

Nothing in this section shall be deemed to repeal or modify procedures for property sales within industrial development districts as set forth in chapter 53.25 RCW.

Passed the Senate April 24, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 18, 1981.

Filed In Office of Secretary of State May 18, 1981.

## CHAPTER 263

[Engrossed Senate Bill No. 4026]

### PERSONAL SERVICE—DEFINITION

AN ACT Relating to personal service contracts; and amending section 2, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.006.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 61, Laws of 1979 ex. sess. and RCW 39.29.006 are each amended to read as follows:

As used in this chapter:

(1) "Personal service contract" means an agreement, or any amendment or renewal thereto, with an independent contractor for the rendering of personal services to the state.

(2) "Personal service" means performing a specific study, project, or task which requires professional or technical expertise but does not mean personal service performed for the purpose of routine continuing and necessary services, including but not limited to routine maintenance, operation of the physical plant, security, data entry, key punch services, and graphic design.

(3) "Agency" means any state officer or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

Passed the Senate April 1, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

## CHAPTER 264

[Substitute Senate Bill No. 4360]

### NONHIGH SCHOOL DISTRICT STUDENTS—EDUCATION COST PAYMENT

AN ACT Relating to the payment of costs for educating certain students; amending section 4, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 172, Laws of 1979 ex. sess. and RCW 84.52.0531; creating new sections; add new sections to chapter 223,

Laws of 1969 ex. sess. and to chapter 28A.44 RCW; repealing section 28A.44.040, chapter 223, Laws of 1969 ex. sess., section 12, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.040; repealing section 28A.44.080, chapter 223, Laws of 1969 ex. sess., section 18, chapter 48, Laws of 1971, section 36, chapter 282, Laws of 1971 ex. sess., section 3, chapter 124, Laws of 1972 ex. sess., section 63, chapter 275, Laws of 1975 1st ex. sess., section 24, chapter 118, Laws of 1975-'76 2nd ex. sess., section 10, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.080; repealing section 2, chapter 124, Laws of 1972 ex. sess., section 64, chapter 275, Laws of 1975 1st ex. sess., section 25, chapter 118, Laws of 1975-'76 2nd ex. sess., section 11, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.085; repealing section 28A.44.090, chapter 223, Laws of 1969 ex. sess., section 19, chapter 48, Laws of 1971, section 37, chapter 282, Laws of 1971 ex. sess., section 4, chapter 124, Laws of 1972 ex. sess., section 65, chapter 275, Laws of 1975 1st ex. sess., section 26, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.090; repealing section 28A.44.100, chapter 223, Laws of 1969 ex. sess., section 20, chapter 48, Laws of 1971, section 38, chapter 282, Laws of 1971 ex. sess., section 5, chapter 124, Laws of 1972 ex. sess., section 66, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.100; repealing section 6, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.110; repealing section 7, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.120; repealing section 11, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.130; and providing effective dates.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The purposes of this amendatory act are to:

(1) Simplify the annual process of determining and paying the amounts due by nonhigh school districts to high school districts for educating students residing in a nonhigh school district;

(2) Provide for a payment schedule that coincides to the extent practicable with the ability of nonhigh school districts to pay and the need of high school districts for payment; and

(3) Establish that the maximum amount due per annual average full-time equivalent student by a nonhigh school district for each school year is no greater than the maintenance and operation excess tax levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district.

**NEW SECTION.** Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The term "student residing in a nonhigh school district" and its equivalent as used in this amendatory act shall mean any handicapped or nonhandicapped common school age person who resides within the boundaries of a nonhigh school district that does not conduct the particular kindergarten through grade twelve grade which the person has not yet successfully completed and is eligible to enroll in.

**NEW SECTION.** Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The implementation of this amendatory act shall commence with the 1981-82 school year and consist of the following three stages of implementation:

(1) No later than December 31, 1981, the amounts due by the various nonhigh school districts to high school districts for the 1980-81 school year shall be fixed, certified and paid in accordance with the provisions of RCW 28A.44.080, 28A.44.085, 28A.44.090, and 28A.44.100 in a manner which recognizes advance payments made by nonhigh school districts toward such amounts as well as agreements between high school and nonhigh school districts for the payment of lesser amounts;

(2) At such time as the superintendent of public instruction determines and certifies the maximum amounts of school district levies allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection in 1982, he shall also determine pursuant to subsections (1)(a) and (b) of section 5 of this amendatory act the estimated amount due by nonhigh school districts to high school districts for the 1981-82 school year; and

(3) Each year thereafter at such time as the superintendent of public instruction determines and certifies such maximum allowable amounts of school district levies he shall also:

(a) Determine the extent to which the estimated amounts due by nonhigh school districts for the previous school year exceeded or fell short of the actual amounts due; and

(b) Determine the estimated amounts due by nonhigh school districts for the current school year and increase or decrease the same to the extent of overpayments or underpayments for the previous school year.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The student enrollment data necessary for the computation of the annual amounts due by nonhigh school districts pursuant to this amendatory act shall be established as follows:

(1) On or before July tenth preceding the school year, or such other date as may be established by the superintendent of public instruction, each high school district superintendent shall certify to the superintendent of public instruction:

(a) The estimated number of students residing in a nonhigh school district that will be enrolled in the high school district during the school year which estimate has been mutually agreed upon by the high school district superintendent and the superintendent of each nonhigh school district in which one or more of such students resides;

(b) The total estimated number of kindergarten through twelfth grade annual average full-time equivalent students, inclusive of nonresident students, that will be enrolled in the high school district during the school year;

(c) The actual number of annual average full-time equivalent students provided for in subsections (1)(a) and (b) of this section that were enrolled in the high school district during the regular school term just completed; and

(d) The name, address, and the school district and county of residence of each student residing in a nonhigh school district reported pursuant to this subsection (1), to the extent the same can reasonably be established.

(2) In the event the superintendents of a high school district and a nonhigh school district are unable to reach agreement respecting the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year, the estimate shall be established by the superintendent of public instruction.

**NEW SECTION.** Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

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

(a) The total of the high school district's maintenance and operation excess tax levy that has been authorized and determined by the superintendent of public instruction to be allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection during the next calendar year, shall first be divided by the total estimated number of annual average full-time equivalent students which the high school district superintendent or the superintendent of public instruction has certified pursuant to section 4 of this amendatory act will be enrolled in the high school district during the school year;

(b) The result of the calculation provided for in subsection (1)(a) of this section shall then be multiplied by the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year which has been established pursuant to section 4 of this amendatory act; and

(c) The result of the calculation provided for in subsection (1)(b) of this section shall be adjusted upward to the extent the estimated amount due by a nonhigh school district for the prior school year was less than the actual amount due based upon actual annual average full-time equivalent student enrollments during the previous school year and the actual per annual average full-time equivalent student maintenance and operation excess tax levy rate for the current tax collection year, of the high school district, or adjusted downward to the extent the estimated amount due was greater than such actual amount due or greater than such lesser amount as a high school district may have elected to assess pursuant to section 7 of this amendatory act.

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

**NEW SECTION.** Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The estimated amounts due by nonhigh school districts as determined pursuant to section 5 of this amendatory act shall be paid in two installments. During the month of May of the school year for which the amount is due, each nonhigh school district shall pay to each high school district fifty percent of the total estimated amount due to the high school district for the school year as determined by the superintendent of public instruction pursuant to section 5 of this amendatory act. The remaining fifty percent shall be paid by each nonhigh school district to each high school district during the following November.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

Notwithstanding any provision of sections 3 through 6 of this amendatory act to the contrary, any high school district board of directors may elect to assess a nonhigh school district an amount which is less than that otherwise established by the superintendent of public instruction pursuant to section 5 of this amendatory act to be due. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount no later than September first following the school year for which the amount is due. In the absence of such notification, each nonhigh school district shall pay the amount otherwise established by the superintendent of public instruction pursuant to section 5 of this amendatory act.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts which are established as due by a nonhigh school district pursuant to this amendatory act, as now or hereafter amended, shall constitute the entire amount which is due by a nonhigh school district for the school year for the education of any and all handicapped and nonhandicapped students residing in the nonhigh school district who attend a high school district pursuant to RCW 28A.58.230, as now or hereafter amended, and for the transportation of such students by a high school district as is required by RCW 28A.24.055, as now or hereafter amended.

NEW SECTION. Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The superintendent of public instruction is hereby empowered to adopt rules pursuant to chapter 34.04 RCW, as now or hereafter amended, deemed necessary or advisable by the superintendent to effect the purposes and implement the provisions of this amendatory act.

Sec. 10. Section 4, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 172, Laws of 1979 ex. sess. and RCW 84.52.0531 are each amended to read as follows:

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

(1) For excess levies in 1977 for collection in 1979; for excess levies in 1978 for collection in 1979; for excess levies in 1978 for collection in 1980; and for excess levies in 1979 for collection in 1980, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation converted to one hundred percent of formula; plus

(b) That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year.

(2) For excess levies in 1979 for collection in 1981, for excess levies in 1980 for collection in 1981 and thereafter, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation converted to one hundred percent of formula; plus

(b) That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year; plus

(c) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus

(d) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (5) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

(3) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local

school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: **PROVIDED FURTHER**, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:

(a) Employer retirement contributions, if applicable;

(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and

(c) Employer social security contributions.

(4) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(5) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: **PROVIDED**, That when determining the basic education allocation under subsections (1) and (2) of this section, effective September 1, 1979, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(6) For the purpose of subsections (1) and (2) of this section, the superintendent of public instruction may grant local school districts authority to exceed the levy limitations imposed by said subsections: **PROVIDED**, That said limitations can only be exceeded by an amount that will insure local school districts the ability to raise a total excess levy dollar amount per

annual average full time equivalent student which when combined with the basic education allocation is equal to but does not exceed one hundred and four percent for levies to be collected in 1979, and one hundred and six percent for levies to be collected in 1980 and thereafter of the previous school year's comparable dollars per annual average full time equivalent student: **PROVIDED FURTHER**, That for levies to be collected in 1980 and thereafter any school district receiving authority to exceed the levy limitation and whose enrollment is declining at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, may, in addition to the increase above, further increase its levy by an amount equal to fifty percent of the enrollment decline multiplied by the previous school year's comparable dollars per annual full time equivalent student. The provisions of this subsection (6) shall only apply to excess levies for collection prior to calendar year 1983.

(7) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

**NEW SECTION.** Sec. 11. Section 10 of this amendatory act shall become effective for maintenance and operation excess tax levies now or hereafter authorized pursuant to RCW 84.52.053, as now or hereafter amended, for collection in 1982 and thereafter.

**NEW SECTION.** Sec. 12. The following acts or parts of acts are each repealed: **PROVIDED**, That such repeals shall not affect the purposes of section 3 (1) of this amendatory act and the RCW sections referred to therein shall be deemed operative solely for the purposes of said subsection:

(1) Section 28A.44.040, chapter 223, Laws of 1969 ex. sess., section 12, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.040;

(2) Section 28A.44.080, chapter 223, Laws of 1969 ex. sess., section 18, chapter 48, Laws of 1971, section 36, chapter 282, Laws of 1971 ex. sess., section 3, chapter 124, Laws of 1972 ex. sess., section 63, chapter 275, Laws of 1975 1st ex. sess., section 24, chapter 118, Laws of 1975-'76 2nd ex. sess., section 10, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.080;

(3) Section 2, chapter 124, Laws of 1972 ex. sess., section 64, chapter 275, Laws of 1975 1st ex. sess., section 25, chapter 118, Laws of 1975-'76 2nd ex. sess., section 11, chapter 359, Laws of 1977 ex. sess. and RCW 28A.44.085;

(4) Section 28A.44.090, chapter 223, Laws of 1969 ex. sess., section 19, chapter 48, Laws of 1971, section 37, chapter 282, Laws of 1971 ex. sess., section 4, chapter 124, Laws of 1972 ex. sess., section 65, chapter 275, Laws of 1975 1st ex. sess., section 26, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.44.090;

(5) Section 28A.44.100, chapter 223, Laws of 1969 ex. sess., section 20, chapter 48, Laws of 1971, section 38, chapter 282, Laws of 1971 ex. sess.,

section 5, chapter 124, Laws of 1972 ex. sess., section 66, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.44.100;

(6) Section 6, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.110;

(7) Section 7, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.120; and

(8) Section 11, chapter 124, Laws of 1972 ex. sess. and RCW 28A.44.130.

NEW SECTION. Sec. 13. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 24, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 18, 1981.

Filed in Office of Secretary of State May 18, 1981.

## CHAPTER 265

[Substitute Senate Bill No. 3845]

### SCHOOL DISTRICT AUTHORIZED TRANSPORTATION

AN ACT Relating to school district authorized transportation; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter \_\_\_\_ (Substitute Senate Bill No. 3845), Laws of 1981 and RCW 28A.41.160; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 122, Laws of 1980 and RCW 28A.24.055; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 80, Laws of 1977 and RCW 28A.24.100; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; repealing section 28A.24.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.060; repealing section 28A.24.080, chapter 223, Laws of 1969 ex. sess., section 104, chapter 176, Laws of 1969 ex. sess., section 32, chapter 282, Laws of 1971 ex. sess., section 54, chapter 275, Laws of 1975 1st ex. sess., section 1, chapter 80, Laws of 1977 and RCW 28A.24.080; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in sections 1 through 4 of this act shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under sections 1 through 4 of this amendatory act shall be funded at one hundred percent or as close thereto as reasonably possible for the following pupil transportation services: