistance (LEA) funding formulas, equalizing districts to 10 percent of the levy base, the same policy as in ESHB 2140.

Provides additional LEA funding in the 2019-20 school year to school districts that meet certain enrollment criteria and are located west of the Cascades in a county that borders another state. Currently, the school districts that meet these criteria are Vancouver School District and Evergreen School District located in Clark County.

Requires school districts, beginning in the 2019-20 school year, to provide a supplemental expenditure schedule by revenue source, which identifies the amount expended by object for a specific list of supplementary enrichment activities beyond the state funded amount.

Requires districts to maintain a record describing how salary and related benefit costs for certain supplementary enrichment activities are documented, and to demonstrate enrichment of the state's program of basic education.

Requires that the State Auditor review of local revenue expenditures include a review of the expenditure schedule for certain supplementary enrichment activities.

Requires that, should the State Auditor find a school district has used local revenues for non-enrichment activities, the school district's maximum enrichment levy collection authorized under law must be reduced by the unauthorized expenditure amount in the following calendar year.

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