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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: S-0245.8/17 8th draft

ATTY/TYPIST: SCG:jcm

BRIEF DESCRIPTION: Concerning education.

1       AN    ACT    Relating to education; amending RCW 28A.150.390,  
2   28A.510.250,    28A.150.392,    28A.710.280,    84.52.065,    84.52.043,  
3   84.52.043,   84.48.080,   84.52.070,   84.55.070,   84.69.020,   84.36.381,  
4   84.36.630,    84.52.053,    84.52.0531,    28A.150.410,    28A.400.200,  
5   28A.405.415,   28A.400.350,   28A.150.550,   28A.320.330,   28A.505.140,  
6   28A.505.040,   28A.505.050,   28A.505.060,   28A.505.100,   28A.150.203,  
7   28A.410.025,   28A.657.020,   28A.150.250,   28A.150.280,   28A.150.290,  
8   28A.150.310,   28A.150.315,   28A.150.350,   28A.150.360,   28A.150.400,  
9   28A.160.130,   28A.160.170,   28A.165.055,   28A.185.010,   28A.185.020,  
10   28A.340.040,   28A.400.220,   28A.400.240,   28A.400.250,   28A.625.110,  
11   28A.625.150,   28A.710.220,   28A.710.240,   28A.715.040,   28A.405.140, and  
12   28A.405.220; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010  
13   c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting  
14   and amending RCW 84.48.110, 84.55.092, 84.52.0531, and 84.52.0531;  
15   adding new sections to chapter 28A.150 RCW; adding a new section to  
16   chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; adding  
17   a new section to chapter 28A.500 RCW; adding new sections to chapter  
18   28A.400 RCW; adding new sections to chapter 28A.405 RCW; adding new  
19   sections to chapter 28A.320 RCW; adding a new section to chapter  
20   43.09 RCW; adding new sections to chapter 28A.657 RCW; adding new  
21   sections to chapter 28A.655 RCW; adding new sections to chapter  
22   28A.625 RCW; adding new sections to chapter 41.56 RCW; adding new  
23   sections to chapter 41.59 RCW; adding new sections to chapter 28A.225

1 RCW; adding a new section to chapter 28A.155 RCW; adding a new  
2 section to chapter 28A.160 RCW; adding a new section to chapter  
3 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a  
4 new section to chapter 28A.175 RCW; adding a new section to chapter  
5 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a  
6 new section to chapter 28A.188 RCW; adding a new section to chapter  
7 28A.190 RCW; adding a new section to chapter 28A.193 RCW; adding a  
8 new section to chapter 28A.194 RCW; adding a new section to chapter  
9 28A.205 RCW; adding a new section to chapter 28A.210 RCW; adding a  
10 new section to chapter 28A.215 RCW; adding a new section to chapter  
11 28A.220 RCW; adding a new section to chapter 28A.230 RCW; adding a  
12 new section to chapter 28A.232 RCW; adding a new section to chapter  
13 28A.235 RCW; adding a new section to chapter 28A.245 RCW; adding a  
14 new section to chapter 28A.250 RCW; adding new sections to chapter  
15 28A.300 RCW; adding new sections to chapter 28A.305 RCW; adding new  
16 sections to chapter 28A.310 RCW; adding a new section to chapter  
17 28A.315 RCW; adding a new section to chapter 28A.323 RCW; adding a  
18 new section to chapter 28A.325 RCW; adding a new section to chapter  
19 28A.330 RCW; adding a new section to chapter 28A.335 RCW; adding a  
20 new section to chapter 28A.340 RCW; adding a new section to chapter  
21 28A.343 RCW; adding new sections to chapter 28A.345 RCW; adding new  
22 sections to chapter 28A.410 RCW; adding a new section to chapter  
23 28A.415 RCW; adding a new section to chapter 28A.505 RCW; adding a  
24 new section to chapter 28A.510 RCW; adding a new section to chapter  
25 28A.515 RCW; adding a new section to chapter 28A.520 RCW; adding a  
26 new section to chapter 28A.525 RCW; adding a new section to chapter  
27 28A.527 RCW; adding a new section to chapter 28A.530 RCW; adding a  
28 new section to chapter 28A.535 RCW; adding a new section to chapter  
29 28A.540 RCW; adding a new section to chapter 28A.545 RCW; adding a  
30 new section to chapter 28A.600 RCW; adding a new section to chapter  
31 28A.605 RCW; adding a new section to chapter 28A.620 RCW; adding a  
32 new section to chapter 28A.623 RCW; adding a new section to chapter  
33 28A.630 RCW; adding a new section to chapter 28A.635 RCW; adding a  
34 new section to chapter 28A.640 RCW; adding a new section to chapter  
35 28A.642 RCW; adding a new section to chapter 28A.645 RCW; adding a  
36 new section to chapter 28A.650 RCW; adding a new section to chapter  
37 28A.660 RCW; adding a new section to chapter 28A.690 RCW; adding a  
38 new section to chapter 28A.700 RCW; adding a new section to chapter  
39 28A.705 RCW; adding a new section to chapter 28A.715 RCW; adding a  
40 new section to chapter 43.06B RCW; creating new sections; recodifying

RCW 28A.150.230, 28A.150.300, 28A.150.305, 28A.150.240, and 28A.150.550; decodifying RCW 28A.405.110; repealing RCW 28A.150.198, 28A.150.261, 28A.160.150, 28A.160.160, 28A.160.180, 28A.160.190, 28A.160.191, 28A.160.192, 28A.160.205, 28A.180.080, 28A.300.173, 28A.300.2851, 28A.400.201, 28A.405.200, 28A.415.020, 28A.415.023, 28A.415.024, 28A.415.025, 28A.150.260, 28A.400.205, and 28A.400.206; repealing 2015 c 2 ss 1, 4, and 5 and 2015 3rd sp.s. c 38 s 3 (uncodified); providing effective dates; providing a contingent effective date; providing expiration dates; and providing for submission of certain sections of this act to a vote of the people.

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

NEW SECTION. **Sec. 1.** GOAL. The goal of this act is to improve the educational outcomes for all students.

#### **PART I**

#### **WEIGHTED PER PUPIL FUNDING MODEL**

NEW SECTION. **Sec. 101.** (1) The legislature finds that in recent years, the long running K-12 funding debate has narrowly focused on the overreliance by school districts on local school levies, which are neither regular nor dependable. This narrow focus overlooks a number of other deficiencies and inequities in the current K-12 funding structure. The legislature further finds that the current system unfairly drives more money to wealthier districts, on a per pupil basis, for low-income, special education, and transitional bilingual students than to poor districts. The legislature further finds that the current funding structure lacks transparency due to an overly complicated staffing model. The legislature further finds that the overall level of financial resources available to property-rich districts greatly exceeds the overall level of resources available to property-poor districts. The legislature further finds that the current funding structure does not incorporate any significant adjustment to reflect regional cost differences, which leads to other inequities. The legislature further finds that while the primary focus of the legislature is to address the funding aspects of K-12 education, the system should be viewed holistically by evaluating and incorporating broader reforms to ensure that the students of our state are receiving the best possible education.

1       (2)(a) Based on the foregoing, the legislature finds that a  
2 quality K-12 funding structure should focus on four broad objectives:  
3 Ampleness, dependability, equity, and transparency.

4       (b) The legislature further finds that ampleness envelops several  
5 core issues. First, an ample K-12 funding structure should pay for  
6 the actual cost of providing the state's program of basic education.  
7 Second, an ample K-12 funding structure recognizes that different  
8 children, for example low-income students or English language  
9 learners, require different levels of resources.

10       (c) The legislature further finds that a dependable funding  
11 structure involves a binding and unwavering guarantee by the state  
12 that does not fluctuate with short-term economic changes.

13       (d) The legislature further finds that an equitable K-12 funding  
14 structure guarantees a uniform foundational level of financial  
15 resources for all school districts coupled with an additional  
16 recognition that the cost to pay for educational services is  
17 different in different parts of the state. The legislature further  
18 finds that an equitable K-12 funding structure reflects a reality  
19 that the residents of different school districts have different  
20 abilities to financially contribute to the funding of the students  
21 residing within their districts.

22       (e) The legislature further finds that a transparent K-12 funding  
23 structure is simple and straightforward, and thereby allows the  
24 public to more easily understand how their tax dollars are being  
25 spent, which increases accountability.

26       (3) Based on the foregoing, the legislature intends to create an  
27 ample, dependable, equitable, and transparent K-12 funding structure  
28 that benefits our state and students. The revised funding structure  
29 in this act is set to take effect with the 2018-19 school year and  
30 includes the following major elements:

31       (a) A basic per pupil guarantee of ten thousand dollars per  
32 student. This basic per pupil guarantee is set at a level necessary  
33 to exceed the entire projected cost under current law of state  
34 general apportionment funding, state levy equalization funding, state  
35 pupil transportation funding, and all local school district  
36 maintenance and operation levies by approximately one hundred twenty-  
37 six million dollars;

38       (b) A state-required local contribution, referred to as a local  
39 effort levy, to be applied towards the basic per pupil guarantee. The  
40 levy would be uniformly imposed in every school district at a rate

1 specified in the omnibus appropriations act, but not exceeding one  
2 dollar and eighty cents per thousand dollars of assessed value. In  
3 essence, the local effort levy would be applied to the total cost of  
4 the basic per pupil guarantee in each school district, with the state  
5 backfilling the difference in order to meet the state guarantee.  
6 There is a minimum state contribution that requires the state to pay  
7 for at least forty percent of the basic per pupil guarantee. The  
8 property tax rate would be lowered in future years, as undedicated  
9 state revenues become available. A small school hold-harmless  
10 provision is included. Under this provision, for any school district  
11 that is estimated to receive less funding through the basic per pupil  
12 guarantee than projected under current law for the state and local  
13 funding sources the basic per pupil guarantee is replacing, the  
14 district will receive the higher amount.

15 (c) An additional seven thousand five hundred dollars per pupil  
16 guarantee for special education students;

17 (d) An additional one thousand dollars per pupil guarantee for  
18 transitional bilingual students, which is estimated to generate  
19 approximately ten million more dollars than what transitional  
20 bilingual funding is projected to yield under current law;

21 (e) An additional two to five thousand dollars per pupil  
22 guarantee for students in poverty, which is estimated to generate  
23 approximately one hundred fifty million more dollars than what  
24 funding for poverty students is projected to yield under current law;

25 (f) A one thousand dollar per pupil guarantee for highly capable  
26 students, which would double the estimated enhanced funding level for  
27 this program under current law;

28 (g) A five hundred dollar per pupil guarantee for career and  
29 technical education students and students enrolled in skills centers,  
30 which would double the estimated enhanced funding level for these  
31 programs under current law;

32 (h) A one thousand five hundred dollar per pupil guarantee for  
33 homeless students, which is estimated to generate approximately  
34 fourteen million dollars;

35 (i) A housing allowance for certificated instructional,  
36 certificated administrative, and classified staff in districts where  
37 the average home value is above the statewide average. The housing  
38 allowance would be up to ten thousand dollars per person, depending  
39 on the school district;

1 (j) A twelve thousand five hundred dollar teacher recruitment and  
2 retention incentive for certificated instructional and certificated  
3 administrative staff in school districts where the poverty rate  
4 exceeds twenty percent; and

5 (k) After all other funding calculations are completed, if the  
6 total per pupil funding amount for a school district is less than  
7 twelve thousand five hundred dollars when including local, state, and  
8 federal revenues, the per pupil amount is increased to twelve  
9 thousand five hundred dollars.

10 (4) The legislature finds that this new funding system, which  
11 places students at the center of its structure, meets the four  
12 foundational objectives:

13 (a) Ample - The system provides funds at a significantly higher  
14 level per student than the basic education program currently in  
15 place. The state provided program of basic education will provide  
16 over twelve thousand five hundred dollars on average per pupil for  
17 school districts across the state, translating to over two hundred  
18 fifty thousand dollars for a classroom of twenty students;

19 (b) Dependable - The system provides a binding and unwavering  
20 guarantee to finance basic education on a guaranteed per pupil basis  
21 and eliminates the unconstitutional reliance on unreliable and unfair  
22 local excess levies to provide that funding;

23 (c) Equitable - The system eliminates the current inequitable  
24 funding found throughout the state of Washington, and instead,  
25 provides a guaranteed level of funding for every pupil based on the  
26 pupil's educational characteristics; and

27 (d) Transparent - The system is transparent and straightforward,  
28 thereby allowing the public to more easily understand how its tax  
29 dollars are spent and bring about increased accountability.

30 (5) Finally, the legislature finds these changes, along with  
31 reforms in the rest of this act, are intended and expected to improve  
32 the educational opportunities and outcomes of children throughout the  
33 state.

34 NEW SECTION. **Sec. 102.** A new section is added to chapter  
35 28A.150 RCW to read as follows:

36 (1) The legislature intends through a basic per pupil guarantee,  
37 as well as supplemental per pupil guarantees for existing and several  
38 new categorical programs, to provide an educational system in which

1 each child is afforded an equal opportunity to learn, regardless of  
2 differences in his or her family and community resources.

3 (2) The purpose of this section is to provide for the  
4 distribution of state funding for basic education, which provides the  
5 necessary support to school districts to fund the actual cost of the  
6 program of basic education under RCW 28A.150.220. The distribution  
7 formulas under this section are for allocation purposes only, to be  
8 adjusted annually for inflation.

9 (3) Except as otherwise provided in this section, the legislature  
10 must provide and the superintendent of public instruction must  
11 distribute state funds to school districts on the basis of each  
12 annual average full-time equivalent student enrolled in the district.  
13 The annual average full-time equivalent student enrolled in the  
14 district is calculated on the basis of a minimum required school year  
15 of one hundred eighty days. The enrollment of any district must be  
16 the annual average number of full-time equivalent students enrolled  
17 on the first school day of each month. The definition of full-time  
18 equivalent student must be determined by rules of the superintendent  
19 of public instruction and must be included as part of the  
20 superintendent's biennial budget request. The definition must be  
21 based on the minimum instructional hour offerings required under RCW  
22 28A.150.220. Any revision of the definition existing on the effective  
23 date of this section must not take effect until formally approved by  
24 the legislature by enacting legislation or passing a concurrent  
25 resolution.

26 (4) The basic and supplemental per pupil guarantees are as  
27 follows:

28 (a)(i) A basic per pupil guarantee of ten thousand dollars for  
29 each annual average full-time equivalent student enrolled in the  
30 school district. When apportioning the basic per pupil guarantee to  
31 school districts as provided in RCW 28A.510.250, the guarantee for  
32 each district must be funded first through an estimate of the local  
33 effort levy authorized in RCW 84.52.065(2) that will be collected  
34 during the school year within the school district.

35 (ii) The basic per pupil guarantee under (a)(i) of this  
36 subsection for any school district must be increased by an amount  
37 necessary to ensure that the state contribution, which excludes the  
38 local effort levy, constitutes at least forty percent of the basic  
39 per pupil amount.



1 (iii) Any school district with an enrollment of two thousand five  
2 hundred students or less that is estimated to receive less funding  
3 under the new formula provided in (a)(i) of this subsection than the  
4 funding the district is estimated to receive under the law in effect  
5 as of January 1, 2017, for the 2018-19 school year from state general  
6 apportionment, state levy equalization funding, state pupil  
7 transportation funding, and the district's local school district  
8 maintenance and operation levy, the district must receive the higher  
9 amount calculated under current law. Beginning in the 2019-20 school  
10 year, the amount calculated under this subsection (4)(a)(iii) must be  
11 increased by inflation;

12 (b) An additional supplemental per pupil guarantee of one  
13 thousand dollars to provide supplemental instruction and services for  
14 students whose primary language is other than English. Allocations  
15 are based on the head count number of students in each school who are  
16 eligible for and enrolled in the transitional bilingual instruction  
17 program under RCW 28A.180.010 through 28A.180.060 or for support for  
18 students for up to two years immediately after the student has exited  
19 the program. Notwithstanding other provisions of this subsection  
20 (4)(b), the actual per-student allocation may be scaled to provide a  
21 larger allocation for students needing more intensive intervention  
22 and a commensurate reduced allocation for students needing less  
23 intensive intervention, as detailed in the omnibus appropriations  
24 act;

25 (c) An additional supplemental per pupil guarantee of one  
26 thousand dollars to support programs for highly capable students  
27 under RCW 28A.185.010 through 28A.185.030. Allocations shall be based  
28 on two and three hundred fourteen one-thousandths percent of each  
29 school district's average full-time equivalent basic education  
30 enrollment;

31 (d) An additional supplemental per pupil guarantee of two  
32 thousand dollars for poverty students. However, for school districts  
33 with a poverty rate exceeding thirty percent, the supplemental per  
34 pupil guarantee is increased to five thousand dollars per pupil for  
35 the total number of poverty students exceeding the thirty percent  
36 threshold. The supplemental per pupil guarantee under this subsection  
37 (4)(d) must be used to provide supplemental instruction and services  
38 for underachieving students through the learning assistance program  
39 under RCW 28A.165.005 through 28A.165.065. Allocations are based on  
40 the most recent estimates of poverty rates within school districts

1 for children ages five to seventeen under the United States census  
2 bureau's small area and poverty estimates program;

3 (e) An additional supplemental per pupil guarantee of one  
4 thousand five hundred dollars to provide supplemental instruction and  
5 services for homeless students. Allocations are based on the number  
6 of unsheltered homeless students indicated in the most recent  
7 homeless student data report provided by the superintendent of public  
8 instruction;

9 (f) An additional supplemental per pupil guarantee of seven  
10 thousand five hundred dollars to provide supplemental instructional  
11 resources for students with disabilities as determined under RCW  
12 28A.150.390; and

13 (g) An additional supplemental per pupil guarantee of five  
14 hundred dollars for career and technical education students and  
15 students enrolled in skill centers.

16 (5) After all other funding calculations are completed, if the  
17 total per pupil funding amount for a school district is less than  
18 twelve thousand five hundred dollars when including all local, state,  
19 and federal revenues, the per pupil amount must be increased to  
20 twelve thousand five hundred dollars.

21 (6) For the purpose of this section, "inflation" means the  
22 percentage change in the implicit price deflator for personal  
23 consumption expenditures for the United States as published for the  
24 most recent calendar year by the bureau of economic analysis of the  
25 federal department of commerce.

26 **Sec. 103.** RCW 28A.150.390 and 2010 c 236 s 3 are each amended to  
27 read as follows:

28 (1) The superintendent of public instruction shall submit to each  
29 regular session of the legislature during an odd-numbered year a  
30 programmed budget request for special education programs for students  
31 with disabilities. Funding for programs operated by local school  
32 districts shall be on an excess cost basis from appropriations  
33 provided by the legislature for special education programs for  
34 students with disabilities and shall take account of state funds  
35 accruing through ~~((RCW 28A.150.260 (4)(a) and (b), (5), (6), and~~  
36 ~~(8)))~~ section 102 of this act.

37 (2) The excess cost allocation to school districts shall be based  
38 on the following:

1 (a) A district's annual average headcount enrollment of students  
2 ages birth through four and those five year olds not yet enrolled in  
3 kindergarten who are eligible for and enrolled in special education,  
4 multiplied by the ~~((district's base allocation per full-time~~  
5 ~~equivalent student, multiplied by 1.15))~~ per pupil amount specified  
6 in section 102(4)(f) of this act; and

7 (b) A district's annual average full-time equivalent basic  
8 education enrollment, multiplied by the district's funded enrollment  
9 percent, multiplied by the ~~((district's base allocation per full-time~~  
10 ~~equivalent student, multiplied by 0.9309))~~ per pupil amount specified  
11 in section 102(4)(f) of this act.

12 (3) As used in this section:

13 (a) ~~(( "Base allocation" means the total state allocation to all~~  
14 ~~schools in the district generated by the distribution formula under~~  
15 ~~RCW 28A.150.260 (4)(a) and (b), (5), (6), and (8), to be divided by~~  
16 ~~the district's full-time equivalent enrollment.~~

17 ~~(b))~~ "Basic education enrollment" means enrollment of resident  
18 students including nonresident students enrolled under RCW  
19 28A.225.225 and students from nonhigh districts enrolled under RCW  
20 28A.225.210 and excluding students residing in another district  
21 enrolled as part of an interdistrict cooperative program under RCW  
22 28A.225.250.

23 ~~((c))~~ (b) "Enrollment percent" means the district's resident  
24 special education annual average enrollment, excluding students ages  
25 birth through four and those five year olds not yet enrolled in  
26 kindergarten, as a percent of the district's annual average full-time  
27 equivalent basic education enrollment.

28 ~~((d))~~ (c) "Funded enrollment percent" means the lesser of the  
29 district's actual enrollment percent or twelve and seven-tenths  
30 percent.

31 **Sec. 104.** RCW 28A.510.250 and 2011 1st sp.s. c 4 s 1 are each  
32 amended to read as follows:

33 (1) On or before the last business day of September 1969 and each  
34 month thereafter, the superintendent of public instruction shall  
35 apportion from the state general fund and the education legacy trust  
36 account to the several educational service districts of the state the  
37 proportional share of the total annual amount due and apportionable  
38 to such educational service districts for the school districts  
39 thereof as follows:

1	September	.....	9%
2	October	.....	9%
3	November	.....	5.5%
4	December	.....	9%
5	January	.....	9%
6	February	.....	9%
7	March	.....	9%
8	April	.....	9%
9	May	.....	5.5%
10	June	.....	6.0%
11	July	.....	10.0%
12	August	.....	10.0%

13       The annual amount due and apportionable shall be the amount  
 14 apportionable for all apportionment credits estimated to accrue to  
 15 the schools during the apportionment year beginning September (~~((first~~  
 16 ~~{1st}))~~ 1st and continuing through August (~~((thirty-first—{31st}))~~  
 17 31st. Appropriations made for school districts for each year of a  
 18 biennium shall be apportioned according to the schedule set forth in  
 19 this section for the fiscal year starting September 1st of the then  
 20 calendar year and ending August 31st of the next calendar year,  
 21 except as provided in subsection (2) of this section. The  
 22 apportionment from the state general fund and the education legacy  
 23 trust account for each month shall be an amount which will equal the  
 24 amount due and apportionable to the several educational service  
 25 districts during such month: PROVIDED, That any school district may  
 26 petition the superintendent of public instruction for an emergency  
 27 advance of funds which may become apportionable to it but not to  
 28 exceed ten percent of the total amount to become due and  
 29 apportionable during the school districts apportionment year. The  
 30 superintendent of public instruction shall determine if the emergency  
 31 warrants such advance and if the funds are available therefor. If the  
 32 superintendent determines in the affirmative, he or she may approve  
 33 such advance and, at the same time, add such an amount to the  
 34 apportionment for the educational service district in which the  
 35 school district is located: PROVIDED, That the emergency advance of  
 36 funds and the interest earned by school districts on the investment  
 37 of temporary cash surpluses resulting from obtaining such advance of  
 38 state funds shall be deducted by the superintendent of public

1 instruction from the remaining amount apportionable to said districts  
2 during that apportionment year in which the funds are advanced.

3 (2) In the 2010-11 school year, the June apportionment payment to  
4 school districts shall be reduced by one hundred twenty-eight million  
5 dollars, and an additional apportionment payment shall be made on  
6 July 1, 2011, in the amount of one hundred twenty-eight million  
7 dollars. This July 1st payment shall be in addition to the regularly  
8 calculated July apportionment payment.

9 (3) If the superintendent of public instruction determines that  
10 the school funding changes made in chapter . . . , Laws of 2017 (this  
11 act) have negatively impacted the revenues apportionable to a school  
12 district in school year 2018-19, due to circumstances clearly not  
13 reflected in the intent of chapter . . . , Laws of 2017 (this act),  
14 the superintendent may add such an amount to the apportionment for  
15 the educational service district in which the school district is  
16 located. The superintendent must periodically notify the chairs of  
17 the education and fiscal committees of the senate and house of  
18 representatives of such additional apportionment amounts made under  
19 this subsection.

20 **Sec. 105.** RCW 28A.150.392 and 2009 c 548 s 109 are each amended  
21 to read as follows:

22 (1) To the extent necessary, funds shall be made available for  
23 safety net awards for districts with demonstrated needs for special  
24 education funding beyond the amounts provided through the special  
25 education funding formula under ((RCW 28A.150.390)) section 102 of  
26 this act. If the federal safety net awards based on the federal  
27 eligibility threshold exceed the federal appropriation in any fiscal  
28 year, then the superintendent shall expend all available federal  
29 discretionary funds necessary to meet this need. Safety net funds  
30 shall be awarded by the state safety net oversight committee subject  
31 to the following conditions and limitations:

32 (a) The committee shall consider additional funds for districts  
33 that can convincingly demonstrate that all legitimate expenditures  
34 for special education exceed all available revenues from state  
35 funding formulas. In the determination of need, the committee shall  
36 also consider additional available revenues from federal sources.  
37 Differences in program costs attributable to district philosophy,  
38 service delivery choice, or accounting practices are not a legitimate  
39 basis for safety net awards. In the determination of need, the

1 committee shall require that districts demonstrate that they are  
2 maximizing their eligibility for all state revenues related to  
3 services for special education-eligible students and all federal  
4 revenues from federal impact aid, medicaid, and the individuals with  
5 disabilities education act-Part B and appropriate special projects.  
6 Awards associated with (b) and (c) of this subsection shall not  
7 exceed the total of a district's specific determination of need.

8 (b) The committee shall then consider the extraordinary high cost  
9 needs of one or more individual special education students.  
10 Differences in costs attributable to district philosophy, service  
11 delivery choice, or accounting practices are not a legitimate basis  
12 for safety net awards.

13 (c) Using criteria developed by the committee, the committee  
14 shall then consider extraordinary costs associated with communities  
15 that draw a larger number of families with children in need of  
16 special education services, which may include consideration of  
17 proximity to group homes, military bases, and regional hospitals.  
18 Safety net awards under this subsection (1)(c) shall be adjusted to  
19 reflect amounts awarded under (b) of this subsection.

20 (d) The maximum allowable indirect cost for calculating safety  
21 net eligibility may not exceed the federal restricted indirect cost  
22 rate for the district plus one percent.

23 (e) Safety net awards shall be adjusted based on the percent of  
24 potential medicaid eligible students billed as calculated by the  
25 superintendent of public instruction in accordance with chapter 318,  
26 Laws of 1999.

27 (f) Safety net awards must be adjusted for any audit findings or  
28 exceptions related to special education funding.

29 (2) The superintendent of public instruction may adopt such rules  
30 and procedures as are necessary to administer the special education  
31 funding and safety net award process. Before revising any standards,  
32 procedures, or rules, the superintendent shall consult with the  
33 office of financial management and the fiscal committees of the  
34 legislature. In adopting and revising the rules, the superintendent  
35 shall ensure the application process to access safety net funding is  
36 streamlined, timelines for submission are not in conflict, feedback  
37 to school districts is timely and provides sufficient information to  
38 allow school districts to understand how to correct any deficiencies  
39 in a safety net application, and that there is consistency between  
40 awards approved by school district and by application period. The

1 office of the superintendent of public instruction shall also provide  
2 technical assistance to school districts in preparing and submitting  
3 special education safety net applications.

4 (3) On an annual basis, the superintendent shall survey districts  
5 regarding their satisfaction with the safety net process and consider  
6 feedback from districts to improve the safety net process. Each year  
7 by December 1st, the superintendent shall prepare and submit a report  
8 to the office of financial management and the appropriate policy and  
9 fiscal committees of the legislature that summarizes the survey  
10 results and those changes made to the safety net process as a result  
11 of the school district feedback.

12 (4) The safety net oversight committee appointed by the  
13 superintendent of public instruction shall consist of:

14 (a) One staff member from the office of the superintendent of  
15 public instruction;

16 (b) Staff of the office of the state auditor who shall be  
17 nonvoting members of the committee; and

18 (c) One or more representatives from school districts or  
19 educational service districts knowledgeable of special education  
20 programs and funding.

21 **Sec. 106.** RCW 28A.710.280 and 2016 c 241 s 128 are each amended  
22 to read as follows:

23 (1) The legislature intends that state funding for charter  
24 schools be distributed equitably with state funding provided for  
25 other public schools.

26 (2) For eligible students enrolled in a charter school  
27 established and operating in accordance with this chapter, the  
28 superintendent of public instruction shall transmit to each charter  
29 school an amount calculated as provided in this section (~~and based~~  
30 ~~on the statewide average staff mix factor for certificated~~  
31 ~~instructional staff, including any enrichment to those statutory~~  
32 ~~formulae that is specified in the omnibus appropriations act. The~~  
33 ~~amount must be the sum of (a) and (b) of this subsection, as~~  
34 ~~applicable)).~~

35 (a) The superintendent shall, for purposes of making  
36 distributions under this section, separately calculate and distribute  
37 to charter schools moneys appropriated for (~~general apportionment~~  
38 ~~under the same ratios as in RCW 28A.150.260)) the state basic per~~  
39 pupil guarantee under section 102 of this act.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through ~~((v))~~ (iv) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through ~~((28A.180.080))~~ 28A.180.060;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030~~((; and~~

~~(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located))~~.

(3) In addition to the other distributions provided under this section, the superintendent shall separately calculate and distribute to charter schools the supplemental per pupil guarantee for career and technical education students and students enrolled in skill centers under section 102 of this act.

(4) In addition to the other distributions provided under this section, the superintendent shall separately calculate and distribute to charter schools the supplemental per pupil guarantee for homeless students under section 102 of this act.

(5) In addition to the other distributions provided under this section, the superintendent shall separately calculate and distribute to charter schools the necessary amounts for the housing allowance under section 504 of this act and the teacher recruitment and retention bonus under section 506 of this act.

(6) If a charter school is located in a school district receiving additional revenues through a minimum state contribution enhancement



1 provided in section 102(4)(a)(ii) of this act, the charter school  
2 shall receive the same proportional adjustment to its basic per pupil  
3 guarantee allocation under section 102(4) of this act.

4 (7) The superintendent of public instruction must adopt rules  
5 necessary for the distribution of funding required by this section  
6 and to comply with federal reporting requirements.

7 **PART II**  
8 **LOCAL EFFORT LEVY**

9 **Sec. 201.** RCW 84.52.065 and 1991 sp.s. c 31 s 16 are each  
10 amended to read as follows:

11 (1) Subject to the limitations in RCW 84.55.010, in each year the  
12 state shall levy for collection in the following year for the support  
13 of common schools of the state a tax of three dollars and sixty cents  
14 per thousand dollars of assessed value upon the assessed valuation of  
15 all taxable property within the state adjusted to the state equalized  
16 value in accordance with the indicated ratio fixed by the state  
17 department of revenue.

18 (2)(a) In addition to the tax authorized under subsection (1) of  
19 this section, the state must levy a local effort levy on behalf of  
20 school districts for collection beginning in 2018 and every year  
21 thereafter, for the support of common schools of the state, at a rate  
22 of one dollar and eighty cents per thousand dollars of assessed value  
23 upon the assessed valuation of all taxable property within the state  
24 adjusted to the state equalized value in accordance with the  
25 indicated ratio fixed by the state department of revenue. The rate of  
26 tax may be reduced as provided in the omnibus appropriations act for  
27 the fiscal biennium. Local effort levy taxes collected under this  
28 subsection must be deposited into the education legacy trust account.  
29 The omnibus appropriations act must specify the applicable tax rate  
30 for each calendar year.

31 (b) The local effort levy imposed by the state on behalf of  
32 school districts in this subsection is not subject to the limitations  
33 in RCW 84.55.010.

34 (c) Beginning in calendar year 2019, the levy imposed in this  
35 subsection must be distributed back to school districts  
36 proportionally based on the equalized assessed valuation of property  
37 within the school district as a percentage of the statewide total

1 equalized assessed valuation of property in all school districts  
2 using the apportionment schedule provided in RCW 28A.510.250.

3 (d) In calendar year 2018 only, the rate of tax is forty-five  
4 cents per thousand dollars of assessed value upon the assessed  
5 valuation of all taxable property within the state adjusted to the  
6 state equalized value in accordance with the indicated ratio fixed by  
7 the state department of revenue.

8 (3) The aggregate rate limit for the 2018 collection year and  
9 thereafter is the sum of the maximum levy rates in subsections (1)  
10 and (2) of this section.

11 (4)(a) Beginning July 1, 2019, and ending at such time the  
12 condition of (b) of this subsection has been met, to the extent that  
13 biennial revenues to the state general fund and related funds exceed  
14 state general fund and related fund revenues for the prior fiscal  
15 biennium, the legislature must prioritize the use of the increased  
16 revenue for meeting enrollment and inflationary increases for the  
17 basic per pupil guarantee, the supplemental per pupil guarantees, and  
18 other funding components of section 102 of this act. The second  
19 priority use for the increased revenues are to reduce the tax rate  
20 imposed in subsection (2)(a) of this section with the ultimate goal  
21 to reduce the tax rate to one dollar and twenty-five cents per  
22 thousand dollars of assessed value.

23 (b) Once the omnibus appropriations act provides the necessary  
24 state appropriations for K-12 education programs and specifies that  
25 the applicable tax rate imposed under subsection (2)(a) of this  
26 section is one dollar and twenty-five cents per thousand dollars of  
27 assessed value, the priority requirements of (a) of this subsection  
28 will not apply in subsequent fiscal biennia. The calculations  
29 necessary to determine compliance with this subsection (4) shall be  
30 performed by the economic and revenue forecast council.

31 (5) As used in this section((7)):

32 (a) "Appropriations for K-12 education programs" are state  
33 allocations to school districts, charter schools, and educational  
34 service districts.

35 (b) "Biennial revenues to the state general fund and related  
36 funds" includes the unrestricted ending fund balance from the prior  
37 fiscal biennium and includes the transfer or diversion of revenue or  
38 money to or from another fund or account but excludes transfers to  
39 the budget stabilization account under Article VII, section 12 of the  
40 state Constitution.

1       (c) "Related funds" means the Washington opportunity pathways  
2 account and the education legacy trust account.

3       (d) "The support of common schools" includes the payment of the  
4 principal and interest on bonds issued for capital construction  
5 projects for the common schools.

6       **Sec. 202.** RCW 84.52.043 and 2015 3rd sp.s. c 44 s 322 are each  
7 amended to read as follows:

8       Within and subject to the limitations imposed by RCW 84.52.050 as  
9 amended, the regular ad valorem tax levies upon real and personal  
10 property by the taxing districts hereafter named are as follows:

11       (1) Levies of the senior taxing districts are as follows: (a) The  
12 ~~((levy)) levies~~ by the state may not exceed ~~((three dollars and sixty~~  
13 ~~cents per thousand dollars of assessed value))~~ the aggregate rate  
14 limit in RCW 84.52.065 adjusted to the state equalized value in  
15 accordance with the indicated ratio fixed by the state department of  
16 revenue to be used exclusively for the support of the common schools;  
17 (b) the levy by any county may not exceed one dollar and eighty cents  
18 per thousand dollars of assessed value; (c) the levy by any road  
19 district may not exceed two dollars and twenty-five cents per  
20 thousand dollars of assessed value; and (d) the levy by any city or  
21 town may not exceed three dollars and thirty-seven and one-half cents  
22 per thousand dollars of assessed value. However any county is hereby  
23 authorized to increase its levy from one dollar and eighty cents to a  
24 rate not to exceed two dollars and forty-seven and one-half cents per  
25 thousand dollars of assessed value for general county purposes if the  
26 total levies for both the county and any road district within the  
27 county do not exceed four dollars and five cents per thousand dollars  
28 of assessed value, and no other taxing district has its levy reduced  
29 as a result of the increased county levy.

30       (2) The aggregate levies of junior taxing districts and senior  
31 taxing districts, other than the state, may not exceed five dollars  
32 and ninety cents per thousand dollars of assessed valuation. The term  
33 "junior taxing districts" includes all taxing districts other than  
34 the state, counties, road districts, cities, towns, port districts,  
35 and public utility districts. The limitations provided in this  
36 subsection do not apply to: (a) Levies at the rates provided by  
37 existing law by or for any port or public utility district; (b)  
38 excess property tax levies authorized in Article VII, section 2 of  
39 the state Constitution; (c) levies for acquiring conservation futures

1 as authorized under RCW 84.34.230; (d) levies for emergency medical  
2 care or emergency medical services imposed under RCW 84.52.069; (e)  
3 levies to finance affordable housing for very low-income housing  
4 imposed under RCW 84.52.105; (f) the portions of levies by  
5 metropolitan park districts that are protected under RCW 84.52.120;  
6 (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies  
7 for criminal justice purposes under RCW 84.52.135; (i) the portions  
8 of levies by fire protection districts that are protected under RCW  
9 84.52.125; (j) levies by counties for transit-related purposes under  
10 RCW 84.52.140; (k) the protected portion of the levies imposed under  
11 RCW 86.15.160 by flood control zone districts in a county with a  
12 population of seven hundred seventy-five thousand or more that are  
13 coextensive with a county; and (l) levies imposed by a regional  
14 transit authority under RCW 81.104.175.

15 **Sec. 203.** RCW 84.52.043 and 2015 3rd sp.s. c 44 s 323 are each  
16 amended to read as follows:

17 Within and subject to the limitations imposed by RCW 84.52.050 as  
18 amended, the regular ad valorem tax levies upon real and personal  
19 property by the taxing districts hereafter named are as follows:

20 (1) Levies of the senior taxing districts are as follows: (a) The  
21 ~~((levy))~~ levies by the state may not exceed ~~((three dollars and sixty~~  
22 ~~cents per thousand dollars of assessed value))~~ the aggregate rate  
23 limit in RCW 84.52.065 adjusted to the state equalized value in  
24 accordance with the indicated ratio fixed by the state department of  
25 revenue to be used exclusively for the support of the common schools;  
26 (b) the levy by any county may not exceed one dollar and eighty cents  
27 per thousand dollars of assessed value; (c) the levy by any road  
28 district may not exceed two dollars and twenty-five cents per  
29 thousand dollars of assessed value; and (d) the levy by any city or  
30 town may not exceed three dollars and thirty-seven and one-half cents  
31 per thousand dollars of assessed value. However any county is hereby  
32 authorized to increase its levy from one dollar and eighty cents to a  
33 rate not to exceed two dollars and forty-seven and one-half cents per  
34 thousand dollars of assessed value for general county purposes if the  
35 total levies for both the county and any road district within the  
36 county do not exceed four dollars and five cents per thousand dollars  
37 of assessed value, and no other taxing district has its levy reduced  
38 as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; and (l) levies imposed by a regional transit authority under RCW 81.104.175.

**Sec. 204.** RCW 84.48.080 and 2008 c 86 s 502 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

(a) The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing

1 personal property as of January 1st of the current year, the  
2 department shall use valuation data with respect to personal property  
3 from the three years immediately preceding the current assessment  
4 year in a manner it deems appropriate. Such classification may be on  
5 the basis of types of property, geographical areas, or both. For  
6 purposes of this section, for each county that has not provided the  
7 department with an assessment return by December 1st, the department  
8 shall proceed, using facts and information and in a manner it deems  
9 appropriate, to estimate the value of each class of property in the  
10 county.

11 (b) The department shall keep a full record of its proceedings  
12 and the same shall be published annually by the department.

13 (2) The department shall levy the state taxes authorized by law.  
14 The amount levied in any one year for general state purposes shall  
15 not exceed the lawful dollar rates on the dollar of the assessed  
16 value of the property of the entire state, which assessed value shall  
17 be one hundred percent of the true and fair value of the property in  
18 money.

19 (a) The department shall apportion the amount of tax for state  
20 purposes levied under RCW 84.52.065 (1) and (2) by the department,  
21 among the several counties, in proportion to the valuation of the  
22 taxable property of the county for the year as equalized by the  
23 department: PROVIDED, That for purposes of this apportionment, the  
24 department shall recompute the previous year's ~~((levy))~~ levies  
25 imposed under RCW 84.52.065 (1) and (2) and the apportionment thereof  
26 to correct for changes and errors in taxable values reported to the  
27 department after October 1 of the preceding year and shall adjust the  
28 apportioned amount of the current year's state levy under RCW  
29 84.52.065(1) for each county by the difference between the  
30 apportioned amounts established by the original and revised levy  
31 computations for the previous year's levies under RCW 84.52.065 (1)  
32 and (2).

33 (b) For purposes of this section, changes in taxable values mean  
34 a final adjustment made by a county board of equalization, the state  
35 board of tax appeals, or a court of competent jurisdiction and shall  
36 include additions of omitted property, other additions or deletions  
37 from the assessment or tax rolls, any assessment return provided by a  
38 county to the department subsequent to December 1st, or a change in  
39 the indicated ratio of a county. Errors in taxable values mean errors  
40 corrected by a final reviewing body.

1 (3) The department shall have authority to adopt rules and  
2 regulations to enforce obedience to its orders in all matters in  
3 relation to the returns of county assessments, the equalization of  
4 values, and the apportionment of the state levy by the department.

5 (4) After the completion of the duties prescribed in this  
6 section, the director of the department shall certify the record of  
7 the proceedings of the department under this section, the tax levies  
8 made for state purposes and the apportionment thereof among the  
9 counties, and the certification shall be available for public  
10 inspection.

11 **Sec. 205.** RCW 84.48.110 and 1994 c 301 s 44 and 1994 c 124 s 32  
12 are each reenacted and amended to read as follows:

13 After certifying the record of the proceedings of the department  
14 in accordance with RCW 84.48.080, the department shall transmit to  
15 each county assessor a copy of the record of the proceedings of the  
16 department, specifying the amounts to be levied and collected for  
17 state purposes for such year, and in addition thereto it shall  
18 certify to each county assessor the amount due to each state fund and  
19 unpaid from such county for the fifth preceding year, and such  
20 delinquent state taxes shall be added to the amounts levied for the  
21 current year. The department shall close the account of each county  
22 for the fifth preceding year and charge the amount of such  
23 delinquency to the tax (~~(levy)~~) levies of the current year. These  
24 delinquent taxes shall not be subject to chapter 84.55 RCW. All taxes  
25 collected on and after the first day of July last preceding such  
26 certificate, on account of delinquent state taxes for the fifth  
27 preceding year shall belong to the county and by the county treasurer  
28 be credited to the current expense fund of the county in which  
29 collected.

30 **Sec. 206.** RCW 84.52.070 and 2010 c 106 s 313 are each amended to  
31 read as follows:

32 (1) It is the duty of the county legislative authority of each  
33 county, on or before the thirtieth day of November in each year, to  
34 certify to the county assessor the amount of taxes levied upon the  
35 property in the county for county purposes, and the respective  
36 amounts of taxes levied by the board for each taxing district, within  
37 or coextensive with the county, for district purposes.

(2) It is the duty of the council of each city having a population of three hundred thousand or more, and of the council of each town, and of all officials or boards of taxing districts within or coextensive with the county, authorized by law to levy taxes directly and not through the county legislative authority, on or before the thirtieth day of November in each year, to certify to the county assessor the amount of taxes levied upon the property within the city, town, or district for city, town, or district purposes.

(3) If a levy amount is certified to the county assessor after the thirtieth day of November, the county assessor may use no more than the certified levy amount for the previous year for the taxing district. This subsection (3) does not apply to ~~((the))~~ state ~~((levy))~~ levies or when the assessor has not certified assessed values as required by RCW 84.48.130 at least twelve working days before November 30th.

**Sec. 207.** RCW 84.55.070 and 2009 c 350 s 11 are each amended to read as follows:

The provisions of this chapter do not apply to a levy, including ~~((the))~~ any state levy, or that portion of a levy, made by or for a taxing district:

(1) For the purpose of funding a property tax refund paid under the provisions of chapter 84.68 RCW;

(2) Under RCW 84.69.180; or

(3) Attributable to amounts of state taxes withheld under RCW 84.56.290 or the provisions of chapter 84.69 RCW, or otherwise attributable to state taxes lawfully owing by reason of adjustments made under RCW 84.48.080.

**Sec. 208.** RCW 84.55.092 and 1998 c 16 s 3 are each reenacted and amended to read as follows:

The regular property tax levy for each taxing district other than the state's levies may be set at the amount which would be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 had been set at the full amount allowed under this chapter including any levy authorized under RCW 52.16.160 that would have been imposed but for the limitation in RCW 52.18.065, applicable upon imposition of the benefit charge under chapter 52.18 RCW.



1       The purpose of this section is to remove the incentive for a  
2       taxing district to maintain its tax levy at the maximum level  
3       permitted under this chapter, and to protect the future levy capacity  
4       of a taxing district that reduces its tax levy below the level that  
5       it otherwise could impose under this chapter, by removing the adverse  
6       consequences to future levy capacities resulting from such levy  
7       reductions.

8       **Sec. 209.** RCW 84.69.020 and 2005 c 502 s 9 are each amended to  
9       read as follows:

10       On the order of the county treasurer, ad valorem taxes paid  
11       before or after delinquency shall be refunded if they were:

12       (1) Paid more than once;

13       (2) Paid as a result of manifest error in description;

14       (3) Paid as a result of a clerical error in extending the tax  
15       rolls;

16       (4) Paid as a result of other clerical errors in listing  
17       property;

18       (5) Paid with respect to improvements which did not exist on  
19       assessment date;

20       (6) Paid under levies or statutes adjudicated to be illegal or  
21       unconstitutional;

22       (7) Paid as a result of mistake, inadvertence, or lack of  
23       knowledge by any person exempted from paying real property taxes or a  
24       portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now  
25       or hereafter amended;

26       (8) Paid as a result of mistake, inadvertence, or lack of  
27       knowledge by either a public official or employee or by any person  
28       with respect to real property in which the person paying the same has  
29       no legal interest;

30       (9) Paid on the basis of an assessed valuation which was appealed  
31       to the county board of equalization and ordered reduced by the board;

32       (10) Paid on the basis of an assessed valuation which was  
33       appealed to the state board of tax appeals and ordered reduced by the  
34       board: PROVIDED, That the amount refunded under subsections (9) and  
35       (10) of this section shall only be for the difference between the tax  
36       paid on the basis of the appealed valuation and the tax payable on  
37       the valuation adjusted in accordance with the board's order;

38       (11) Paid as a state property tax levied upon property, the  
39       assessed value of which has been established by the state board of

1 tax appeals for the year of such levy: PROVIDED, HOWEVER, That the  
2 amount refunded shall only be for the difference between the state  
3 property tax paid and the amount of state property tax which would,  
4 when added to all other property taxes within the one percent  
5 limitation of Article VII, section 2 of the state Constitution equal  
6 one percent of the assessed value established by the board;

7 (12) Paid on the basis of an assessed valuation which was  
8 adjudicated to be unlawful or excessive: PROVIDED, That the amount  
9 refunded shall be for the difference between the amount of tax which  
10 was paid on the basis of the valuation adjudged unlawful or excessive  
11 and the amount of tax payable on the basis of the assessed valuation  
12 determined as a result of the proceeding;

13 (13) Paid on property acquired under RCW 84.60.050, and canceled  
14 under RCW 84.60.050(2);

15 (14) Paid on the basis of an assessed valuation that was reduced  
16 under RCW 84.48.065;

17 (15) Paid on the basis of an assessed valuation that was reduced  
18 under RCW 84.40.039; or

19 (16) Abated under RCW 84.70.010.

20 No refunds under the provisions of this section shall be made  
21 because of any error in determining the valuation of property, except  
22 as authorized in subsections (9), (10), (11), and (12) of this  
23 section nor may any refunds be made if a bona fide purchaser has  
24 acquired rights that would preclude the assessment and collection of  
25 the refunded tax from the property that should properly have been  
26 charged with the tax. Any refunds made on delinquent taxes shall  
27 include the proportionate amount of interest and penalties paid.  
28 However, no refunds as a result of an incorrect payment authorized  
29 under subsection (8) of this section made by a third party payee  
30 shall be granted. The county treasurer may deduct from moneys  
31 collected for the benefit of the state's ((levy)) levies, refunds of  
32 the state ((levy)) levies including interest on the ((levy)) levies  
33 as provided by this section and chapter 84.68 RCW.

34 The county treasurer of each county shall make all refunds  
35 determined to be authorized by this section, and by the first Monday  
36 in February of each year, report to the county legislative authority  
37 a list of all refunds made under this section during the previous  
38 year. The list is to include the name of the person receiving the  
39 refund, the amount of the refund, and the reason for the refund.

1        NEW SECTION.    **Sec. 210.**    A new section is added to chapter 84.52  
2    RCW to read as follows:

3        (1) Each tax year, the county assessors must notify the  
4    department if the assessor determines that the aggregate limitation  
5    in RCW 84.52.050 has been exceeded for any tax code area within their  
6    county. The assessor must also provide the department with any  
7    associated data or worksheets or other forms used by the assessor's  
8    office in making a determination that the aggregate limitation in RCW  
9    84.52.050 has been exceeded for any tax code area within the  
10   assessor's county and the taxable assessed value for those districts  
11   within such tax code areas. The county assessors must also provide  
12   the department with any other documentation requested by the  
13   department for purposes of carrying out the department's  
14   responsibilities under this section. The notification and  
15   documentation required under this subsection must be received by the  
16   department before March 1st.

17       (2) Each tax year, a taxing district must notify the appropriate  
18   county assessor if the taxing district enters into an agreement under  
19   the authority of RCW 39.67.010 to avoid or lessen the reduction of  
20   its levy under RCW 84.52.010 resulting from the aggregate limitation  
21   in RCW 84.52.050 having been exceeded. The notification required  
22   under this subsection must include the amount of money that the  
23   taxing district agreed to transfer to another taxing district under  
24   such agreement. The county assessor must forward the information  
25   received under this subsection to the department before March 1st.

26       (3) If a county assessor fails to comply with the requirements of  
27   subsections (1) and (2) of this section before March 1st, no impacted  
28   taxing districts may receive payments under this section in the  
29   current fiscal year. If the county assessor complies with the  
30   notification and documentation requirements in subsections (1) and  
31   (2) of this section on or after March 1st, impacted taxing districts  
32   may receive payments in the following state fiscal year, conditioned  
33   on an appropriation by the legislature.

34       (4) Beginning with the levy of state taxes for collection in  
35   2019, in addition to the levy required by RCW 84.48.080, the  
36   department must compute a hypothetical levy of state taxes based on  
37   the provisions of Title 84 RCW as they existed on January 1, 2018.  
38   This hypothetical state levy must be computed before February 1st of  
39   each year.

1 (5) For each county whose assessor has provided the notification  
2 and documentation required under subsection (1) or (2) of this  
3 section before March 1st of the current calendar year, the department  
4 must calculate a hypothetical state levy rate for the current tax  
5 year based on the hypothetical state levy computed as required under  
6 subsection (4) of this section.

7 (6)(a) For each taxing district within a tax code area included  
8 in a notification under subsection (1) of this section or included in  
9 a notification under subsection (2) of this section, the department  
10 must determine whether and how much each potentially impacted taxing  
11 district's regular levy was negatively impacted due to an increase in  
12 the amount of property taxes levied under RCW 84.52.065 after January  
13 1, 2017.

14 (b) Each impacted taxing district is eligible to receive a  
15 payment from the state equal to the amount that the taxing district's  
16 regular levy was negatively impacted due to an increase in the amount  
17 of property taxes levied under RCW 84.52.065 after January 1, 2017,  
18 as determined by the department under this subsection (6). Payments  
19 authorized under this subsection (6) are conditioned on an  
20 appropriation by the legislature.

21 (7) By June 15th of each year, the department must notify the  
22 state treasurer of the amounts that each impacted taxing district are  
23 eligible for under subsection (6) of this section. By June 30th, the  
24 state treasurer must transfer such amounts to the treasurer of the  
25 county in which the impacted taxing district is wholly located or has  
26 its main office if the impacted taxing district is located in more  
27 than one county, subject to amounts appropriated for that purpose. If  
28 amounts appropriated for these transfers are less than the amounts  
29 necessary to make the full amount of each transfer, the state  
30 treasurer must reduce the amount of the transfers on a pro rata  
31 basis. The county treasurer must forward amounts received from the  
32 state treasurer under this subsection to the impacted taxing  
33 districts entitled to the funds.

34 (8) For purposes of this subsection, the following definitions  
35 apply:

36 (a) "Appropriate county assessor" means (i) the county assessor  
37 of the county within which a taxing district subject to subsection  
38 (2) of this section is wholly located or (ii) if that taxing district  
39 is located in more than one county, the county assessor of the county

1 in which the greatest amount of assessed value of the taxing district  
2 is located.

3 (b) "Impacted taxing district" means a local taxing district  
4 whose regular levy was negatively impacted due to an increase in the  
5 amount of property taxes levied by the state as a result of increased  
6 levy authority provided by the legislature after January 1, 2017, as  
7 determined by the department under this section.

8 (9) The department may adopt rules as the department considers  
9 necessary to implement this section, consistent with the purpose of  
10 those sections as described in section 212 of this act.

11 (10) This section expires July 1, 2027.

12 NEW SECTION. **Sec. 211.** A new section is added to chapter 84.55  
13 RCW to read as follows:

14 (1) For purposes of RCW 84.55.010, 84.55.015, 84.55.020, and  
15 84.55.030, "regular property tax levy rate," "regular property tax  
16 rate," and "property tax rate" mean, with respect to impacted taxing  
17 districts, the regular property tax levy rate that would have applied  
18 if the state property tax levy, through the local effort levy  
19 authorized in RCW 84.52.065(2), had not been increased by legislative  
20 action after January 1, 2018.

21 (2) This section applies beginning with taxes levied for  
22 collection in 2019 and for taxes levied for collection in subsequent  
23 years through 2028.

24 (3) The department may adopt rules as the department considers  
25 necessary to implement this section, consistent with the purpose of  
26 those sections as described in section 212 of this act.

27 (4) This section expires July 1, 2028.

28 NEW SECTION. **Sec. 212.** The legislature's purpose in enacting  
29 sections 210 and 211 of this act is to mitigate the negative  
30 financial effects of the local effort levy on local taxing districts  
31 resulting from legislative action after January 1, 2017.

32 **Sec. 213.** RCW 84.36.381 and 2015 3rd sp.s. c 30 s 2 are each  
33 amended to read as follows:

34 A person is exempt from any legal obligation to pay all or a  
35 portion of the amount of excess and regular real property taxes due  
36 and payable in the year following the year in which a claim is filed,  
37 and thereafter, in accordance with the following:

1 (1) The property taxes must have been imposed upon a residence  
2 which was occupied by the person claiming the exemption as a  
3 principal place of residence as of the time of filing. However, any  
4 person who sells, transfers, or is displaced from his or her  
5 residence may transfer his or her exemption status to a replacement  
6 residence, but no claimant may receive an exemption on more than one  
7 residence in any year. Moreover, confinement of the person to a  
8 hospital, nursing home, assisted living facility, or adult family  
9 home does not disqualify the claim of exemption if:

10 (a) The residence is temporarily unoccupied;

11 (b) The residence is occupied by a spouse or a domestic partner  
12 and/or a person financially dependent on the claimant for support; or

13 (c) The residence is rented for the purpose of paying nursing  
14 home, hospital, assisted living facility, or adult family home costs;

15 (2) The person claiming the exemption must have owned, at the  
16 time of filing, in fee, as a life estate, or by contract purchase,  
17 the residence on which the property taxes have been imposed or if the  
18 person claiming the exemption lives in a cooperative housing  
19 association, corporation, or partnership, such person must own a  
20 share therein representing the unit or portion of the structure in  
21 which he or she resides. For purposes of this subsection, a residence  
22 owned by a marital community or state registered domestic partnership  
23 or owned by cotenants is deemed to be owned by each spouse or each  
24 domestic partner or each cotenant, and any lease for life is deemed a  
25 life estate;

26 (3)(a) The person claiming the exemption must be:

27 (i) Sixty-one years of age or older on December 31st of the year  
28 in which the exemption claim is filed, or must have been, at the time  
29 of filing, retired from regular gainful employment by reason of  
30 disability; or

31 (ii) A veteran of the armed forces of the United States entitled  
32 to and receiving compensation from the United States department of  
33 veterans affairs at a total disability rating for a service-connected  
34 disability.

35 (b) However, any surviving spouse or surviving domestic partner  
36 of a person who was receiving an exemption at the time of the  
37 person's death will qualify if the surviving spouse or surviving  
38 domestic partner is fifty-seven years of age or older and otherwise  
39 meets the requirements of this section;

1       (4) The amount that the person is exempt from an obligation to  
2 pay is calculated on the basis of combined disposable income, as  
3 defined in RCW 84.36.383. If the person claiming the exemption was  
4 retired for two months or more of the assessment year, the combined  
5 disposable income of such person must be calculated by multiplying  
6 the average monthly combined disposable income of such person during  
7 the months such person was retired by twelve. If the income of the  
8 person claiming exemption is reduced for two or more months of the  
9 assessment year by reason of the death of the person's spouse or the  
10 person's domestic partner, or when other substantial changes occur in  
11 disposable income that are likely to continue for an indefinite  
12 period of time, the combined disposable income of such person must be  
13 calculated by multiplying the average monthly combined disposable  
14 income of such person after such occurrences by twelve. If it is  
15 necessary to estimate income to comply with this subsection, the  
16 assessor may require confirming documentation of such income prior to  
17 May 31 of the year following application;

18       (5)(a) A person who otherwise qualifies under this section and  
19 has a combined disposable income of forty thousand dollars or less is  
20 exempt from all excess property taxes and the local effort levy  
21 imposed under RCW 84.52.065(2); and

22       (b)(i) A person who otherwise qualifies under this section and  
23 has a combined disposable income of thirty-five thousand dollars or  
24 less but greater than thirty thousand dollars is exempt from all  
25 regular property taxes on the greater of fifty thousand dollars or  
26 thirty-five percent of the valuation of his or her residence, but not  
27 to exceed seventy thousand dollars of the valuation of his or her  
28 residence; or

29       (ii) A person who otherwise qualifies under this section and has  
30 a combined disposable income of thirty thousand dollars or less is  
31 exempt from all regular property taxes on the greater of sixty  
32 thousand dollars or sixty percent of the valuation of his or her  
33 residence;

34       (6)(a) For a person who otherwise qualifies under this section  
35 and has a combined disposable income of forty thousand dollars or  
36 less, the valuation of the residence is the assessed value of the  
37 residence on the later of January 1, 1995, or January 1st of the  
38 assessment year the person first qualifies under this section. If the  
39 person subsequently fails to qualify under this section only for one  
40 year because of high income, this same valuation must be used upon

1 requalification. If the person fails to qualify for more than one  
2 year in succession because of high income or fails to qualify for any  
3 other reason, the valuation upon requalification is the assessed  
4 value on January 1st of the assessment year in which the person  
5 requalifies. If the person transfers the exemption under this section  
6 to a different residence, the valuation of the different residence is  
7 the assessed value of the different residence on January 1st of the  
8 assessment year in which the person transfers the exemption.

9 (b) In no event may the valuation under this subsection be  
10 greater than the true and fair value of the residence on January 1st  
11 of the assessment year.

12 (c) This subsection does not apply to subsequent improvements to  
13 the property in the year in which the improvements are made.  
14 Subsequent improvements to the property must be added to the value  
15 otherwise determined under this subsection at their true and fair  
16 value in the year in which they are made.

17 **Sec. 214.** RCW 84.36.630 and 2014 c 140 s 28 are each amended to  
18 read as follows:

19 (1) All machinery and equipment owned by a farmer that is  
20 personal property is exempt from property taxes levied for any state  
21 purpose, including the local effort levy imposed under RCW  
22 84.52.065(2), if it is used exclusively in growing and producing  
23 agricultural products during the calendar year for which the claim  
24 for exemption is made.

25 (2) "Farmer" and "agricultural product" have the same meaning as  
26 defined in RCW 82.04.213.

27 (3) A claim for exemption under this section must be filed with  
28 the county assessor together with the statement required under RCW  
29 84.40.190, for exemption from taxes payable the following year. The  
30 claim must be made solely upon forms as prescribed and furnished by  
31 the department of revenue.

32 NEW SECTION. **Sec. 215.** Part II of this act applies beginning  
33 with taxes levied for collection in 2018 and thereafter.

34 NEW SECTION. **Sec. 216.** Section 202 of this act expires January  
35 1, 2018.



NEW SECTION.     **Sec. 217.**     Section 203 of this act takes effect  
January 1, 2018.

## PART III

LOCAL EXCESS LEVY AUTHORITY FOR CALENDAR YEAR 2020 AND THEREAFTER

**Sec. 301.** RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and 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 determined as follows:

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

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

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

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

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the

1 biennial budget between the prior school year and the current school  
2 year divided by fifty-five percent;

3 (d) The levy bases of nonhigh districts participating in an  
4 innovation academy cooperative established under RCW 28A.340.080  
5 shall be adjusted by the office of the superintendent of public  
6 instruction to reflect each district's proportional share of student  
7 enrollment in the cooperative;

8 (e) The district's maximum levy amount shall be reduced by the  
9 maximum amount of state matching funds for which the district is  
10 eligible under RCW 28A.500.010.

11 (3) For excess levies for collection in calendar year 1998 and  
12 thereafter, a district's levy base shall be the sum of allocations in  
13 (a) through ~~((e))~~ (d) of this subsection received by the district  
14 for the prior school year, including allocations for compensation  
15 increases, plus the sum of such allocations multiplied by the percent  
16 increase per full time equivalent student as stated in the state  
17 basic education appropriation section of the biennial budget between  
18 the prior school year and the current school year and divided by  
19 fifty-five percent. A district's levy base shall not include local  
20 school district property tax levies or other local revenues, or state  
21 and federal allocations not identified in (a) through ~~((e))~~ (d) of  
22 this subsection.

23 (a) The district's basic education allocation as determined  
24 pursuant to ~~((RCW 28A.150.250, 28A.150.260, and 28A.150.350))~~ section  
25 102(4)(a) of this act;

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

28 (i) ~~((Pupil transportation;~~  
29 ~~((ii)))~~ Special education;  
30 ~~((((iii)))~~ (ii) Education of highly capable students;  
31 ~~((((iv)))~~ (iii) Compensatory education, including but not limited  
32 to learning assistance, migrant education, Indian education, refugee  
33 programs, and bilingual education;

34 ~~((((v)))~~ (iv) Food services; and  
35 ~~((((vi)))~~ (v) Statewide block grant programs; ~~((and))~~

36 (c) Any other state allocations under sections 102, 504, and 506  
37 of this act; and

38 (d) Any other federal allocations for elementary and secondary  
39 school programs, including direct grants, other than federal impact  
40 aid funds and allocations in lieu of taxes.

1       (4)((~~(a)~~)) A district's maximum levy percentage shall be  
2       (~~(twenty-four percent in 2010 and twenty-eight percent in 2011~~  
3       ~~through 2017 and twenty-four percent)~~) ten percent beginning in  
4       calendar year 2020 and every year thereafter(~~(~~

5       ~~(b) For qualifying districts, in addition to the percentage in~~  
6       ~~(a) of this subsection the grandfathered percentage determined as~~  
7       ~~follows:~~

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

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

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

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

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

19       ~~(D) Take the greater of zero or the percentage calculated in~~  
20       ~~(b)(ii)(C) of this subsection;~~

21       ~~(iii) For 2018 and thereafter, the percentage shall be calculated~~  
22       ~~as follows:~~

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

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

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

31       ~~(D) Take the greater of zero or the percentage calculated in~~  
32       ~~(b)(iii)(C) of this subsection.~~

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

~~estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties)).~~

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

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

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

~~((+9+))~~ (8) 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. 302.**     Section 301 of this act takes effect January 1, 2019.

**Sec. 303.**     RCW 84.52.053 and 2012 c 186 s 18 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2)(a) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized, except for additional levies to provide for subsequently enacted

1 increases affecting the district's levy base or maximum levy  
2 percentage. School districts may not impose a levy for maintenance  
3 and operation support for taxes due and payable in calendar year  
4 2019.

5 (b) Notwithstanding (a) of this subsection, any school district  
6 that is required to annex or receive territory pursuant to a  
7 dissolution of a financially insolvent school district pursuant to  
8 RCW 28A.315.225 may call either a replacement or supplemental levy  
9 election within the school district, including the territory annexed  
10 or transferred, as follows:

11 (i) An election for a proposition authorizing two-year through  
12 four-year levies for maintenance and operation support of a school  
13 district may be called and held before the effective date of  
14 dissolution to replace existing maintenance and operation levies and  
15 to provide for increases due to the dissolution.

16 (ii) An election for a proposition authorizing additional tax  
17 levies may be called and held before the effective date of  
18 dissolution to provide for increases due to the dissolution.

19 (iii) In the event a replacement levy election under (b)(i) of  
20 this subsection is held but does not pass, the affected school  
21 district may subsequently hold a supplemental levy election pursuant  
22 to (b)(ii) of this subsection if the supplemental levy election is  
23 held before the effective date of dissolution. In the event a  
24 supplemental levy election is held under ((subsection)) (b)(ii) of  
25 this subsection but does not pass, the affected school district may  
26 subsequently hold a replacement levy election pursuant to (b)(i) of  
27 this subsection if the replacement levy election is held before the  
28 effective date of dissolution. Failure of a replacement levy or  
29 supplemental levy election does not affect any previously approved  
30 and existing maintenance and operation levy within the affected  
31 school district or districts.

32 (c) For the purpose of applying the limitation of this subsection  
33 (2), a two-year through six-year levy to support the construction,  
34 modernization, or remodeling of school facilities shall not be deemed  
35 to be a tax levy for maintenance and operation support of a school  
36 district.

37 (3) A special election may be called and the time therefor fixed  
38 by the board of school directors, by giving notice thereof by  
39 publication in the manner provided by law for giving notices of  
40 general elections, at which special election the proposition

1 authorizing such excess levy shall be submitted in such form as to  
2 enable the voters favoring the proposition to vote "yes" and those  
3 opposed thereto to vote "no."

4 (4) To ensure that maintenance and operation levies are not used  
5 for basic education programs, beginning with ballot propositions  
6 submitted to the voters in calendar year 2019, districts must provide  
7 a report to the office of the superintendent of public instruction  
8 detailing the programs and activities to be funded through a proposed  
9 levy for maintenance and operation support. The report must be  
10 submitted to, and approved by, the office of the superintendent of  
11 public instruction prior to the election for the proposition.

12 NEW SECTION. **Sec. 304.** A new section is added to chapter  
13 28A.500 RCW to read as follows:

14 This chapter expires January 1, 2019.

15 **PART IV**

16 **PROVIDING A ONE-YEAR DELAY IN THE LEVY LID REDUCTION**

17 NEW SECTION. **Sec. 401.** The legislature recognizes that school  
18 districts rely on local property tax levies. The legislature further  
19 recognizes that the state levy lid law, which limits the amount a  
20 school district may collect through local levies, is statutorily  
21 scheduled to revert to a lower limit beginning in calendar year 2018.  
22 The legislature further finds that this lower limit may impair some  
23 school district finances. Therefore, the legislature intends to  
24 maintain the current levy limit for an additional year as the state  
25 revises its statutory policies with regard to local school district  
26 levies.

27 **Sec. 402.** RCW 84.52.0531 and 2013 c 242 s 8 are each amended to  
28 read as follows:

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

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

35 (2) For excess levies for collection in calendar year 1998 and  
36 thereafter, the maximum dollar amount shall be the sum of (a) plus or

1 minus (b), (c), and (d) of this subsection minus (e) of this  
2 subsection:

3 (a) The district's levy base as defined in subsections (3) and  
4 (4) of this section multiplied by the district's maximum levy  
5 percentage as defined in subsection (7) of this section;

6 (b) For districts in a high/nonhigh relationship, the high school  
7 district's maximum levy amount shall be reduced and the nonhigh  
8 school district's maximum levy amount shall be increased by an amount  
9 equal to the estimated amount of the nonhigh payment due to the high  
10 school district under RCW 28A.545.030(3) and 28A.545.050 for the  
11 school year commencing the year of the levy;

12 (c) Except for nonhigh districts under (d) of this subsection,  
13 for districts in an interdistrict cooperative agreement, the  
14 nonresident school district's maximum levy amount shall be reduced  
15 and the resident school district's maximum levy amount shall be  
16 increased by an amount equal to the per pupil basic education  
17 allocation included in the nonresident district's levy base under  
18 subsection (3) of this section multiplied by:

19 (i) The number of full-time equivalent students served from the  
20 resident district in the prior school year; multiplied by:

21 (ii) The serving district's maximum levy percentage determined  
22 under subsection (7) of this section; increased by:

23 (iii) The percent increase per full-time equivalent student as  
24 stated in the state basic education appropriation section of the  
25 biennial budget between the prior school year and the current school  
26 year divided by fifty-five percent;

27 (d) The levy bases of nonhigh districts participating in an  
28 innovation academy cooperative established under RCW 28A.340.080  
29 shall be adjusted by the office of the superintendent of public  
30 instruction to reflect each district's proportional share of student  
31 enrollment in the cooperative;

32 (e) The district's maximum levy amount shall be reduced by the  
33 maximum amount of state matching funds for which the district is  
34 eligible under RCW 28A.500.010.

35 (3) For excess levies for collection in calendar year 2005 and  
36 thereafter, a district's levy base shall be the sum of allocations in  
37 (a) through (c) of this subsection received by the district for the  
38 prior school year and the amounts determined under subsection (4) of  
39 this section, including allocations for compensation increases, plus  
40 the sum of such allocations multiplied by the percent increase per

1 full time equivalent student as stated in the state basic education  
2 appropriation section of the biennial budget between the prior school  
3 year and the current school year and divided by fifty-five percent. A  
4 district's levy base shall not include local school district property  
5 tax levies or other local revenues, or state and federal allocations  
6 not identified in (a) through (c) of this subsection.

7 (a) The district's basic education allocation as determined  
8 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

9 (b) State and federal categorical allocations for the following  
10 programs:

11 (i) Pupil transportation;

12 (ii) Special education;

13 (iii) Education of highly capable students;

14 (iv) Compensatory education, including but not limited to  
15 learning assistance, migrant education, Indian education, refugee  
16 programs, and bilingual education;

17 (v) Food services; and

18 (vi) Statewide block grant programs; and

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

22 (4) For levy collections in calendar years 2005 through ((2017))  
23 2018, in addition to the allocations included under subsection (3)(a)  
24 through (c) of this section, a district's levy base shall also  
25 include the following:

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

31 (ii) For levy collections in calendar years 2011 through ((2017))  
32 2018, the allocation rate the district would have received in the  
33 prior school year using the Initiative 728 rate multiplied by the  
34 full-time equivalent student enrollment used to calculate the  
35 Initiative 728 allocation for the prior school year; and

36 (b) The difference between the allocations the district would  
37 have received the prior school year using the Initiative 732 base and  
38 the allocations the district actually received the prior school year  
39 pursuant to RCW 28A.400.205.



1 (5) For levy collections in calendar years 2011 through ((2017))  
2 2018, in addition to the allocations included under subsections  
3 (3)(a) through (c) and (4)(a) and (b) of this section, a district's  
4 levy base shall also include the difference between an allocation of  
5 fifty-three and two-tenths certificated instructional staff units per  
6 thousand full-time equivalent students in grades kindergarten through  
7 four enrolled in the prior school year and the allocation of  
8 certificated instructional staff units per thousand full-time  
9 equivalent students in grades kindergarten through four that the  
10 district actually received in the prior school year, except that the  
11 levy base for a school district whose allocation in the 2009-10  
12 school year was less than fifty-three and two-tenths certificated  
13 instructional staff units per thousand full-time equivalent students  
14 in grades kindergarten through four shall include the difference  
15 between the allocation the district actually received in the 2009-10  
16 school year and the allocation the district actually received in the  
17 prior school year.

18 (6) For levy collections beginning in calendar year 2014 and  
19 thereafter, in addition to the allocations included under subsections  
20 (3)(a) through (c), (4)(a) and (b), and (5) of this section, a  
21 district's levy base shall also include the funds allocated by the  
22 superintendent of public instruction under RCW 28A.715.040 to a  
23 school that is the subject of a state-tribal education compact and  
24 that formerly contracted with the school district to provide  
25 educational services through an interlocal agreement and received  
26 funding from the district.

27 (7)(a) A district's maximum levy percentage shall be twenty-four  
28 percent in 2010 and twenty-eight percent in 2011 through ((2017))  
29 2018 and twenty-four percent every year thereafter;

30 (b) For qualifying districts, in addition to the percentage in  
31 (a) of this subsection the grandfathered percentage determined as  
32 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)) 2018, the percentage calculated as  
36 follows:

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

1 (B) Reduce the result of (b)(ii)(A) of this subsection by any  
2 levy reduction funds as defined in subsection (8) 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 (8) "Levy reduction funds" shall mean increases in state funds  
9 from the prior school year for programs included under subsections  
10 (3) and (4) of this section: (a) That are not attributable to  
11 enrollment changes, compensation increases, or inflationary  
12 adjustments; and (b) that are or were specifically identified as levy  
13 reduction funds in the appropriations act. If levy reduction funds  
14 are dependent on formula factors which would not be finalized until  
15 after the start of the current school year, the superintendent of  
16 public instruction shall estimate the total amount of levy reduction  
17 funds by using prior school year data in place of current school year  
18 data. Levy reduction funds shall not include moneys received by  
19 school districts from cities or counties.

20 (9) The definitions in this subsection apply throughout this  
21 section unless the context clearly requires otherwise.

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

24 (b) "Current school year" means the year immediately following  
25 the prior school year.

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

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

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

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

(12) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

**Sec. 403.** RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and 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 determined as follows:

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

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

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

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

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

1 (iii) The percent increase per full-time equivalent student as  
2 stated in the state basic education appropriation section of the  
3 biennial budget between the prior school year and the current school  
4 year divided by fifty-five percent;

5 (d) The levy bases of nonhigh districts participating in an  
6 innovation academy cooperative established under RCW 28A.340.080  
7 shall be adjusted by the office of the superintendent of public  
8 instruction to reflect each district's proportional share of student  
9 enrollment in the cooperative;

10 (e) The district's maximum levy amount shall be reduced by the  
11 maximum amount of state matching funds for which the district is  
12 eligible under RCW 28A.500.010.

13 (3) For excess levies for collection in calendar year 1998 and  
14 thereafter, a district's levy base shall be the sum of allocations in  
15 (a) through (c) of this subsection received by the district for the  
16 prior school year, including allocations for compensation increases,  
17 plus the sum of such allocations multiplied by the percent increase  
18 per full time equivalent student as stated in the state basic  
19 education appropriation section of the biennial budget between the  
20 prior school year and the current school year and divided by fifty-  
21 five percent. A district's levy base shall not include local school  
22 district property tax levies or other local revenues, or state and  
23 federal allocations not identified in (a) through (c) of this  
24 subsection.

25 (a) The district's basic education allocation as determined  
26 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

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

29 (i) Pupil transportation;

30 (ii) Special education;

31 (iii) Education of highly capable students;

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

35 (v) Food services; and

36 (vi) Statewide block grant programs; and

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

1 (4)(a) A district's maximum levy percentage shall be twenty-four  
2 percent in 2010 and twenty-eight percent in 2011 through ((2017))  
3 2018 and twenty-four percent every year thereafter;

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

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

9 (ii) For 2011 through ((2017)) 2018, the percentage calculated as  
10 follows:

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

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

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

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

21 (iii) For ((2018)) 2019 and thereafter, the percentage shall be  
22 calculated as follows:

23 (A) Multiply the grandfathered percentage for the prior year  
24 times the district's levy base determined under subsection (3) of  
25 this section;

26 (B) Reduce the result of (b)(iii)(A) of this subsection by any  
27 levy reduction funds as defined in subsection (5) of this section  
28 that are to be allocated to the district for the current school year;

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

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

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

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

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

8 (7) For the purposes of this section, "current school year" means  
9 the year immediately following the prior school year.

10 (8) Funds collected from transportation vehicle fund tax levies  
11 shall not be subject to the levy limitations in this section.

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

15 **Sec. 404.** 2013 c 242 s 10 (uncodified) is amended to read as  
16 follows:

17 Section 8 of this act expires January 1, ((2018)) 2019.

18 **Sec. 405.** 2012 1st sp.s. c 10 s 10 (uncodified) is amended to  
19 read as follows:

20 Section 8 of this act expires January 1, ((2018)) 2019.

21 **Sec. 406.** 2010 c 237 s 9 (uncodified) is amended to read as  
22 follows:

23 Sections 1, 5, and 6 of this act expire January 1, ((2018)) 2019.

24 **Sec. 407.** 2010 c 237 s 8 (uncodified) is amended to read as  
25 follows:

26 This act expires January 1, ((2018)) 2019.

27 **Sec. 408.** 2010 c 237 s 10 (uncodified) is amended to read as  
28 follows:

29 Section 2 of this act takes effect January 1, ((2018)) 2019.

30 **Sec. 409.** 2016 c 202 s 56 (uncodified) is amended to read as  
31 follows:

32 Section 957 of this act expires January 1, ((2018)) 2019.

NEW SECTION.     **Sec. 410.**     Section 402 of this act takes effect  
January 1, 2018.

NEW SECTION.    **Sec. 411.**    Section 402 of this act expires January 1, 2019.

NEW SECTION.     **Sec. 412.**     Section 403 of this act takes effect  
January 1, 2019.

PART V  
COMPENSATION  
SALARY

NEW SECTION.      **Sec. 501.**      The legislature recognizes that the state must provide compensation sufficient to recruit and retain K-12 staff statewide for the state's program of basic education. The legislature intends to provide additional salary above the state base salary by continuing to permit the award of the national board for teaching standards bonuses and authorizing state-funded supplemental contracts to provide remedial education.

The legislature further intends to provide greater flexibility for local school districts to decide the actual salaries for certificated instructional staff, within specified limitations, by eliminating the salary allocation schedule. The legislature also intends to remove the financial incentive for teachers to get an advance or graduate degree since the research is mixed as to whether a teacher acquiring an advanced degree will increase student achievement.

The legislature acknowledges that a major factor used to determine the cost of living in an area is the cost of housing. Therefore, the legislature intends to include a state-provided housing allowance to encourage certificated instructional staff, as well as certificated administrative and classified staff, to live in the school districts in which they work.

The legislature recognizes that it is critical to both attract and retain high-quality teachers. The legislature further recognizes that it is difficult for schools to effectively implement existing and new policies when the teaching workforce is in constant flux. The legislature further recognizes that high-poverty urban schools are disproportionately impacted. Therefore, the legislature intends to

1 provide a teacher recruitment and retention bonus of ten thousand  
2 dollars for teachers employed in urban, high-poverty schools.

3 **Sec. 502.** RCW 28A.150.410 and 2010 c 236 s 10 are each amended  
4 to read as follows:

5 (1) Through the 2017-18 school year, the legislature shall  
6 establish for each school year in the omnibus appropriations act a  
7 statewide salary ((allocation)) schedule(, ~~for allocation purposes~~  
8 only,)) to be used by school districts to distribute state funds for  
9 basic education certificated instructional staff salaries under RCW  
10 28A.150.260. For the purposes of this section, the staff  
11 ((allocations)) salaries for classroom teachers, teacher librarians,  
12 guidance counselors, and student health services staff under RCW  
13 28A.150.260 are considered ((allocations)) salaries for certificated  
14 instructional staff.

15 (2) ~~((Salary allocations))~~ Through the 2018 school year, salaries  
16 for state-funded basic education certificated instructional staff  
17 shall be calculated by the superintendent of public instruction by  
18 determining the district's average salary for certificated  
19 instructional staff, using the statewide salary ((allocation))  
20 schedule and related documents, conditions, and limitations  
21 established by the omnibus appropriations act.

22 (3) ~~((Beginning January 1, 1992, no more than ninety college~~  
23 ~~quarter-hour credits received by any employee after the baccalaureate~~  
24 ~~degree may be used to determine compensation allocations under the~~  
25 ~~state salary allocation schedule and LEAP documents referenced in the~~  
26 ~~omnibus appropriations act, or any replacement schedules and~~  
27 ~~documents, unless:~~

28 ~~(a) The employee has a master's degree; or~~

29 ~~(b) The credits were used in generating state salary allocations~~  
30 ~~before January 1, 1992.~~

31 ~~(4))~~ Beginning in the 2007-08 school year and through the  
32 2017-18 school year, the calculation of years of service for  
33 occupational therapists, physical therapists, speech-language  
34 pathologists, audiologists, nurses, social workers, counselors, and  
35 psychologists regulated under Title 18 RCW may include experience in  
36 schools and other nonschool positions as occupational therapists,  
37 physical therapists, speech-language pathologists, audiologists,  
38 nurses, social workers, counselors, or psychologists. The calculation  
39 shall be that one year of service in a nonschool position counts as



one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

(4) Beginning with the 2018-19 school year, there is no statewide salary schedule for certificated instructional staff. However, school district boards of directors must not provide salary increases based on a master's or other advanced degree that is not in the subject area in which the individual teaches.

**Sec. 503.** RCW 28A.400.200 and 2010 c 235 s 401 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

~~(2)((a)) Beginning in the 2018-19 school year, salaries for all full-time certificated instructional staff in the basic education program shall not be less than ((the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and~~

~~(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service))~~ forty-five thousand dollars. Salaries for part-time certificated instructional staff shall be adjusted proportionally.

(3)(a) Beginning in the 2018-19 school year, the ((actual average)) total salary and benefits paid to certificated instructional, certificated administrative, and classified staff shall not exceed eighty percent of the district's ((average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410)) total expenditures from the district's general fund. For districts that exceed the eighty percent threshold as of the 2017-18 school year based on school expenditure data reported to the office of the superintendent of public instruction, such districts have until the 2023-24 school year to comply. The housing allowance under section 504 of this act and the teacher recruitment

1 and retention bonus under section 506 of this act are excluded from  
2 the eighty percent calculation.

3 ~~(b) ((Fringe benefit contributions for certificated instructional~~  
4 ~~staff shall be included as salary under (a) of this subsection only~~  
5 ~~to the extent that the district's actual average benefit contribution~~  
6 ~~exceeds the amount of the insurance benefits allocation provided per~~  
7 ~~certificated instructional staff unit in the state operating~~  
8 ~~appropriations act in effect at the time the compensation is payable.~~  
9 ~~For purposes of this section, fringe benefits shall not include~~  
10 ~~payment for unused leave for illness or injury under RCW 28A.400.210;~~  
11 ~~employer contributions for old age survivors insurance, workers'~~  
12 ~~compensation, unemployment compensation, and retirement benefits~~  
13 ~~under the Washington state retirement system; or employer~~  
14 ~~contributions for health benefits in excess of the insurance benefits~~  
15 ~~allocation provided per certificated instructional staff unit in the~~  
16 ~~state operating appropriations act in effect at the time the~~  
17 ~~compensation is payable. A school district may not use state funds to~~  
18 ~~provide employer contributions for such excess health benefits.~~

19 ~~(e))~~ Salary and benefits for certificated instructional staff in  
20 programs other than basic education shall be consistent with the  
21 salary and benefits paid to certificated instructional staff in the  
22 basic education program.

23 (4) Additional salaries and benefits for certificated  
24 instructional staff ~~((may exceed the limitations in subsection (3) of~~  
25 ~~this section))~~ shall only be provided by separate contract for  
26 additional time, for additional responsibilities, for incentives, or  
27 for implementing specific measurable innovative activities, including  
28 professional development, specified by the school district to: (a)  
29 Close one or more achievement gaps, (b) focus on development of  
30 science, technology, engineering, and mathematics (STEM) learning  
31 opportunities, or (c) provide arts education. Beginning September 1,  
32 2011, school districts shall annually provide a brief description of  
33 the innovative activities included in any supplemental contract to  
34 the office of the superintendent of public instruction. The office of  
35 the superintendent of public instruction shall summarize the district  
36 information and submit an annual report to the education committees  
37 of the house of representatives and the senate. Supplemental  
38 contracts shall not cause the state to incur any present or future  
39 funding obligation. Supplemental contracts shall be subject to the  
40 collective bargaining provisions of chapter 41.59 RCW and the

provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section ((3)) 1 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 (~~and~~) 28A.400.275, and 28A.400.280.

## HOUSING ALLOWANCE

NEW SECTION. **Sec. 504.** A new section is added to chapter 28A.400 RCW to read as follows:

(1) The legislature recognizes that homeowners and renters spend a significant portion of their incomes on housing costs. The legislature further recognizes that housing costs vary considerably throughout the state. As a consequence, the legislature further recognizes that the costs of delivering comparable education services varies from place to place. Therefore, the legislature intends, through the housing allowance in this section, to provide an additional allocation to adjust for regional cost differences.

(2) Beginning with the 2018-19 school year, in addition to other compensation provided to public school employees, state-funded certificated administrative, certificated instructional, and classified staff teaching full or part-time in eligible school districts shall receive an annual housing allowance, as provided in this section.

(3) The amount of the housing allowance for each full-time employee employed by the school district is equal to ten thousand dollars multiplied by the regional cost factor. The amount of the allowance for part-time staff is adjusted proportionally. School districts eligible for a housing allowance under this section must increase the compensation of all staff by the amount of the allowance.

(4) After the 2018-19 school year, the housing allowance authorized under this section must be annually adjusted for inflation as specified in section 102 of this act.

(5) The office of the superintendent of public instruction shall administer the housing allowance program and adopt rules for its implementation.

1 (6) The department of revenue must provide the necessary property  
2 tax information to the office of the superintendent of public  
3 instruction by March 1st of each year. The department shall use the  
4 most recent property tax data provided by the county assessors.  
5 County assessors must provide updated parcel information to the  
6 department in a form and manner required by the department; however,  
7 the assessors must provide updated data at least every two years.

8 (7) The housing allowance authorized under this section is not  
9 considered part of the definition or funding of the instructional  
10 program of basic education under Article IX of the state  
11 Constitution; and it is not considered earnable compensation as  
12 defined in RCW 41.32.010 and compensation earnable as defined in RCW  
13 41.40.010 and 41.35.010.

14 (8) The definitions in this subsection apply throughout this  
15 section.

16 (a) "Eligible school district" means a school district where the  
17 average equalized assessed value per residential parcel within the  
18 school district is above the statewide average equalized assessed  
19 value per residential parcel.

20 (b) "Excess residential value" means the amount by which the  
21 average equalized assessed value per residential parcel in the school  
22 district exceeds the statewide average equalized assessed per  
23 residential parcel.

24 (c) "Highest district excess residential value" means the school  
25 district with the largest excess residential value.

26 (d) "Regional cost factor" means the quotient of the school  
27 district excess residential value and the highest district excess  
28 residential value.

29 (e) "Residential parcel" means a parcel with a land use code of  
30 11, 12, 13, 14, 18, or 19 as provided in the parcel extract compiled  
31 by the department of revenue.

32 (f) "School district excess residential value" means the excess  
33 residential value of an eligible school district.

#### 34 NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS BONUS

35 **Sec. 505.** RCW 28A.405.415 and 2013 2nd sp.s. c 5 s 4 are each  
36 amended to read as follows:

37 (1) A school district board of directors may provide a bonus to a  
38 certificated instructional staff person who ((have)) has attained

1 certification from the national board for professional teaching  
2 standards (~~((shall receive a bonus each year in which they maintain~~  
3 ~~the certification. The bonus shall be calculated as follows: The~~  
4 ~~annual bonus shall be five thousand dollars in the 2007-08 school~~  
5 ~~year. Thereafter, the annual bonus shall increase by inflation,~~  
6 ~~except that the bonus shall not be increased during the 2013-14 and~~  
7 ~~2014-15 school years))~~).

8 (2) A school district board of directors may provide a bonus to a  
9 certificated instructional staff person who ((have)) has attained  
10 certification from the national board for professional teaching  
11 standards ((shall be eligible for bonuses)) in addition to that  
12 provided by subsection (1) of this section if the individual is in an  
13 instructional assignment in a school in which at least seventy  
14 percent of the students qualify for the free and reduced-price lunch  
15 program.

16 (3) (~~((The amount of the additional bonus under subsection (2) of~~  
17 ~~this section for those meeting the qualifications of subsection (2)~~  
18 ~~of this section is five thousand dollars.~~

19 (4) ~~The bonuses provided under this section are in addition to~~  
20 ~~compensation received under a district's salary schedule adopted in~~  
21 ~~accordance with RCW 28A.405.200 and shall not be included in~~  
22 ~~calculations of a district's average salary and associated salary~~  
23 ~~limitations under RCW 28A.400.200.~~

24 (5) ~~The bonuses provided under this section shall be paid in a~~  
25 ~~lump sum amount.))~~ The bonuses provided under this section shall not  
26 be considered part of the program of basic education or the funding  
27 necessary to comply with the state's Article IX constitutional duty.

28 NEW SECTION. Sec. 506. A new section is added to chapter  
29 28A.405 RCW to read as follows:

30 (1) Certificated instructional staff and certificated  
31 administrative staff are eligible for an additional recruitment and  
32 retention bonus as provided in this section.

33 (2) To qualify for a recruitment and retention bonus, the  
34 certificated instructional staff or certificated administrative staff  
35 must be employed at a school district with:

36 (a) An enrollment exceeding twenty-five thousand students; and

37 (b) A poverty rate exceeding twenty-five percent.

38 (3) The amount of the recruitment and retention bonus is twelve  
39 thousand five hundred dollars. The amount of the bonus for part-time

1 staff is adjusted proportionally. School districts eligible for a  
2 teacher recruitment and retention bonus under this section must  
3 increase the compensation of all certificated staff and certificated  
4 administrative staff by the amount of the bonus.

5 (4) For the purpose of this section, "poverty rate" means the  
6 most recent estimates of poverty within Washington's school districts  
7 for children ages five to seventeen under the United States census  
8 bureau's small area and poverty estimates program.

9 (5) The recruitment and retention bonus authorized under this  
10 section is not considered part of the definition or funding of the  
11 instructional program of basic education under Article IX of the  
12 state Constitution; and it is not considered earnable compensation as  
13 defined in RCW 41.32.010 and compensation earnable as defined in RCW  
14 41.40.010 and 41.35.010.

#### 15 **STATE-FUNDED EXTENDED YEAR CONTRACTS**

16 NEW SECTION. **Sec. 507.** A new section is added to chapter  
17 28A.320 RCW to read as follows:

18 (1) Beginning with the 2018-19 school year, each school district  
19 board of directors is authorized to enter into state-funded extended  
20 year contracts with qualified nonsupervisory certificated  
21 instructional staff to provide remedial education instruction and  
22 services to underachieving students as determined by statewide,  
23 school, or district assessments or other student performance  
24 measurement tools.

25 (2) The state-funded extended year contracts authorized under  
26 this section must meet the following limitations and conditions on  
27 the use of funds:

28 (a) May be for up to an additional ninety days of employment  
29 outside of the one hundred eighty day school district calendar;

30 (b) Must be time-based with compensation at the hourly rate  
31 calculated on the individual employee's placement on the immediately  
32 previous school year salary schedule;

33 (c) The individual employee's immediate supervisor must certify  
34 to the superintendent of the school district that the activity was  
35 done in the appropriate time and manner and was provided in  
36 compliance with the limitations in this subsection;

37 (d) If not renewed, shall not constitute adverse change in  
38 accordance with RCW 28A.405.300 through 28A.405.380;

(e) Must be separately accounted for by the school districts; and  
(f) Must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of this subsection.

(3) The state-funded extended year contracts authorized under this section shall not be considered part of the definition or funding of the instructional program of basic education under Article IX of the state Constitution.

#### HEALTH CARE BENEFITS

**Sec. 508.** RCW 28A.400.350 and 2012 2nd sp.s. c 3 s 3 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available liability, life, health, health care, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Such coverage may be provided by contracts or agreements with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or

1 insurance shall be borne by the assenting school board member,  
2 educational service district board member, or student. The school  
3 district or educational service district may contribute all or part  
4 of the costs, including the premiums, of life, health, health care,  
5 accident or disability insurance which shall be offered to all  
6 students participating in interschool activities on the behalf of or  
7 as representative of their school, school district, or educational  
8 service district. The school district board of directors and the  
9 educational service district board may require any student  
10 participating in extracurricular interschool activities to, as a  
11 condition of participation, document evidence of insurance or  
12 purchase insurance that will provide adequate coverage, as determined  
13 by the school district board of directors or the educational service  
14 district board, for medical expenses incurred as a result of injury  
15 sustained while participating in the extracurricular activity. In  
16 establishing such a requirement, the district shall adopt regulations  
17 for waiving or reducing the premiums of such coverage as may be  
18 offered through the school district or educational service district  
19 to students participating in extracurricular activities, for those  
20 students whose families, by reason of their low income, would have  
21 difficulty paying the entire amount of such insurance premiums. The  
22 district board shall adopt regulations for waiving or reducing the  
23 insurance coverage requirements for low-income students in order to  
24 assure such students are not prohibited from participating in  
25 extracurricular interschool activities.

26 (4) All contracts or agreements for insurance or protection  
27 written to take advantage of the provisions of this section shall  
28 provide that the beneficiaries of such contracts may utilize on an  
29 equal participation basis the services of those practitioners  
30 licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71  
31 RCW.

32 (5) School districts offering medical, vision, and dental  
33 benefits shall:

34 (a) Offer a high deductible health plan option with a health  
35 savings account that conforms to section 223, part VII of subchapter  
36 1 of the internal revenue code of 1986. School districts shall comply  
37 with all applicable federal standards related to the establishment of  
38 health savings accounts;

39 (b) (~~((Make progress toward))~~) Offer health benefit plans that  
40 incorporate a plan design with employee premiums that are established



1 to ensure that full family coverage premiums are not more than three  
2 times the premiums for employees purchasing single coverage for the  
3 same coverage plan(~~(, unless a subsequent premium differential target~~  
4 ~~is defined as a result of the review and subsequent actions described~~  
5 ~~in RCW 41.05.655))~~);

6 (c) Use savings pool funds to reduce out-of-pocket premium  
7 expenses for employees to maintain the three-to-one premium ratio  
8 identified in (b) of this subsection;

9 (d) Offer employees at least one health benefit plan that is not  
10 a high deductible health plan offered in conjunction with a health  
11 savings account in which the employee share of the premium cost for a  
12 full-time employee, regardless of whether the employee chooses  
13 employee-only coverage or coverage that includes dependents, does not  
14 exceed the share of premium cost paid by state employees during the  
15 state employee benefits year that started immediately prior to the  
16 school year.

17 (6) All contracts or agreements for employee benefits must be  
18 held to responsible contracting standards, meaning a fair, prudent,  
19 and accountable competitive procedure for procuring services that  
20 includes an open competitive process, except where an open process  
21 would compromise cost-effective purchasing, with documentation  
22 justifying the approach.

23 (7) School districts offering medical, vision, and dental  
24 benefits shall also make progress on promoting health care  
25 innovations and cost savings and significantly reduce administrative  
26 costs.

27 (8) All contracts or agreements for insurance or protection  
28 described in this section shall be in compliance with chapter 3, Laws  
29 of 2012 2nd sp. sess.

30 (9) Upon notification from the office of the insurance  
31 commissioner of a school district's substantial noncompliance with  
32 the data reporting requirements of RCW 28A.400.275, and the failure  
33 is due to the action or inaction of the school district, and if the  
34 noncompliance has occurred for two reporting periods, the  
35 superintendent is authorized and required to limit the school  
36 district's authority provided in subsection (1) of this section  
37 regarding employee health benefits to the provision of health benefit  
38 coverage provided by the state health care authority.

## PART VI

MEASURES OF SUCCESS

**Sec. 601.** RCW 28A.150.550 and 2013 c 282 s 2 are each amended to read as follows:

(1) ~~The ((following statewide indicators of educational system health are established))~~ legislature intends to measure each school district's success towards accomplishing the goal to improve the educational outcomes for all students using the following school district performance targets to be met by each district by 2020:

(a) ~~((The percentage of students demonstrating the characteristics of entering kindergartners in all six areas identified by the Washington kindergarten inventory of developing skills administered in accordance with RCW 28A.655.080;~~

~~(b)))~~ Increase the third grade literacy rate by raising to eighty-six percent the percentage of students meeting the standard on the ((fourth)) third grade statewide reading assessment administered in accordance with RCW 28A.655.070;

~~((c)))~~ (b) Improve high school readiness by increasing to seventy-two percent the percentage of students meeting the standard on the eighth grade statewide mathematics assessment administered in accordance with RCW 28A.655.070;

~~((d)))~~ (c) Raise the four-year cohort high school graduation rate to eighty-nine percent;

~~((e)))~~ (d) Enhance the quality of the high school diploma by increasing to ninety-three percent the percentage of high school graduates who ((during)) enroll in a college or university no later than the second quarter after graduation and are ((either enrolled in postsecondary education or training or are employed, and the percentage during the fourth quarter after graduation who are either enrolled in postsecondary education or training or are employed; and

~~(f) The percentage of students enrolled in))~~ able to bypass precollege or remedial courses ((in college)).

(2) ~~((The statewide indicators established in subsection (1) of this section shall be disaggregated as provided under RCW 28A.300.042.~~

~~(3) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall establish a process for identifying realistic but~~

~~challenging system-wide performance goals and measurements, if necessary, for each of the indicators established in subsection (1) of this section, including for subcategories of students as provided under subsection (2) of this section. The performance goal for each indicator must be set on a biennial basis, and may only be adjusted upward.))~~ The following additional school district performance target shall also be used to measure each school district's success towards accomplishing the goal to improve the educational outcomes for all students and must be met by each district by 2024: Closing the opportunity gap to five percent as measured by the criteria provided in RCW 28A.657.020(3)(b).

(3) Each school district shall also annually report the following to the superintendent of public instruction:

(a) The percentage of students demonstrating the characteristics of entering kindergartners in all six areas identified by the Washington kindergarten inventory of developing skills administered in accordance with RCW 28A.655.080; and

(b) The percentage of high school graduates from the school district who during the second quarter after graduation are either enrolled in postsecondary education or training or are employed, and the percentage during the fourth quarter after graduation who are either enrolled in postsecondary education or training or are employed.

(4) The state board of education, the office of the superintendent of public instruction, and the student achievement council shall each align their strategic planning and education reform efforts with the ((statewide indicators)) goal and performance ((goals)) targets established under this section.

(5)(a) The state board of education, with assistance from the office of the superintendent of public instruction, the workforce training and education coordinating board, the educational opportunity gap oversight and accountability committee, and the student achievement council, shall submit an annual report to the governor and the education committees of the legislature on the status of each ((indicator)) school district in meeting the performance targets in subsections (1) and (2) of this section and ((recommend revised performance goals and measurements, if necessary, by December 1st of each even-numbered year, except that the initial report establishing baseline values and initial goals shall be delivered to the education committees of the legislature by December

1, 2013)) include the information reported under subsection (3) of this section by December 1st. The report shall disaggregate the data as provided under RCW 28A.300.042.

~~(b) ((If the educational system is not on target to meet the performance goals on any individual indicator, the report must recommend evidence-based reforms intended to improve student achievement in that area.~~

~~(c)) To the extent data is available, the success in meeting the performance ((goals for each indicator)) targets must be compared with national data in order to identify whether Washington student achievement results are within the top ten percent nationally or are comparable to results in peer states with similar characteristics as Washington. ((If comparison data show that Washington students are falling behind national peers on any indicator, the report must recommend evidence-based reforms targeted at addressing the indicator in question.))~~

## PART VII

### ACCOUNTABILITY THROUGH IMPROVED ACCOUNTING TRANSPARENCY

NEW SECTION.     **Sec. 701.**     The legislature intends to provide additional procedural safeguards to eliminate the use of local excess levies to fund basic education.

**Sec. 702.**     RCW 28A.320.330 and 2009 c 460 s 1 are each amended to read as follows:

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

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

(b) By the 2018-19 school year, a local revenue subfund of the general fund shall be established for the purpose of accounting for the financial operations of a school district that are paid from local revenue. Money deposited into the local revenue subfund shall include proceeds from school district excess levies as authorized by RCW 84.52.053 and local effort assistance payments from the state as authorized by RCW 84.52.0531. Expenditures from this subfund shall be tracked separately to account for the expenditure of each of these streams of funds by revenue sources within a school district.

1 (2) A capital projects fund shall be established for major  
2 capital purposes. All statutory references to a "building fund" shall  
3 mean the capital projects fund so established. Money to be deposited  
4 into the capital projects fund shall include, but not be limited to,  
5 bond proceeds, proceeds from excess levies authorized by RCW  
6 84.52.053, state apportionment proceeds as authorized by RCW  
7 28A.150.270, earnings from capital projects fund investments as  
8 authorized by RCW 28A.320.310 and 28A.320.320, and state forest  
9 revenues transferred pursuant to subsection (3) of this section.

10 Money derived from the sale of bonds, including interest earnings  
11 thereof, may only be used for those purposes described in RCW  
12 28A.530.010, except that accrued interest paid for bonds shall be  
13 deposited in the debt service fund.

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

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

21 (a) Major renovation and replacement of facilities and systems  
22 where periodical repairs are no longer economical or extend the  
23 useful life of the facility or system beyond its original planned  
24 useful life. Such renovation and replacement shall include, but shall  
25 not be limited to, major repairs, exterior painting of facilities,  
26 replacement and refurbishment of roofing, exterior walls, windows,  
27 heating and ventilating systems, floor covering in classrooms and  
28 public or common areas, and electrical and plumbing systems.

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

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

33 (i) "Preliminary energy audits" means a determination of the  
34 energy consumption characteristics of a building, including the size,  
35 type, rate of energy consumption, and major energy using systems of  
36 the building.

37 (ii) "Energy audit" means a survey of a building or complex which  
38 identifies the type, size, energy use level, and major energy using  
39 systems; which determines appropriate energy conservation maintenance  
40 or operating procedures and assesses any need for the acquisition and

1 installation of energy conservation measures, including solar energy  
2 and renewable resource measures.

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

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

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

12 (f)(i) Costs associated with implementing technology systems,  
13 facilities, and projects, including acquiring hardware, licensing  
14 software, and online applications and training related to the  
15 installation of the foregoing. However, the software or applications  
16 must be an integral part of the district's technology systems,  
17 facilities, or projects.

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

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

1 (3) A debt service fund to provide for tax proceeds, other  
2 revenues, and disbursements as authorized in chapter 39.44 RCW. State  
3 forestland revenues that are deposited in a school district's debt  
4 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 be  
6 transferred by the school district into the district's capital  
7 projects fund.

8 (4) An associated student body fund as authorized by RCW  
9 28A.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 **Sec. 703.** RCW 28A.505.140 and 2006 c 263 s 202 are each amended  
14 to read as follows:

15 (1) Notwithstanding any other provision of law, the  
16 superintendent of public instruction shall adopt such rules as will  
17 ensure proper budgetary procedures and practices, including monthly  
18 financial statements consistent with the provisions of RCW 43.09.200,  
19 and this chapter. By the 2018-19 school year, the rules shall require  
20 school districts to provide separate accounting of state, federal,  
21 and local revenues to expenditures, including the identification and  
22 separate accounting of basic education and nonbasic education  
23 expenditures by revenue source.

24 (2) If the superintendent of public instruction determines upon a  
25 review of the budget of any district that said budget does not comply  
26 with the budget procedures established by this chapter or by rules  
27 adopted by the superintendent of public instruction, or the  
28 provisions of RCW 43.09.200, the superintendent shall give written  
29 notice of this determination to the board of directors of the local  
30 school district.

31 (3) The local school district, notwithstanding any other  
32 provision of law, shall, within thirty days from the date the  
33 superintendent of public instruction issues a notice pursuant to  
34 subsection (2) of this section, submit a revised budget which meets  
35 the requirements of RCW 43.09.200, this chapter, and the rules of the  
36 superintendent of public instruction.

37 **Sec. 704.** RCW 28A.505.040 and 1995 c 121 s 1 are each amended to  
38 read as follows:

1       (1) On or before the tenth day of July in each year, all school  
2 districts shall prepare their budget for the ensuing fiscal year. The  
3 annual budget development process shall include the development or  
4 update of a four-year budget outlook that includes a four-year  
5 enrollment projection.

6       (2) The completed budget must include a summary of the four-year  
7 budget outlook and four-year enrollment projection and set forth the  
8 complete financial plan of the district for the ensuing fiscal year.

9       (3)(a) Upon completion of their budgets, every school district  
10 shall electronically publish a notice stating that the district has  
11 completed the budget, posted it electronically, placed it on file in  
12 the school district administration office, and that a copy  
13 ~~((thereof))~~ of the budget and a summary of the four-year outlook and  
14 enrollment projection will be furnished to any person who calls upon  
15 the district for it. ~~((The district shall provide a sufficient number~~  
16 ~~of copies of the budget to meet the reasonable demands of the~~  
17 ~~public.))~~

18       (b) School districts shall submit one copy of their budget and  
19 the four-year budget outlook summary and the four-year enrollment  
20 projection to their educational service districts and the office of  
21 the superintendent of public instruction for review and comment by  
22 July 10th. The superintendent of public instruction may delay the  
23 date in this section if the state's operating budget is not finally  
24 approved by the legislature until after June 1st.

25       (c) The office of the superintendent of public instruction shall  
26 consider the information provided under (b) of this subsection when  
27 ranking each school district by the financial health of the school  
28 district in order to provide information for districts to avoid  
29 potential financial difficulty, insolvency, or binding conditions.

30       **Sec. 705.** RCW 28A.505.050 and 1995 c 121 s 2 are each amended to  
31 read as follows:

32       (1) Upon completion of their budgets as provided in RCW  
33 28A.505.040, every school district shall publish a notice stating  
34 that the board of directors will meet for the purpose of fixing and  
35 adopting the budget of the district for the ensuing fiscal year.

36       (2) Such notice shall designate the date, time, and place of said  
37 meeting which shall occur no later than the thirty-first day of  
38 August for first-class school districts, and the first day of August  
39 for second-class school districts.



1       (3) The notice shall also state that any person may appear  
2       (~~thereat~~) at the meeting and be heard for or against any part of  
3       such budget, the four-year budget outlook summary, and the four-year  
4       enrollment projection. (~~Said~~) The notice shall be electronically  
5       published and published at least once each week for two consecutive  
6       weeks in a newspaper of general circulation in the district, or, if  
7       there be none, in a newspaper of general circulation in the county or  
8       counties in which such district is a part. The last notice shall be  
9       published no later than seven days immediately prior to the hearing.

10       **Sec. 706.** RCW 28A.505.060 and 1990 c 33 s 418 are each amended  
11       to read as follows:

12       (1) On the date given in (~~said~~) the notice as provided in RCW  
13       28A.505.050 the school district board of directors shall meet at the  
14       time and place designated. Any person may appear (~~thereat~~) at the  
15       meeting and be heard for or against any part of such budget, the  
16       four-year budget outlook summary, and the four-year enrollment  
17       projection.

18       (2) Such hearing may be continued not to exceed a total of two  
19       days: PROVIDED, That the budget must be adopted no later than August  
20       31st in first-class school districts, and not later than August 1st  
21       in second-class school districts.

22       (3) Upon conclusion of the hearing, the board of directors shall  
23       fix and determine the appropriation from each fund contained in the  
24       budget separately, and shall by resolution adopt the budget, the  
25       four-year budget outlook summary, and the four-year enrollment  
26       projection and the appropriations as so finally determined, and enter  
27       the same in the official minutes of the board: PROVIDED, That first-  
28       class school districts shall file copies of their adopted budget with  
29       their educational service district no later than September 3rd, and  
30       second-class school districts shall forward copies of their adopted  
31       budget to their educational service district no later than August 3rd  
32       for review, alteration, and approval as provided for in RCW  
33       28A.505.070 by the budget review committee.

34       **Sec. 707.** RCW 28A.505.100 and 1990 c 33 s 420 are each amended  
35       to read as follows:

36       The budget shall set forth the estimated revenues from all  
37       sources for the ensuing fiscal year, the estimated revenues for the  
38       fiscal year current at the time of budget preparation, the actual

1 revenues for the last completed fiscal year, and the reserved and  
2 unreserved fund balances for each year. The estimated revenues from  
3 all sources for the ensuing fiscal year shall not include any revenue  
4 not anticipated to be available during that fiscal year: PROVIDED,  
5 That school districts, pursuant to RCW 28A.505.110, can be granted  
6 permission by the superintendent of public instruction to include as  
7 revenues in their budgets, receivables collectible in future fiscal  
8 years.

9 (2)(a) The budget shall set forth by detailed items or classes  
10 the estimated expenditures for the ensuing fiscal year, the estimated  
11 expenditures for the fiscal year current at the time of budget  
12 preparation, and the actual expenditures for the last completed  
13 fiscal year.

14 (b) The budget shall set forth:

15 (i) The state-funded salary amounts, locally funded salary  
16 amounts, total salary amounts, full-time equivalents((7)) for each  
17 individual certificated instructional staff, certificated  
18 administrative staff, and classified staff; and

19 (ii) The high, low, and average annual salaries, which shall be  
20 displayed by job classification within each budget classification.  
21 ~~((If individual salaries within each job classification are not  
22 displayed, districts shall provide the individual salaries together  
23 with the title or position of the recipient and the total amounts of  
24 salary under each budget class upon request. Salary schedules shall  
25 be displayed.))~~

26 (3) In districts where negotiations have not been completed, the  
27 district may budget the salaries at the current year's rate and  
28 restrict fund balance for the amount of anticipated increase in  
29 salaries, so long as an explanation shall be attached to the budget  
30 on such restriction of fund balance.

31 NEW SECTION. **Sec. 708.** A new section is added to chapter  
32 28A.320 RCW to read as follows:

33 Each school district is encouraged to annually use the four-year  
34 budget outlook and the four-year enrollment projection developed  
35 under RCW 28A.505.140 to inform the school district's decisions  
36 regarding the district's instructional priorities and program  
37 offerings and to communicate this information to the local community.



1 school district employees, and communities to continue to strive  
2 towards improving student academic performance and make every effort  
3 to meet the goal of improving educational outcomes for all students  
4 as measured by the performance targets.

5 (3) The legislature also intends to refocus the existing  
6 statutory process to identify school districts for assistance and  
7 required action by requiring these processes to use the performance  
8 targets established in this act as the primary measure of success to  
9 be met by school districts.

10 **Sec. 802.** RCW 28A.150.203 and 2009 c 548 s 102 are each amended  
11 to read as follows:

12 The definitions in this section apply throughout this chapter  
13 unless the context clearly requires otherwise.

14 (1) "Basic education goal" means the student learning goals and  
15 the student knowledge and skills described under RCW 28A.150.210.

16 (2) "Certificated administrative staff" means all those persons  
17 who are chief executive officers, chief administrative officers,  
18 confidential employees, supervisors, principals, or assistant  
19 principals within the meaning of RCW 41.59.020(4).

20 (3) "Certificated employee" as used in this chapter and RCW  
21 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,  
22 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those  
23 persons who hold certificates as authorized by rule of the Washington  
24 professional educator standards board.

25 (4) "Certificated instructional staff" means those persons  
26 employed by a school district who are nonsupervisory certificated  
27 employees within the meaning of RCW 41.59.020(8).

28 (5) "Class size" means an instructional grouping of students  
29 where, on average, the ratio of students to teacher is the number  
30 specified.

31 (6) "Classified employee" means a person who does not hold a  
32 (~~((professional—education))~~) certificate as authorized by the  
33 Washington professional educator standards board, or is employed in a  
34 position that does not require such a certificate.

35 (7) "Classroom teacher" generally means a person who holds a  
36 (~~((professional—education—certificate—and))~~) certificate as authorized  
37 by the Washington professional educator standards board, is employed  
38 in a position for which such certificate is required, and whose  
39 primary duty is the daily educational instruction of students. (~~((In~~

1 ~~exceptional cases))~~ However, people ~~((of unusual competence but))~~  
2 without certification may teach students so long as a certificated  
3 person exercises general supervision, but the hiring of such  
4 classified employees shall not occur during a labor dispute, and such  
5 classified employees shall not be hired to replace certificated  
6 employees during a labor dispute. School districts that hire a person  
7 without a certificate to teach students must ensure that the person  
8 undergoes a record check in accordance with RCW 28A.400.303.

9 (8) "Instructional program of basic education" means the minimum  
10 program required to be provided by school districts and includes  
11 instructional hour requirements and other components under RCW  
12 28A.150.220.

13 (9) "Program of basic education" means the overall program under  
14 RCW 28A.150.200 and deemed by the legislature to comply with the  
15 requirements of Article IX, section 1 of the state Constitution.

16 (10) "School day" means each day of the school year on which  
17 pupils enrolled in the common schools of a school district are  
18 engaged in academic and career and technical instruction planned by  
19 and under the direction of the school.

20 (11) "School year" includes the minimum number of school days  
21 required under RCW 28A.150.220 and begins on the first day of  
22 September and ends with the last day of August, except that any  
23 school district may elect to commence the annual school term in the  
24 month of August of any calendar year and in such case the operation  
25 of a school district for such period in August shall be credited by  
26 the superintendent of public instruction to the succeeding school  
27 year for the purpose of the allocation and distribution of state  
28 funds for the support of such school district.

29 (12) "Teacher planning period" means a period of a school day as  
30 determined by the administration and board of ~~((the))~~ directors of  
31 the district that may be used by teachers for instruction-related  
32 activities including but not limited to preparing instructional  
33 materials; reviewing student performance; recording student data;  
34 consulting with other teachers, instructional assistants, mentors,  
35 instructional coaches, administrators, and parents; or participating  
36 in professional development.

37 **Sec. 803.** RCW 28A.410.025 and 1969 ex.s. c 223 s 28A.67.010 are  
38 each amended to read as follows:

1       Except for a classroom teacher as defined in RCW 28A.150.203, no  
2 person shall be accounted as a qualified teacher within the meaning  
3 of the school law who is not the holder of a valid teacher's  
4 certificate or permit issued by lawful authority of this state.

5       NEW SECTION.       **Sec. 804.**       A new section is added to chapter  
6 28A.657 RCW to read as follows:

7       (1)(a) By November 1st in the school years before the date on  
8 which the performance targets listed in RCW 28A.150.550 (as  
9 recodified by this act) must be met, the state board of education  
10 shall annually use the achievement index developed under RCW  
11 28A.657.110 and other appropriate measures to identify school  
12 districts that are on pace or ahead of pace to meet the performance  
13 targets.

14       (b) By November 1st in the school years after the date to meet  
15 the performance target has passed, the state board of education must  
16 annually identify school districts that have met the performance  
17 targets.

18       (2) When a school district is identified by the state board of  
19 education in accordance with subsection (1) of this section, the  
20 school district must be granted additional autonomy, flexibility, and  
21 control to promote continued innovation and excellence including, but  
22 not limited to, areas such as scheduling, personnel, funding, and  
23 educational programs to continue to improve student outcomes and  
24 academic achievement. Such school districts are not subject to, and  
25 are exempt from, all other state statutes and rules applicable to  
26 school districts and school district boards of directors, except  
27 those statutes made applicable under this section.

28       (3) A school district identified by the state board of education  
29 as being granted additional flexibility must:

30       (a) Comply with local, state, and federal health, safety,  
31 parents' rights, civil rights, and nondiscrimination laws applicable  
32 to school districts, including but not limited to chapter 28A.642 RCW  
33 (discrimination prohibition) and chapter 28A.640 RCW (sexual  
34 equality);

35       (b) Provide a program of basic education that meets the goals in  
36 RCW 28A.150.210 including instruction in the essential academic  
37 learning requirements, and participate in the statewide student  
38 assessment system as developed under RCW 28A.655.070;

1 (c) Employ certificated instructional staff as required in RCW  
2 28A.410.025. The school districts, however, may hire noncertificated  
3 instructional staff as provided in RCW 28A.150.203(7);

4 (d) Comply with the employee record check requirements in RCW  
5 28A.400.303;

6 (e) Adhere to generally accepted accounting principles and be  
7 subject to financial examinations and audits as determined by the  
8 state auditor, including annual audits for legal and fiscal  
9 compliance;

10 (f) Complete the requirements of the annual performance report  
11 under RCW 28A.655.110;

12 (g) Be subject to the performance improvement goals adopted by  
13 the state board of education under RCW 28A.305.130;

14 (h) Follow the requirements of the open public meetings act in  
15 chapter 42.30 RCW and public records requirements in chapter 42.56  
16 RCW; and

17 (i) Implement the provisions of the interstate compact on  
18 educational opportunity for military children, when applicable.

19 (4) A school district identified by the state board of education  
20 as being granted additional flexibility under this section is  
21 encouraged to exempt schools within the district from all school  
22 district policies and collective bargaining agreements if the school  
23 is on pace to meet the performance targets or have met the  
24 performance targets.

25 (5) A school district identified under subsection (1) of this  
26 section shall not engage in any sectarian practices in its  
27 educational program, admissions or employment policies, or  
28 operations.

29 (6) A school district identified under subsection (1) of this  
30 section is subject to the supervision of the superintendent of public  
31 instruction and the state board of education, including  
32 accountability measures, to the same extent as other school  
33 districts, except as provided in this section.

34 (7) The state board of education shall annually notify the  
35 superintendent of public instruction, the governor, and the  
36 legislature regarding which school districts are identified under  
37 subsection (1) of this section and are therefore exempt from most  
38 state laws and rules.

39 (8) For the purposes of this section and RCW 28A.657.020, "on  
40 pace" means that the district is making improvement in equal annual

1 increments such that the district will meet the performance target by  
2 the date established under this section.

3 **Sec. 805.** RCW 28A.657.020 and 2014 c 191 s 1 are each amended to  
4 read as follows:

5 (1) Beginning in 2010, and each year thereafter through December  
6 1, 2012, the superintendent of public instruction shall annually  
7 identify schools as one of the state's persistently lowest-achieving  
8 schools if the school is a Title I school, or a school that is  
9 eligible for but does not receive Title I funds, that is among the  
10 lowest-achieving five percent of Title I or Title I eligible schools  
11 in the state.

12 (2) The criteria for determining whether a school is among the  
13 persistently lowest-achieving five percent of Title I schools, or  
14 Title I eligible schools, under subsection (1) of this section shall  
15 be established by the superintendent of public instruction. The  
16 criteria must meet all applicable requirements for the receipt of a  
17 federal school improvement grant under the American recovery and  
18 reinvestment act of 2009 and Title I of the elementary and secondary  
19 education act of 1965, and take into account both:

20 (a) The academic achievement of the "all students" group in a  
21 school in terms of proficiency on the state's assessment, and any  
22 alternative assessments, in reading and mathematics combined; and

23 (b) The school's lack of progress on the mathematics and reading  
24 assessments over a number of years in the "all students" group.

25 (3)(a) Beginning February 1, 2014, and each February thereafter,  
26 the superintendent of public instruction shall annually identify  
27 challenged schools in need of improvement and a subset of such  
28 schools that are the persistently lowest-achieving schools in the  
29 state.

30 (b) The ~~((criteria for determining))~~ performance targets listed  
31 in RCW 28A.150.550 (as recodified by this act) must be used to  
32 determine whether a school is a challenged school in need of  
33 improvement ~~((shall be adopted by))~~. The superintendent of public  
34 instruction shall adopt in rule~~((The))~~ additional criteria  
35 ~~((must))~~, only if necessary, to meet all applicable federal  
36 requirements under Title I of the elementary and secondary education  
37 act of 1965 and other federal rules or guidance, including applicable  
38 requirements for the receipt of federal school improvement funds if  
39 available, but the performance targets and any additional criteria,



1 if adopted, shall apply equally to Title I, Title I-eligible, and  
2 non-Title I schools in the state. (~~The criteria~~) When evaluating a  
3 school district to determine whether the district is on or ahead of  
4 pace to meet the performance targets or has met the performance  
5 targets, the superintendent of public instruction and the state board  
6 of education must take into account the academic achievement of the  
7 "all students" group and subgroups of students in a school in terms  
8 of proficiency on the state assessments in reading or English  
9 language arts and mathematics and a high school's graduation rate for  
10 all students and subgroups of students. The superintendent may  
11 establish tiered categories of challenged schools based on the  
12 relative performance of all students, subgroups of students, and  
13 other factors.

14 (c) The superintendent of public instruction and the state board  
15 of education shall (~~also adopt criteria in rule for determining~~)  
16 determine whether a challenged school in need of improvement is also  
17 a persistently lowest-achieving school for purposes of the required  
18 action district process under this chapter, which shall include the  
19 school's lack of progress in meeting the performance targets in RCW  
20 28A.150.550 (as recodified by this act) for all students and  
21 subgroups of students over a number of years. (~~The criteria for~~)  
22 When identifying persistently lowest-achieving schools the  
23 superintendent of public instruction and the state board of education  
24 shall also take into account the level of state or federal resources  
25 available to implement a required action plan.

26 (d) If the Washington achievement index is approved by the United  
27 States department of education for use in identifying schools for  
28 federal purposes, the superintendent of public instruction shall use  
29 the approved index to identify schools under (b) and (c) of this  
30 subsection.

31 (4) As used in this section, "on pace" has the definition in  
32 section 804 of this act.

33 NEW SECTION. **Sec. 806.** A new section is added to chapter  
34 28A.655 RCW to read as follows:

35 (1) By the 2017-18 school year, the state board of education must  
36 create a process for a limited number of school districts to become  
37 innovation districts and be exempt from most state laws, except those  
38 laws specified under section 804(3) of this act.

(2) The process must require each school district desiring an exemption under subsection (1) of this section to submit a plan to the state board of education detailing how the additional flexibility will enable the school district to improve educational outcomes for students enrolled in the district.

(3) School districts that have been identified under RCW 28A.657.020 as persistently failing schools are not eligible for the additional flexibility provided under this section.

## **PART IX**

### **ESTABLISHING THE TOP TEACHER RECOGNITION GRANT PROGRAM**

NEW SECTION.     **Sec. 901.**     A new section is added to chapter 28A.625 RCW to read as follows:

(1) The top teacher recognition grant program is established to encourage excellence in the classroom teaching ranks and to recognize the most outstanding classroom teachers in Washington state.

(2) Subject to available funds provided specifically in the omnibus appropriations act for this purpose, in each odd-numbered year, every educational service district must identify, based on merit as determined by the educational service district, the top five percent of teachers who are teaching in a school district within the educational service district.

(3) The teachers identified in the top five percent shall be chosen and certified by the educational service district board of directors from a list of nominees submitted by each school district's board of directors. The school district board's nominees must be selected from a list of candidates submitted by school principals using selection criteria and a process developed by the school district's board of directors, after receiving input from the community.

(4) The teachers identified in the top two percent shall receive a one-time award of a fifty thousand dollar top teacher recognition grant. The rest of the teachers who are identified in the top five percent shall receive one-time awards of a twenty-five thousand dollar top teacher recognition grant.

(5) The top teacher recognition grants are not:

(a) Subject to the collective bargaining laws in chapter 41.59 RCW;

(b) Included for the purposes of computing a retirement allowance under any public retirement system in this state; or

(c) Part of the program of basic education or the funding necessary to comply with the state's Article IX constitutional duty.

## PART X

### FUTURE COLLECTIVE BARGAINING AGREEMENTS MUST CONFORM TO ACT

NEW SECTION. **Sec. 1001.** A new section is added to chapter 41.56 RCW to read as follows:

(1) Chapter . . ., Laws of 2017 (this act) does not affect or impair any collective bargaining agreements in effect on the effective date of this section between an employer and an educational employee or employee organization under this chapter.

(2) Any collective bargaining agreement entered into, modified, reopened, or renewed after the effective date of this section shall be consistent with chapter . . ., Laws of 2017 (this act).

NEW SECTION. **Sec. 1002.** A new section is added to chapter 41.59 RCW to read as follows:

(1) Chapter . . ., Laws of 2017 (this act) does not affect or impair any collective bargaining agreements in effect on the effective date of this section between an employer and an educational employee or employee organization under this chapter.

(2) Any collective bargaining agreement entered into, modified, reopened, or renewed after the effective date of this section shall be consistent with chapter . . ., Laws of 2017 (this act).

NEW SECTION. **Sec. 1003.** A new section is added to chapter 41.59 RCW to read as follows:

Housing allowances as provided in section 504 of this act are not subject to collective bargaining.

NEW SECTION. **Sec. 1004.** A new section is added to chapter 41.56 RCW to read as follows:

Housing allowances as provided in section 504 of this act are not subject to collective bargaining by classified employees of school districts as defined in RCW 28A.150.203.

1 **PART XI**

2 **PROHIBITING TEACHER STRIKES**

3 NEW SECTION. **Sec. 1101.** The legislature finds that, like other  
4 state and local public employees, educational employees do not have a  
5 legally protected right to strike. No such right existed at common  
6 law, and none has been granted by statute. The legislature further  
7 finds, as have numerous trial court decisions and the Washington  
8 state attorney general in AGO 2006 No. 3, that any argument that a  
9 right to strike is implied by the absence of a provision in chapter  
10 41.59 RCW is wrong. The legislature intends to provide greater  
11 clarity to parents and school districts by prohibiting strikes, work  
12 stoppages, or work slowdowns or other refusal to perform official  
13 duties.

14 NEW SECTION. **Sec. 1102.** A new section is added to chapter 41.59  
15 RCW to read as follows:

16 Nothing contained in this chapter permits or grants any  
17 educational employee the right to strike, participate in work  
18 stoppages or work slowdowns, or to otherwise refuse to perform his or  
19 her official duties.

20 **PART XII**

21 **STUDENT ABSENTEEISM**

22 NEW SECTION. **Sec. 1201.** The legislature finds that it is  
23 necessary to curb the rampant absenteeism in K-12 schools and intends  
24 to do so by providing an incentive for school districts to keep  
25 students in school. The legislature recognizes that the incentive  
26 policy will not automatically result in reduced funding if a school  
27 district is successful in getting all students to attend. The  
28 legislature acknowledges that even if the policy does result in less  
29 funding for some districts, the court has provided that the funding  
30 formulas are not cast in "constitutional concrete" but that there  
31 must be an educational rationale for a reduction. The legislature  
32 finds that research shows that students who are chronically absent  
33 from school have lower levels of reading proficiency, reduced high  
34 school graduation rates, and less success in college. The legislature  
35 further finds that these are all education rationales that demand the  
36 legislature take action to stop chronic school absenteeism.



1 amount from the state-required local effort levies under RCW  
2 84.52.065 but excluding revenue from local school district excess  
3 levies under RCW 84.52.0531, will constitute a basic education  
4 allocation in dollars for each annual average full-time equivalent  
5 student enrolled.

6 (2) The instructional program of basic education shall be  
7 considered to be fully funded by those amounts of dollars  
8 appropriated by the legislature (~~((pursuant to RCW 28A.150.260,~~  
9 ~~28A.150.390, and 28A.150.392))~~ in accordance with section 102 of this  
10 act to fund those program requirements identified in RCW 28A.150.220  
11 ((in accordance with the formula provided in RCW 28A.150.260 and  
12 those amounts of dollars appropriated by the legislature to fund the  
13 salary requirements of RCW 28A.150.410)), transportation and  
14 transportation services to and from school for eligible students as  
15 provided under RCW 28A.160.170, and the salaries of staff providing  
16 the program of basic education under RCW 28A.400.200.

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

25 **Sec. 1302.** RCW 28A.150.280 and 1993 c 111 s 1 are each amended  
26 to read as follows:

27 (~~((Costs of acquisition of approved transportation equipment~~  
28 ~~purchased prior to September 1, 1982, shall be reimbursed up to one~~  
29 ~~hundred percent of the cost to be reimbursed over the anticipated~~  
30 ~~life of the vehicle, as determined by the state superintendent.~~  
31 ~~PROVIDED, That))~~ Commencing with the 1980-81 school year, state  
32 reimbursement for costs of acquisition of approved transportation  
33 equipment shall be at one hundred percent or as close thereto as  
34 reasonably possible and included in the funding under section 102 of  
35 this act: PROVIDED ((FURTHER)), That reimbursements for the  
36 acquisition of approved transportation equipment received by school  
37 districts shall be placed in the transportation vehicle fund for the  
38 current or future purchase of approved transportation equipment and

for major transportation equipment repairs consistent with rules and regulations authorized in RCW 28A.160.130.

**Sec. 1303.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to read as follows:

(1) The superintendent of public instruction shall have the power and duty to make such rules ((and regulations)) as are necessary for the proper administration of this chapter and RCW ((28A.160.150 through 28A.160.220)) 28A.160.170, 28A.300.170, and 28A.500.010 not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW ((28A.160.150 through 28A.160.220)) 28A.160.170, 28A.300.170, and 28A.500.010.

(2) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in ((RCW 28A.150.250)) section 102 of this act when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the annual average total instructional hour offering imposed by RCW 28A.150.220 and ((28A.150.260)) section 102 of this act due to one or more of the following conditions:

(a) An unforeseen natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

1 A condition is foreseeable for the purposes of this subsection to  
2 the extent a reasonably prudent person would have anticipated prior  
3 to August first of the preceding school year that the condition  
4 probably would occur during the ensuing school year because of the  
5 occurrence of an event or a circumstance which existed during such  
6 preceding school year or a prior school year. A board of directors of  
7 a school district is deemed for the purposes of this subsection to  
8 have knowledge of events and circumstances which are a matter of  
9 common knowledge within the school district and of those events and  
10 circumstances which can be discovered upon prudent inquiry or  
11 inspection.

12 (3) The superintendent of public instruction shall make every  
13 effort to reduce the amount of paperwork required in administration  
14 of this chapter and RCW ((28A.160.150 through 28A.160.220))  
15 28A.160.170, 28A.300.170, and 28A.500.010; to simplify the  
16 application, monitoring and evaluation processes used; to eliminate  
17 all duplicative requests for information from local school districts;  
18 and to make every effort to integrate and standardize information  
19 requests for other state education acts and federal aid to education  
20 acts administered by the superintendent of public instruction so as  
21 to reduce paperwork requirements and duplicative information  
22 requests.

23 **Sec. 1304.** RCW 28A.150.310 and 2002 c 291 s 2 are each amended  
24 to read as follows:

25 Basic and nonbasic education funding((, including applicable  
26 vocational entitlements and special education program money,))  
27 generated under this chapter and under state appropriations acts  
28 shall be allocated directly to the military department for a national  
29 guard youth challenge program for students earning high school  
30 graduation credit under RCW ((28A.305.170)) 28A.300.165. Funding  
31 shall be provided based on statewide average rates ((for basic  
32 education, special education, categorical, and block grant programs))  
33 as determined by the office of the superintendent of public  
34 instruction. The monthly full-time equivalent enrollment reported for  
35 students enrolled in the national guard youth challenge program shall  
36 be based on one full-time equivalent for every one hundred student  
37 hours of scheduled instruction eligible for high school graduation  
38 credit. The office of the superintendent of public instruction, in



consultation with the military department, shall adopt such rules as are necessary to implement this section.

**Sec. 1305.** RCW 28A.150.315 and 2012 c 51 s 1 are each amended to read as follows:

~~(1) ((Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally,))~~ Schools ~~((receiving))~~ providing an all-day kindergarten program ~~((support shall agree to the following conditions))~~ must:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

1       (2)(a) It is the intent of the legislature that administration of  
2 the Washington kindergarten inventory of developing skills as  
3 required in this subsection (2) and RCW 28A.655.080 replace  
4 administration of other assessments being required by school  
5 districts or that other assessments only be administered if they seek  
6 to obtain information not covered by the Washington kindergarten  
7 inventory of developing skills.

8       (b) In addition to the requirements in subsection (1) of this  
9 section and to the extent funds are available, beginning with the  
10 2011-12 school year on a voluntary basis, schools must identify the  
11 skills, knowledge, and characteristics of kindergarten students at  
12 the beginning of the school year in order to support social-  
13 emotional, physical, and cognitive growth and development of  
14 individual children; support early learning provider and parent  
15 involvement; and inform instruction. Kindergarten teachers shall  
16 administer the Washington kindergarten inventory of developing  
17 skills, as directed by the superintendent of public instruction in  
18 consultation with the department of early learning and in  
19 collaboration with the nongovernmental private-public partnership  
20 designated in RCW 43.215.070, and report the results to the  
21 superintendent. The superintendent shall share the results with the  
22 director of the department of early learning.

23       (c) School districts shall provide an opportunity for parents and  
24 guardians to excuse their children from participation in the  
25 Washington kindergarten inventory of developing skills.

26       (3) Subject to funds appropriated for this purpose, the  
27 superintendent of public instruction shall designate one or more  
28 school districts to serve as resources and examples of best practices  
29 in designing and operating a high-quality all-day kindergarten  
30 program. Designated school districts shall serve as lighthouse  
31 programs and provide technical assistance to other school districts  
32 in the initial stages of implementing an all-day kindergarten  
33 program. Examples of topics addressed by the technical assistance  
34 include strategic planning, developing the instructional program and  
35 curriculum, working with early learning providers to identify  
36 students and communicate with parents, and developing kindergarten  
37 program readiness activities.

38       **Sec. 1306.** RCW 28A.150.350 and 1990 c 33 s 112 are each amended  
39 to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private school;

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private school and taking courses at and/or receiving ancillary services offered by any public school not available in such private school; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.225.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to ((RCW 28A.150.260)) section 102 of this act. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

1 (5) The superintendent of public instruction is authorized to  
2 adopt rules (~~((and regulations))~~) to carry out the purposes of (~~((RCW~~  
3 ~~28A.150.260 and 28A.150.350))~~) this section.

4 **Sec. 1307.** RCW 28A.150.360 and 1995 c 335 s 101 are each amended  
5 to read as follows:

6 In the event of an unforeseen emergency, in the nature of either  
7 an unavoidable cost to a district or unexpected variation in  
8 anticipated revenues to a district, the state superintendent is  
9 authorized, for not to exceed two years, to make such an adjustment  
10 in the allocation of funds as is consistent with the intent of this  
11 chapter, RCW (~~((28A.160.150 through 28A.160.210))~~) 28A.160.170,  
12 28A.300.170, and 28A.500.010 in providing an equal educational  
13 opportunity for the children of such district or districts.

14 **Sec. 1308.** RCW 28A.150.400 and 1990 c 33 s 117 are each amended  
15 to read as follows:

16 State and county funds which may become due and apportionable to  
17 school districts shall be apportioned in such a manner that any  
18 apportionment factors used shall utilize data and statistics derived  
19 in the school year that such funds are paid: PROVIDED, That the  
20 superintendent of public instruction may make necessary  
21 administrative provision for the use of estimates, and corresponding  
22 adjustments to the extent necessary: PROVIDED FURTHER, That as to  
23 those revenues used in determining the amount of state funds to be  
24 apportioned to school districts pursuant to (~~((RCW 28A.150.250))~~)  
25 section 102 of this act, any apportionment factors shall utilize data  
26 and statistics derived in an annual period established pursuant to  
27 rules (~~((and regulations))~~) promulgated by the superintendent of public  
28 instruction in cooperation with the department of revenue.

29 **Sec. 1309.** RCW 28A.160.130 and 2009 c 564 s 919 are each amended  
30 to read as follows:

31 (1) There is created a fund on deposit with each county treasurer  
32 for each school district of the county, which shall be known as the  
33 transportation vehicle fund. Money to be deposited into the  
34 transportation vehicle fund shall include, but is not limited to, the  
35 following:

36 (a) The balance of accounts held in the general fund of each  
37 school district for the purchase of approved transportation equipment

1 and for major transportation equipment repairs (~~(under RCW~~  
2 ~~28A.150.280. The amount transferred shall be the balance of the~~  
3 ~~account as of September 1, 1982))~~);

4 (b) Reimbursement payments provided for in RCW 28A.160.200 except  
5 those provided under RCW 28A.160.200(3) that are necessary for  
6 contracted payments to private carriers;

7 (c) Earnings from transportation vehicle fund investments as  
8 authorized in RCW 28A.320.300; and

9 (d) The district's share of the proceeds from the sale of  
10 transportation vehicles, as determined by the superintendent of  
11 public instruction.

12 (2) Funds in the transportation vehicle fund may be used for the  
13 following purposes:

14 (a) Purchase of pupil transportation vehicles pursuant to RCW  
15 28A.160.200 (~~(and 28A.150.280))~~);

16 (b) Payment of conditional sales contracts as authorized in RCW  
17 28A.335.200 or payment of obligations authorized in RCW 28A.530.080,  
18 entered into or issued for the purpose of pupil transportation  
19 vehicles;

20 (c) Major repairs to pupil transportation vehicles(~~(+~~

21 ~~(d) For the 2009-2011 biennium, a school district that is wholly~~  
22 ~~contained on an island and has a student enrollment greater than two~~  
23 ~~hundred fifty students and fewer than five hundred and fifty students~~  
24 ~~may transfer from the transportation vehicle fund to the school~~  
25 ~~district's general fund such amounts as necessary for instructional~~  
26 ~~costs)).~~

27 (3) The superintendent of public instruction shall adopt rules  
28 which shall establish the standards, conditions, and procedures  
29 governing the establishment and use of the transportation vehicle  
30 fund. The rules shall not permit the transfer of funds from the  
31 transportation vehicle fund to any other fund of the district(~~(+~~  
32 ~~except as provided under subsection (2)(d) of this section))~~).

33 **Sec. 1310.** RCW 28A.160.170 and 2009 c 548 s 306 are each amended  
34 to read as follows:

35 (1) Each district shall submit three times each year to the  
36 superintendent of public instruction during October, February, and  
37 May of each year a report containing the (~~(following:~~

38 ~~(1)(a) The~~) number of eligible students transported to and from  
39 school as provided for in (~~(RCW 28A.160.150))~~ subsection (3) of this

1 section, along with identification of stop locations and school  
2 locations, and ~~((b))~~ the number of miles driven for pupil  
3 transportation services ~~((as authorized in RCW 28A.160.150))~~ to and  
4 from school the previous school year~~((+and))~~.

5 (2) Other operational data and descriptions as required by the  
6 superintendent to determine allocation requirements for each  
7 district. The superintendent shall require that districts separate  
8 the costs of operating the program for the transportation of eligible  
9 students to and from school as defined ~~((by RCW 28A.160.160(3)))~~ in  
10 subsection (3) of this section from non-to-and-from-school pupil  
11 transportation costs in the annual financial statement. The cost,  
12 quantity, and type of all fuel purchased by school districts for use  
13 in to-and-from-school transportation shall be included in the annual  
14 financial statement.

15 (3) For the purposes of this section, "to and from school" means  
16 the transportation of students for the following purposes:

- 17 (a) Transportation to and from route stops and schools;  
18 (b) Transportation to and from schools pursuant to an  
19 interdistrict agreement pursuant to RCW 28A.335.160 but does not  
20 include transportation to and from schools for field trips;  
21 (c) Transportation of students between schools and learning  
22 centers for instruction specifically required by statute;  
23 (d) Transportation of students with disabilities to and from  
24 schools and agencies for special education services; and  
25 (e) Academic extended day transportation for the instructional  
26 program of basic education under RCW 28A.150.220.

27 (4) Each district shall submit the information required in this  
28 section on a timely basis as a condition of the continuing receipt of  
29 school transportation moneys.

30 **Sec. 1311.** RCW 28A.165.055 and 2013 2nd sp.s. c 18 s 205 are  
31 each amended to read as follows:

32 The funds for the learning assistance program shall be  
33 appropriated in accordance with RCW 28A.150.260 and the omnibus  
34 appropriations act. The distribution formula is for school district  
35 allocation purposes only~~((, but funds appropriated for the learning~~  
36 ~~assistance program must be expended for the purposes of RCW~~  
37 ~~28A.165.005 through 28A.165.065 and 28A.655.235))~~.

1       **Sec. 1312.** RCW 28A.185.010 and 2009 c 548 s 707 are each amended  
2 to read as follows:

3       Pursuant to rules adopted by the superintendent of public  
4 instruction for the administration of this chapter, the  
5 superintendent of public instruction shall carry out a program for  
6 highly capable students. Such program may include conducting,  
7 coordinating and aiding in research (including pilot programs),  
8 disseminating information to local school districts, providing  
9 statewide staff development, and allocating to school districts  
10 supplementary funds for additional costs of district programs, as  
11 provided by (~~RCW 28A.150.260~~) section 102 of this act.

12       **Sec. 1313.** RCW 28A.185.020 and 2009 c 548 s 708 are each amended  
13 to read as follows:

14       (1) The legislature finds that, for highly capable students,  
15 access to accelerated learning and enhanced instruction is access to  
16 a basic education. There are multiple definitions of highly capable,  
17 from intellectual to academic to artistic. The research literature  
18 strongly supports using multiple criteria to identify highly capable  
19 students, and therefore, the legislature does not intend to prescribe  
20 a single method. (~~Instead,~~) The legislature intends to allocate  
21 funding based on two and three hundred fourteen one-thousandths  
22 percent of each school district's population (~~and~~) multiplied by  
23 the highly capable supplemental per pupil guarantee in section 102 of  
24 this act. This language authorizes school districts to identify  
25 through the use of multiple, objective criteria those students most  
26 highly capable and eligible to receive accelerated learning and  
27 enhanced instruction in the program offered by the district. Access  
28 to accelerated learning and enhanced instruction through the program  
29 for highly capable students does not constitute an individual  
30 entitlement for any particular student.

31       (2) Supplementary funds provided by the state for the program for  
32 highly capable students under RCW 28A.150.260 shall be categorical  
33 funding to provide services to highly capable students as determined  
34 by a school district under RCW 28A.185.030.

35       **Sec. 1314.** RCW 28A.340.040 and 1990 c 33 s 369 are each amended  
36 to read as follows:

37       (~~(1)~~) School districts participating in a cooperative project  
38 pursuant to RCW 28A.340.030 may adopt identical (~~salary schedules~~)

1 salaries for the staff of the project following compliance with  
2 chapter 41.59 RCW~~((: PROVIDED, That if the districts participating in~~  
3 ~~a cooperative project adopt identical salary schedules, the~~  
4 ~~participating districts shall be considered a single school district~~  
5 ~~for purposes of establishing compliance with the salary limitations~~  
6 ~~of RCW 28A.400.200(3) but not for the purposes of allocation of state~~  
7 ~~funds.~~

8 ~~((2) For purposes of computing fringe benefit contributions for~~  
9 ~~purposes of establishing compliance with RCW 28A.400.200(3)(b), the~~  
10 ~~districts participating in a cooperative project pursuant to RCW~~  
11 ~~28A.340.030 may use the greater of: (a) The highest amount provided~~  
12 ~~in the 1986-87 school year by a district participating in the~~  
13 ~~cooperative project; or (b) the amount authorized for such purposes~~  
14 ~~in the state operating appropriations act in effect at the time)).~~

15 **Sec. 1315.** RCW 28A.400.220 and 1989 c 11 s 5 are each amended to  
16 read as follows:

17 (1) ~~((No))~~ School district boards of directors or administrators  
18 ~~((may))~~ shall not:

19 (a) Increase an employee's salary using school district excess  
20 levy funds for the provision of services that are a part of the basic  
21 education program required by Article IX, section 1 of the state  
22 Constitution;

23 (b) Increase an employee's salary or compensation to include a  
24 payment in lieu of providing a fringe benefit; or

25 ~~((b))~~ (c) Allow any payment to an employee which is partially  
26 or fully conditioned on the termination or retirement of the  
27 employee, except as provided in subsection (2) of this section.

28 (2) A school district board of directors may compensate an  
29 employee for termination of the employee's contract in accordance  
30 with the termination provisions of the contract. If no such  
31 provisions exist the compensation must be reasonable based on the  
32 proportion of the uncompleted contract. Compensation received under  
33 this subsection shall not be included for the purposes of computing a  
34 retirement allowance under any public retirement system in this  
35 state.

36 ~~((3) Provisions of any contract in force on March 27, 1982,~~  
37 ~~which conflict with the requirements of this section shall continue~~  
38 ~~in effect until contract expiration. After expiration, any new~~  
39 ~~contract including any renewal, extension, amendment or modification~~



1 ~~of an existing contract executed between the parties shall be~~  
2 ~~consistent with this section.))~~

3       **Sec. 1316.** RCW 28A.400.240 and 2001 c 266 s 1 are each amended  
4 to read as follows:

5       In addition to any other powers and duties, any school district  
6 or educational service district may contract with any classified or  
7 certificated employee to defer a portion of that employee's income,  
8 which deferred portion shall in no event exceed the appropriate  
9 internal revenue service exclusion allowance for such plans, and  
10 shall subsequently with the consent of the employee, deposit or  
11 invest in a credit union, savings and loan association, bank, mutual  
12 savings bank, or purchase life insurance, shares of an investment  
13 company, or a fixed and/or variable annuity contract, for the purpose  
14 of funding a deferred compensation program for the employee, from any  
15 life underwriter or registered representative duly licensed by this  
16 state who represents an insurance company or an investment company  
17 licensed to contract business in this state. In no event shall the  
18 total investments or payments, and the employee's nondeferred income  
19 for any year exceed the total annual salary, or compensation (~~(under~~  
20 ~~the existing salary schedule))~~) or classification plan applicable to  
21 such employee in such year. Any income deferred under such a plan  
22 shall continue to be included as regular compensation, for the  
23 purpose of computing the retirement and pension benefits earned by  
24 any employee, but any sum so deducted shall not be included in the  
25 computation of any taxes withheld on behalf of any such employee.

26       **Sec. 1317.** RCW 28A.400.250 and 2010 c 41 s 1 are each amended to  
27 read as follows:

28       (1) The board of directors of any school district, the Washington  
29 state teachers' retirement system, the superintendent of public  
30 instruction, and educational service district superintendents are  
31 authorized to provide and pay for tax deferred annuities or regulated  
32 company stock held in a custodial account for their respective  
33 employees in lieu of a portion of salary or wages as authorized under  
34 the provisions of 26 U.S.C. section 403(b), as amended by Public Law  
35 87-370, 75 Stat. 796, as now or hereafter amended. As of the  
36 effective date of this section, school districts are not authorized  
37 to make, and must not make, employer contributions to plans  
38 authorized by this section. The superintendent of public instruction

1 and educational service district superintendents, if eligible, may  
2 also be provided with such options.

3 (2) At the request of at least five employees, the employees'  
4 employer shall arrange for the:

5 (a) Purchase of tax deferred annuity contracts which meet the  
6 requirements of 26 U.S.C. section 403(b), as now or hereafter  
7 amended, for the employees from any company the employees may choose  
8 that is authorized to do business in this state through a Washington-  
9 licensed insurance agent that the employees may select; or

10 (b) Payment to a custodial account for investment in the stock of  
11 a regulated investment company as defined in 26 U.S.C. section  
12 403(b)(7)(c).

13 (3) Payroll deductions shall be made in accordance with the  
14 arrangements for the purpose of paying the entire premium due and to  
15 become due under the contracts. Employees' rights under the annuity  
16 contract are nonforfeitable except for the failure to pay premiums.

17 (4) The board of directors of any school district, the Washington  
18 state teachers' retirement system, the superintendent of public  
19 instruction, and educational service district superintendents shall  
20 not restrict, except as provided in this section, employees' right to  
21 select the tax deferred annuity of their choice, the regulated  
22 company stock held in a custodial account, or the agent, broker, or  
23 company licensed by the state of Washington through which the tax  
24 deferred annuity or regulated company stock is placed or purchased,  
25 and shall not place limitations on the time or place that the  
26 employees make the selection.

27 (5) The board of directors of any school district, the Washington  
28 state teachers' retirement system, the superintendent of public  
29 instruction, and educational service district superintendents may  
30 each adopt rules regulating the sale of tax deferred annuities or  
31 regulated company stock held in a custodial account which: (a)  
32 Prohibit solicitation of employees for the purposes of selling tax  
33 deferred annuities or regulated company stock held in a custodial  
34 account on school premises during normal school hours; (b) only  
35 permit the solicitation of tax deferred annuities or regulated  
36 company stock held in a custodial account by agents, brokers, and  
37 companies licensed by the state of Washington; and (c) require  
38 participating companies to execute reasonable agreements protecting  
39 the respective employers from any liability attendant to procuring

1 tax deferred annuities or regulated company stock held in a custodial  
2 account.

3 **Sec. 1318.** RCW 28A.625.110 and 1990 c 33 s 519 are each amended  
4 to read as follows:

5 The board of directors of the school district shall make the  
6 final determination as to whether an employee suggestion award will  
7 be made and shall determine the nature and extent of the award. The  
8 award shall not be a regular or supplemental compensation program for  
9 all employees and the suggestion must, in fact, result in actual  
10 savings greater than the award amount. Any moneys which may be  
11 awarded to an employee as part of an employee suggestion program  
12 shall not be considered salary or compensation for the purposes of  
13 ((RCW 28A.400.200 or)) chapter 41.40 RCW.

14 **Sec. 1319.** RCW 28A.625.150 and 1990 c 33 s 520 are each amended  
15 to read as follows:

16 The board of directors of any school district may establish a  
17 commendable employee service and recognition award program for  
18 certificated and classified school employees. The program shall be  
19 designed to recognize exemplary service, special achievements, or  
20 outstanding contributions by an individual in the performance of his  
21 or her duties as an employee of the school district. The board of  
22 directors of the school district shall determine the extent and type  
23 of any nonmonetary award. The value of any nonmonetary award shall  
24 not be deemed salary or compensation for the purposes of ((RCW  
25 28A.400.200 or)) chapter 41.32 RCW.

26 **Sec. 1320.** RCW 28A.710.220 and 2016 c 241 s 122 are each amended  
27 to read as follows:

28 (1) Charter schools must report student enrollment in the same  
29 manner, and based on the same definitions of enrolled students and  
30 annual average full-time equivalent enrollment, as other public  
31 schools. Charter schools must comply with applicable reporting  
32 requirements to receive state or federal funding that is distributed  
33 based on student characteristics.

34 (2) In accordance with appropriations made under RCW 28A.710.270  
35 and 28A.710.280, the superintendent of public instruction shall  
36 distribute state funding to charter schools using the per pupil

1 distribution model under section 102 of this act and according to the  
2 schedule established in RCW 28A.510.250.

3 (3) Amounts distributed to a charter school under RCW 28A.710.280  
4 in the school's first year of operation must be based on the  
5 projections of first-year student enrollment established in the  
6 charter contract. The office of the superintendent of public  
7 instruction must reconcile the amounts distributed in the first year  
8 of operation to the amounts that would have been distributed based on  
9 actual student enrollment and make adjustments to the charter  
10 school's distributions over the course of the second year of  
11 operation.

12 (4) Any moneys received by a charter school from any source and  
13 remaining in the school's accounts at the end of a budget year must  
14 remain in the school's accounts for use by the school during  
15 subsequent budget years.

16 **Sec. 1321.** RCW 28A.710.240 and 2016 c 241 s 124 are each amended  
17 to read as follows:

18 If a school district uses years of service when determining  
19 salaries for certificated instructional staff in the basic education  
20 program, then years of service in a charter school by certificated  
21 instructional staff shall be included in the years of service  
22 calculation ((for purposes of the statewide salary allocation  
23 schedule under RCW 28A.150.410)). This section does not require a  
24 charter school to pay a particular salary to its staff while the  
25 staff is employed by the charter school.

26 **Sec. 1322.** RCW 28A.715.040 and 2013 c 242 s 5 are each amended  
27 to read as follows:

28 (1) A school that is the subject of a state-tribal education  
29 compact must report student enrollment. Reporting must be done in the  
30 same manner and use the same definitions of enrolled students and  
31 annual average full-time equivalent enrollment as is required of  
32 school districts. The reporting requirements in this subsection are  
33 required for a school to receive state or federal funding that is  
34 allocated based on student characteristics.

35 (2) Funding for a school that is the subject of a state-tribal  
36 education compact shall be apportioned by the superintendent of  
37 public instruction using the per pupil distribution model under  
38 section 102 of this act and according to the schedule established

1 under RCW 28A.510.250(~~(, including general apportionment, special~~  
2 ~~education, categorical, and other nonbasic education moneys.~~  
3 ~~Allocations for certificated instructional staff must be based on the~~  
4 ~~average staff mix ratio of the school, as calculated by the~~  
5 ~~superintendent of public instruction using the statewide salary~~  
6 ~~allocation schedule and related documents, conditions, and~~  
7 ~~limitations established by the omnibus appropriations act.~~  
8 ~~Allocations for classified staff and certificated administrative~~  
9 ~~staff must be based on the salary allocations of the school district~~  
10 ~~in which the school is located, subject to conditions and limitations~~  
11 ~~established by the omnibus appropriations act. Nothing in this~~  
12 ~~section requires a school that is the subject of a state-tribal~~  
13 ~~education compact to use the statewide salary allocation schedule)).~~  
14 Such a school is eligible to apply for state grants on the same basis  
15 as a school district.

16 (3) Any moneys received by a school that is the subject of a  
17 state-tribal education compact from any source that remain in the  
18 school's accounts at the end of any budget year must remain in the  
19 school's accounts for use by the school during subsequent budget  
20 years.

#### 21 PART XIV

#### 22 TECHNICAL AMENDMENTS TO ALIGN STATUTES WITH RECOGNIZING AND REWARDING 23 SCHOOL DISTRICTS THAT MEET THE MEASURES OF SUCCESS

24 NEW SECTION. **Sec. 1401.** A new section is added to chapter  
25 28A.150 RCW to read as follows:

26 APPLICATION OF CHAPTER—GENERAL PROVISIONS. Schools and school  
27 districts that are recognized by the state board of education as  
28 being on pace in accordance with section 804 of this act or having  
29 met the performance targets listed in RCW 28A.150.550 (as recodified  
30 by this act), that measure school district success in improving  
31 educational outcomes for all students, are subject to the  
32 requirements of this chapter and related rules only to the extent  
33 required under section 804 of this act.

34 NEW SECTION. **Sec. 1402.** A new section is added to chapter  
35 28A.155 RCW to read as follows:

36 APPLICATION OF CHAPTER—SPECIAL EDUCATION. Schools and school  
37 districts that are recognized by the state board of education as

1 being on pace in accordance with section 804 of this act or having  
2 met the performance targets listed in RCW 28A.150.550 (as recodified  
3 by this act), that measure school district success in improving  
4 educational outcomes for all students, are subject to the  
5 requirements of this chapter and related rules only to the extent  
6 required under section 804 of this act.

7 NEW SECTION. **Sec. 1403.** A new section is added to chapter  
8 28A.160 RCW to read as follows:

9 APPLICATION OF CHAPTER—STUDENT TRANSPORTATION. Schools and school  
10 districts that are recognized by the state board of education as  
11 being on pace in accordance with section 804 of this act or having  
12 met the performance targets listed in RCW 28A.150.550 (as recodified  
13 by this act), that measure school district success in improving  
14 educational outcomes for all students, are subject to the  
15 requirements of this chapter and related rules only to the extent  
16 required under section 804 of this act.

17 NEW SECTION. **Sec. 1404.** A new section is added to chapter  
18 28A.165 RCW to read as follows:

19 APPLICATION OF CHAPTER—LEARNING ASSISTANCE PROGRAM. Schools and  
20 school districts that are recognized by the state board of education  
21 as being on pace in accordance with section 804 of this act or having  
22 met the performance targets listed in RCW 28A.150.550 (as recodified  
23 by this act), that measure school district success in improving  
24 educational outcomes for all students, are subject to the  
25 requirements of this chapter and related rules only to the extent  
26 required under section 804 of this act.

27 NEW SECTION. **Sec. 1405.** A new section is added to chapter  
28 28A.170 RCW to read as follows:

29 APPLICATION OF CHAPTER—SUBSTANCE ABUSE AWARENESS PROGRAM. Schools  
30 and school districts that are recognized by the state board of  
31 education as being on pace in accordance with section 804 of this act  
32 or having met the performance targets listed in RCW 28A.150.550 (as  
33 recodified by this act), that measure school district success in  
34 improving educational outcomes for all students, are subject to the  
35 requirements of this chapter and related rules only to the extent  
36 required under section 804 of this act.

NEW SECTION.     **Sec. 1406.**     A new section is added to chapter 28A.175 RCW to read as follows:

APPLICATION OF CHAPTER—DROPOUT PREVENTION, INTERVENTION, AND RETRIEVAL SYSTEM. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1407.**     A new section is added to chapter 28A.180 RCW to read as follows:

APPLICATION OF CHAPTER—TRANSITIONAL BILINGUAL INSTRUCTION PROGRAM. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1408.**     A new section is added to chapter 28A.185 RCW to read as follows:

APPLICATION OF CHAPTER—HIGHLY CAPABLE STUDENTS. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1409.**     A new section is added to chapter 28A.188 RCW to read as follows:

APPLICATION OF CHAPTER—SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) EDUCATION. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance

1 targets listed in RCW 28A.150.550 (as recodified by this act), that  
2 measure school district success in improving educational outcomes for  
3 all students, are subject to the requirements of this chapter and  
4 related rules only to the extent required under section 804 of this  
5 act.

6 NEW SECTION. **Sec. 1410.** A new section is added to chapter  
7 28A.190 RCW to read as follows:

8 APPLICATION OF CHAPTER—RESIDENTIAL EDUCATION PROGRAMS. Schools  
9 and school districts that are recognized by the state board of  
10 education as being on pace in accordance with section 804 of this act  
11 or having met the performance targets listed in RCW 28A.150.550 (as  
12 recodified by this act), that measure school district success in  
13 improving educational outcomes for all students, are subject to the  
14 requirements of this chapter and related rules only to the extent  
15 required under section 804 of this act.

16 NEW SECTION. **Sec. 1411.** A new section is added to chapter  
17 28A.193 RCW to read as follows:

18 APPLICATION OF CHAPTER—EDUCATION PROGRAMS FOR JUVENILE INMATES.  
19 Schools and school districts that are recognized by the state board  
20 of education as being on pace in accordance with section 804 of this  
21 act or having met the performance targets listed in RCW 28A.150.550  
22 (as recodified by this act), that measure school district success in  
23 improving educational outcomes for all students, are subject to the  
24 requirements of this chapter and related rules only to the extent  
25 required under section 804 of this act.

26 NEW SECTION. **Sec. 1412.** A new section is added to chapter  
27 28A.194 RCW to read as follows:

28 APPLICATION OF CHAPTER—EDUCATION PROGRAMS FOR JUVENILES IN ADULT  
29 JAILS. Schools and school districts that are recognized by the state  
30 board of education as being on pace in accordance with section 804 of  
31 this act or having met the performance targets listed in RCW  
32 28A.150.550 (as recodified by this act), that measure school district  
33 success in improving educational outcomes for all students, are  
34 subject to the requirements of this chapter and related rules only to  
35 the extent required under section 804 of this act.



1        NEW SECTION.     **Sec. 1413.**     A new section is added to chapter  
2 28A.205 RCW to read as follows:

3        APPLICATION OF CHAPTER—EDUCATION CENTERS. Schools and school  
4 districts that are recognized by the state board of education as  
5 being on pace in accordance with section 804 of this act or having  
6 met the performance targets listed in RCW 28A.150.550 (as recodified  
7 by this act), that measure school district success in improving  
8 educational outcomes for all students, are subject to the  
9 requirements of this chapter and related rules only to the extent  
10 required under section 804 of this act.

11       NEW SECTION.     **Sec. 1414.**     A new section is added to chapter  
12 28A.210 RCW to read as follows:

13       APPLICATION OF CHAPTER—HEALTH—SCREENING AND REQUIREMENTS.  
14 Schools and school districts that are recognized by the state board  
15 of education as being on pace in accordance with section 804 of this  
16 act or having met the performance targets listed in RCW 28A.150.550  
17 (as recodified by this act), that measure school district success in  
18 improving educational outcomes for all students, are subject to the  
19 requirements of this chapter and related rules only to the extent  
20 required under section 804 of this act.

21       NEW SECTION.     **Sec. 1415.**     A new section is added to chapter  
22 28A.215 RCW to read as follows:

23       APPLICATION OF CHAPTER—EARLY CHILDHOOD, PRESCHOOLS, AND BEFORE-  
24 AND-AFTER SCHOOL CARE. Schools and school districts that are  
25 recognized by the state board of education as being on pace in  
26 accordance with section 804 of this act or having met the performance  
27 targets listed in RCW 28A.150.550 (as recodified by this act), that  
28 measure school district success in improving educational outcomes for  
29 all students, are subject to the requirements of this chapter and  
30 related rules only to the extent required under section 804 of this  
31 act.

32       NEW SECTION.     **Sec. 1416.**     A new section is added to chapter  
33 28A.220 RCW to read as follows:

34       APPLICATION OF CHAPTER—TRAFFIC SAFETY. Schools and school  
35 districts that are recognized by the state board of education as  
36 being on pace in accordance with section 804 of this act or having

met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1417.**     A new section is added to chapter 28A.225 RCW to read as follows:

APPLICATION OF CHAPTER—COMPULSORY SCHOOL ATTENDANCE AND ADMISSION. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1418.**     A new section is added to chapter 28A.230 RCW to read as follows:

APPLICATION OF CHAPTER—COMPULSORY COURSEWORK AND ACTIVITIES. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1419.**     A new section is added to chapter 28A.232 RCW to read as follows:

APPLICATION OF CHAPTER—ALTERNATIVE LEARNING EXPERIENCE COURSES. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

1        NEW SECTION.     **Sec. 1420.**     A new section is added to chapter  
2 28A.235 RCW to read as follows:

3        APPLICATION OF CHAPTER—FOOD SERVICES. Schools and school  
4 districts that are recognized by the state board of education as  
5 being on pace in accordance with section 804 of this act or having  
6 met the performance targets listed in RCW 28A.150.550 (as recodified  
7 by this act), that measure school district success in improving  
8 educational outcomes for all students, are subject to the  
9 requirements of this chapter and related rules only to the extent  
10 required under section 804 of this act.

11       NEW SECTION.     **Sec. 1421.**     A new section is added to chapter  
12 28A.245 RCW to read as follows:

13       APPLICATION OF CHAPTER—SKILL CENTERS. Schools and school  
14 districts that are recognized by the state board of education as  
15 being on pace in accordance with section 804 of this act or having  
16 met the performance targets listed in RCW 28A.150.550 (as recodified  
17 by this act), that measure school district success in improving  
18 educational outcomes for all students, are subject to the  
19 requirements of this chapter and related rules only to the extent  
20 required under section 804 of this act.

21       NEW SECTION.     **Sec. 1422.**     A new section is added to chapter  
22 28A.250 RCW to read as follows:

23       APPLICATION OF CHAPTER—ONLINE LEARNING. Schools and school  
24 districts that are recognized by the state board of education as  
25 being on pace in accordance with section 804 of this act or having  
26 met the performance targets listed in RCW 28A.150.550 (as recodified  
27 by this act), that measure school district success in improving  
28 educational outcomes for all students, are subject to the  
29 requirements of this chapter and related rules only to the extent  
30 required under section 804 of this act.

31       NEW SECTION.     **Sec. 1423.**     A new section is added to chapter  
32 28A.300 RCW to read as follows:

33       APPLICATION OF CHAPTER—SUPERINTENDENT OF PUBLIC INSTRUCTION.  
34 Schools and school districts that are recognized by the state board  
35 of education as being on pace in accordance with section 804 of this  
36 act or having met the performance targets listed in RCW 28A.150.550

(as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1424.**     A new section is added to chapter 28A.305 RCW to read as follows:

APPLICATION OF CHAPTER—STATE BOARD OF EDUCATION. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1425.**     A new section is added to chapter 28A.310 RCW to read as follows:

APPLICATION OF CHAPTER—EDUCATIONAL SERVICE DISTRICTS. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1426.**     A new section is added to chapter 28A.315 RCW to read as follows:

APPLICATION OF CHAPTER—ORGANIZATION AND REORGANIZATION OF SCHOOL DISTRICTS. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

1        NEW SECTION.     **Sec. 1427.**     A new section is added to chapter  
2 28A.320 RCW to read as follows:

3        APPLICATION OF CHAPTER—PROVISIONS APPLICABLE TO ALL DISTRICTS.  
4 Schools and school districts that are recognized by the state board  
5 of education as being on pace in accordance with section 804 of this  
6 act or having met the performance targets listed in RCW 28A.150.550  
7 (as recodified by this act), that measure school district success in  
8 improving educational outcomes for all students, are subject to the  
9 requirements of this chapter and related rules only to the extent  
10 required under section 804 of this act.

11       NEW SECTION.     **Sec. 1428.**     A new section is added to chapter  
12 28A.323 RCW to read as follows:

13       APPLICATION OF CHAPTER—JOINT SCHOOL DISTRICTS—SCHOOL DISTRICTS  
14 IN TWO OR MORE EDUCATIONAL SERVICE DISTRICTS. Schools and school  
15 districts that are recognized by the state board of education as  
16 being on pace in accordance with section 804 of this act or having  
17 met the performance targets listed in RCW 28A.150.550 (as recodified  
18 by this act), that measure school district success in improving  
19 educational outcomes for all students, are subject to the  
20 requirements of this chapter and related rules only to the extent  
21 required under section 804 of this act.

22       NEW SECTION.     **Sec. 1429.**     A new section is added to chapter  
23 28A.325 RCW to read as follows:

24       APPLICATION OF CHAPTER—ASSOCIATED STUDENT BODIES. Schools and  
25 school districts that are recognized by the state board of education  
26 as being on pace in accordance with section 804 of this act or having  
27 met the performance targets listed in RCW 28A.150.550 (as recodified  
28 by this act), that measure school district success in improving  
29 educational outcomes for all students, are subject to the  
30 requirements of this chapter and related rules only to the extent  
31 required under section 804 of this act.

32       NEW SECTION.     **Sec. 1430.**     A new section is added to chapter  
33 28A.330 RCW to read as follows:

34       APPLICATION OF CHAPTER—PROVISIONS APPLICABLE TO SCHOOL DISTRICTS.  
35 Schools and school districts that are recognized by the state board  
36 of education as being on pace in accordance with section 804 of this

1 act or having met the performance targets listed in RCW 28A.150.550  
2 (as recodified by this act), that measure school district success in  
3 improving educational outcomes for all students, are subject to the  
4 requirements of this chapter and related rules only to the extent  
5 required under section 804 of this act.

6 NEW SECTION. **Sec. 1431.** A new section is added to chapter  
7 28A.335 RCW to read as follows:

8 APPLICATION OF CHAPTER—SCHOOL DISTRICTS' PROPERTY. Schools and  
9 school districts that are recognized by the state board of education  
10 as being on pace in accordance with section 804 of this act or having  
11 met the performance targets listed in RCW 28A.150.550 (as recodified  
12 by this act), that measure school district success in improving  
13 educational outcomes for all students, are subject to the  
14 requirements of this chapter and related rules only to the extent  
15 required under section 804 of this act.

16 NEW SECTION. **Sec. 1432.** A new section is added to chapter  
17 28A.340 RCW to read as follows:

18 APPLICATION OF CHAPTER—SMALL HIGH SCHOOL COOPERATIVE PROJECTS.  
19 Schools and school districts that are recognized by the state board  
20 of education as being on pace in accordance with section 804 of this  
21 act or having met the performance targets listed in RCW 28A.150.550  
22 (as recodified by this act), that measure school district success in  
23 improving educational outcomes for all students, are subject to the  
24 requirements of this chapter and related rules only to the extent  
25 required under section 804 of this act.

26 NEW SECTION. **Sec. 1433.** A new section is added to chapter  
27 28A.343 RCW to read as follows:

28 APPLICATION OF CHAPTER—SCHOOL DIRECTOR DISTRICTS. Schools and  
29 school districts that are recognized by the state board of education  
30 as being on pace in accordance with section 804 of this act or having  
31 met the performance targets listed in RCW 28A.150.550 (as recodified  
32 by this act), that measure school district success in improving  
33 educational outcomes for all students, are subject to the  
34 requirements of this chapter and related rules only to the extent  
35 required under section 804 of this act.

NEW SECTION.     **Sec. 1434.**     A new section is added to chapter 28A.345 RCW to read as follows:

APPLICATION OF CHAPTER—WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1435.**     A new section is added to chapter 28A.400 RCW to read as follows:

APPLICATION OF CHAPTER—EMPLOYEES. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1436.**     A new section is added to chapter 28A.405 RCW to read as follows:

APPLICATION OF CHAPTER—CERTIFICATED EMPLOYEES. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1437.**     A new section is added to chapter 28A.410 RCW to read as follows:

APPLICATION OF CHAPTER—CERTIFICATION. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified

by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1438.**     A new section is added to chapter 28A.415 RCW to read as follows:

APPLICATION OF CHAPTER—INSTITUTES, WORKSHOPS, AND TRAINING. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1439.**     A new section is added to chapter 28A.505 RCW to read as follows:

APPLICATION OF CHAPTER—SCHOOL DISTRICTS' BUDGETS. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1440.**     A new section is added to chapter 28A.510 RCW to read as follows:

APPLICATION OF CHAPTER—APPORTIONMENT TO DISTRICT—DISTRICT ACCOUNTING. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.



1        NEW SECTION.     **Sec. 1441.**     A new section is added to chapter  
2 28A.515 RCW to read as follows:

3        APPLICATION OF CHAPTER—COMMON SCHOOL CONSTRUCTION FUND. Schools  
4 and school districts that are recognized by the state board of  
5 education as being on pace in accordance with section 804 of this act  
6 or having met the performance targets listed in RCW 28A.150.550 (as  
7 recodified by this act), that measure school district success in  
8 improving educational outcomes for all students, are subject to the  
9 requirements of this chapter and related rules only to the extent  
10 required under section 804 of this act.

11       NEW SECTION.     **Sec. 1442.**     A new section is added to chapter  
12 28A.520 RCW to read as follows:

13       APPLICATION OF CHAPTER—FOREST RESERVE FUNDS DISTRIBUTION. Schools  
14 and school districts that are recognized by the state board of  
15 education as being on pace in accordance with section 804 of this act  
16 or having met the performance targets listed in RCW 28A.150.550 (as  
17 recodified by this act), that measure school district success in  
18 improving educational outcomes for all students, are subject to the  
19 requirements of this chapter and related rules only to the extent  
20 required under section 804 of this act.

21       NEW SECTION.     **Sec. 1443.**     A new section is added to chapter  
22 28A.525 RCW to read as follows:

23       APPLICATION OF CHAPTER—BOND ISSUES. Schools and school districts  
24 that are recognized by the state board of education as being on pace  
25 in accordance with section 804 of this act or having met the  
26 performance targets listed in RCW 28A.150.550 (as recodified by this  
27 act), that measure school district success in improving educational  
28 outcomes for all students, are subject to the requirements of this  
29 chapter and related rules only to the extent required under section  
30 804 of this act.

31       NEW SECTION.     **Sec. 1444.**     A new section is added to chapter  
32 28A.527 RCW to read as follows:

33       APPLICATION OF CHAPTER—SCHOOL FACILITIES—2008 BOND ISSUE.  
34 Schools and school districts that are recognized by the state board  
35 of education as being on pace in accordance with section 804 of this  
36 act or having met the performance targets listed in RCW 28A.150.550

(as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1445.**     A new section is added to chapter 28A.530 RCW to read as follows:

APPLICATION OF CHAPTER—DISTRICT BONDS FOR LAND, BUILDINGS, AND EQUIPMENT. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1446.**     A new section is added to chapter 28A.535 RCW to read as follows:

APPLICATION OF CHAPTER—VALIDATING INDEBTEDNESS. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

NEW SECTION.     **Sec. 1447.**     A new section is added to chapter 28A.540 RCW to read as follows:

APPLICATION OF CHAPTER—CAPITAL FUND AID BY NONHIGH SCHOOL DISTRICTS. Schools and school districts that are recognized by the state board of education as being on pace in accordance with section 804 of this act or having met the performance targets listed in RCW 28A.150.550 (as recodified by this act), that measure school district success in improving educational outcomes for all students, are subject to the requirements of this chapter and related rules only to the extent required under section 804 of this act.

1        NEW SECTION.     **Sec. 1448.**     A new section is added to chapter  
2 28A.545 RCW to read as follows:

3        APPLICATION OF CHAPTER—PAYMENT TO HIGH SCHOOL DISTRICTS. Schools  
4 and school districts that are recognized by the state board of  
5 education as being on pace in accordance with section 804 of this act  
6 or having met the performance targets listed in RCW 28A.150.550 (as  
7 recodified by this act), that measure school district success in  
8 improving educational outcomes for all students, are subject to the  
9 requirements of this chapter and related rules only to the extent  
10 required under section 804 of this act.

11       NEW SECTION.     **Sec. 1449.**     A new section is added to chapter  
12 28A.600 RCW to read as follows:

13       APPLICATION OF CHAPTER—STUDENTS. Schools and school districts  
14 that are recognized by the state board of education as being on pace  
15 in accordance with section 804 of this act or having met the  
16 performance targets listed in RCW 28A.150.550 (as recodified by this  
17 act), that measure school district success in improving educational  
18 outcomes for all students, are subject to the requirements of this  
19 chapter and related rules only to the extent required under section  
20 804 of this act.

21       NEW SECTION.     **Sec. 1450.**     A new section is added to chapter  
22 28A.605 RCW to read as follows:

23       APPLICATION OF CHAPTER—PARENT ACCESS. Schools and school  
24 districts that are recognized by the state board of education as  
25 being on pace in accordance with section 804 of this act or having  
26 met the performance targets listed in RCW 28A.150.550 (as recodified  
27 by this act), that measure school district success in improving  
28 educational outcomes for all students, are subject to the  
29 requirements of this chapter and related rules only to the extent  
30 required under section 804 of this act.

31       NEW SECTION.     **Sec. 1451.**     A new section is added to chapter  
32 28A.620 RCW to read as follows:

33       APPLICATION OF CHAPTER—COMMUNITY EDUCATION PROGRAMS. Schools and  
34 school districts that are recognized by the state board of education  
35 as being on pace in accordance with section 804 of this act or having  
36 met the performance targets listed in RCW 28A.150.550 (as recodified

1 by this act), that measure school district success in improving  
2 educational outcomes for all students, are subject to the  
3 requirements of this chapter and related rules only to the extent  
4 required under section 804 of this act.

5 NEW SECTION. **Sec. 1452.** A new section is added to chapter  
6 28A.623 RCW to read as follows:

7 APPLICATION OF CHAPTER—MEAL PROGRAMS. Schools and school  
8 districts that are recognized by the state board of education as  
9 being on pace in accordance with section 804 of this act or having  
10 met the performance targets listed in RCW 28A.150.550 (as recodified  
11 by this act), that measure school district success in improving  
12 educational outcomes for all students, are subject to the  
13 requirements of this chapter and related rules only to the extent  
14 required under section 804 of this act.

15 NEW SECTION. **Sec. 1453.** A new section is added to chapter  
16 28A.625 RCW to read as follows:

17 APPLICATION OF CHAPTER—AWARDS. Schools and school districts that  
18 are recognized by the state board of education as being on pace in  
19 accordance with section 804 of this act or having met the performance  
20 targets listed in RCW 28A.150.550 (as recodified by this act), that  
21 measure school district success in improving educational outcomes for  
22 all students, are subject to the requirements of this chapter and  
23 related rules only to the extent required under section 804 of this  
24 act.

25 NEW SECTION. **Sec. 1454.** A new section is added to chapter  
26 28A.630 RCW to read as follows:

27 APPLICATION OF CHAPTER—TEMPORARY PROVISIONS—SPECIAL PROJECTS.  
28 Schools and school districts that are recognized by the state board  
29 of education as being on pace in accordance with section 804 of this  
30 act or having met the performance targets listed in RCW 28A.150.550  
31 (as recodified by this act), that measure school district success in  
32 improving educational outcomes for all students, are subject to the  
33 requirements of this chapter and related rules only to the extent  
34 required under section 804 of this act.

1        NEW SECTION.     **Sec. 1455.**     A new section is added to chapter  
2 28A.635 RCW to read as follows:

3        APPLICATION OF CHAPTER—OFFENSES RELATING TO SCHOOL PROPERTY AND  
4 PERSONNEL. Schools and school districts that are recognized by the  
5 state board of education as being on pace in accordance with section  
6 804 of this act or having met the performance targets listed in RCW  
7 28A.150.550 (as recodified by this act), that measure school district  
8 success in improving educational outcomes for all students, are  
9 subject to the requirements of this chapter and related rules only to  
10 the extent required under section 804 of this act.

11       NEW SECTION.     **Sec. 1456.**     A new section is added to chapter  
12 28A.640 RCW to read as follows:

13       APPLICATION OF CHAPTER—SEXUAL EQUALITY. Schools and school  
14 districts that are recognized by the state board of education as  
15 being on pace in accordance with section 804 of this act or having  
16 met the performance targets listed in RCW 28A.150.550 (as recodified  
17 by this act), that measure school district success in improving  
18 educational outcomes for all students, are subject to the  
19 requirements of this chapter and related rules only to the extent  
20 required under section 804 of this act.

21       NEW SECTION.     **Sec. 1457.**     A new section is added to chapter  
22 28A.642 RCW to read as follows:

23       APPLICATION OF CHAPTER—DISCRIMINATION PROHIBITION. Schools and  
24 school districts that are recognized by the state board of education  
25 as being on pace in accordance with section 804 of this act or having  
26 met the performance targets listed in RCW 28A.150.550 (as recodified  
27 by this act), that measure school district success in improving  
28 educational outcomes for all students, are subject to the  
29 requirements of this chapter and related rules only to the extent  
30 required under section 804 of this act.

31       NEW SECTION.     **Sec. 1458.**     A new section is added to chapter  
32 28A.645 RCW to read as follows:

33       APPLICATION OF CHAPTER—APPEALS FROM BOARD. Schools and school  
34 districts that are recognized by the state board of education as  
35 being on pace in accordance with section 804 of this act or having  
36 met the performance targets listed in RCW 28A.150.550 (as recodified

1 by this act), that measure school district success in improving  
2 educational outcomes for all students, are subject to the  
3 requirements of this chapter and related rules only to the extent  
4 required under section 804 of this act.

5 NEW SECTION. **Sec. 1459.** A new section is added to chapter  
6 28A.650 RCW to read as follows:

7 APPLICATION OF CHAPTER—EDUCATION TECHNOLOGY. Schools and school  
8 districts that are recognized by the state board of education as  
9 being on pace in accordance with section 804 of this act or having  
10 met the performance targets listed in RCW 28A.150.550 (as recodified  
11 by this act), that measure school district success in improving  
12 educational outcomes for all students, are subject to the  
13 requirements of this chapter and related rules only to the extent  
14 required under section 804 of this act.

15 NEW SECTION. **Sec. 1460.** A new section is added to chapter  
16 28A.655 RCW to read as follows:

17 APPLICATION OF CHAPTER—ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY.  
18 Schools and school districts that are recognized by the state board  
19 of education as being on pace in accordance with section 804 of this  
20 act or having met the performance targets listed in RCW 28A.150.550  
21 (as recodified by this act), that measure school district success in  
22 improving educational outcomes for all students, are subject to the  
23 requirements of this chapter and related rules only to the extent  
24 required under section 804 of this act.

25 NEW SECTION. **Sec. 1461.** A new section is added to chapter  
26 28A.657 RCW to read as follows:

27 APPLICATION OF CHAPTER—ACCOUNTABILITY SYSTEM. Schools and school  
28 districts that are recognized by the state board of education as  
29 being on pace in accordance with section 804 of this act or having  
30 met the performance targets listed in RCW 28A.150.550 (as recodified  
31 by this act), that measure school district success in improving  
32 educational outcomes for all students, are subject to the  
33 requirements of this chapter and related rules only to the extent  
34 required under section 804 of this act.

1        NEW SECTION.     **Sec. 1462.**     A new section is added to chapter  
2 28A.660 RCW to read as follows:

3        APPLICATION OF CHAPTER—ALTERNATIVE ROUTE TEACHER CERTIFICATION.  
4 Schools and school districts that are recognized by the state board  
5 of education as being on pace in accordance with section 804 of this  
6 act or having met the performance targets listed in RCW 28A.150.550  
7 (as recodified by this act), that measure school district success in  
8 improving educational outcomes for all students, are subject to the  
9 requirements of this chapter and related rules only to the extent  
10 required under section 804 of this act.

11       NEW SECTION.     **Sec. 1463.**     A new section is added to chapter  
12 28A.690 RCW to read as follows:

13       APPLICATION OF CHAPTER—AGREEMENT ON QUALIFICATIONS OF PERSONNEL.  
14 Schools and school districts that are recognized by the state board  
15 of education as being on pace in accordance with section 804 of this  
16 act or having met the performance targets listed in RCW 28A.150.550  
17 (as recodified by this act), that measure school district success in  
18 improving educational outcomes for all students, are subject to the  
19 requirements of this chapter and related rules only to the extent  
20 required under section 804 of this act.

21       NEW SECTION.     **Sec. 1464.**     A new section is added to chapter  
22 28A.700 RCW to read as follows:

23       APPLICATION OF CHAPTER—SECONDARY CAREER AND TECHNICAL EDUCATION.  
24 Schools and school districts that are recognized by the state board  
25 of education as being on pace in accordance with section 804 of this  
26 act or having met the performance targets listed in RCW 28A.150.550  
27 (as recodified by this act), that measure school district success in  
28 improving educational outcomes for all students, are subject to the  
29 requirements of this chapter and related rules only to the extent  
30 required under section 804 of this act.

31       NEW SECTION.     **Sec. 1465.**     A new section is added to chapter  
32 28A.705 RCW to read as follows:

33       APPLICATION OF CHAPTER—INTERSTATE COMPACT ON EDUCATIONAL  
34 OPPORTUNITY FOR MILITARY CHILDREN. Schools and school districts that  
35 are recognized by the state board of education as being on pace in  
36 accordance with section 804 of this act or having met the performance

1 targets listed in RCW 28A.150.550 (as recodified by this act), that  
2 measure school district success in improving educational outcomes for  
3 all students, are subject to the requirements of this chapter and  
4 related rules only to the extent required under section 804 of this  
5 act.

6 NEW SECTION. **Sec. 1466.** A new section is added to chapter  
7 28A.715 RCW to read as follows:

8 APPLICATION OF CHAPTER—STATE-TRIBAL EDUCATION COMPACTS AUTHORITY.  
9 Schools and school districts that are recognized by the state board  
10 of education as being on pace in accordance with section 804 of this  
11 act or having met the performance targets listed in RCW 28A.150.550  
12 (as recodified by this act), that measure school district success in  
13 improving educational outcomes for all students, are subject to the  
14 requirements of this chapter and related rules only to the extent  
15 required under section 804 of this act.

## 16 PART XV

### 17 EDUCATION SECTOR EXCELLENCE ASSESSMENT FRAMEWORK

18 NEW SECTION. **Sec. 1501.** The legislature finds that educational  
19 entities, such as school districts, educational service districts,  
20 and state-level education agencies, can benefit from adopting a  
21 common performance assessment standard. The legislature further finds  
22 that the most efficient and effective standardized performance  
23 assessment is the education sector excellence assessment framework  
24 developed by the national institutes of standards and technology,  
25 United States department of commerce. As a result, the legislature  
26 intends to have school districts, educational service districts, and  
27 educational state agencies implement the education sector excellence  
28 assessment framework over the next three years.

29 NEW SECTION. **Sec. 1502.** A new section is added to chapter  
30 28A.320 RCW to read as follows:

31 (1) Beginning in the 2018-19 school year, the office of the  
32 superintendent of public instruction shall select ten school  
33 districts with at least five thousand students or more to pilot  
34 implementation of the education sector excellence assessment  
35 framework developed by the national institutes of standards and  
36 technology, United States department of commerce. Each school



1 district shall receive a ten thousand dollar grant for the purpose of  
2 implementing the education sector excellence assessment framework,  
3 including contracting with a trained national or state examiner to  
4 assess the operational performance of the school district using the  
5 education sector excellence assessment framework.

6 (2) The office of the superintendent of public instruction shall  
7 develop a phased-in schedule whereby all school districts with at  
8 least five thousand students or more have implemented the education  
9 sector excellence assessment framework by the 2020-21 school year.  
10 The schedule developed by the office of the superintendent of public  
11 instruction must phase in all applicable school districts in order to  
12 ensure availability of trained national or state excellence  
13 assessment examiners. Each school district shall receive a ten  
14 thousand dollar grant at the start of the school year for which the  
15 district was selected to implement the education sector excellence  
16 assessment framework.

17 (3) School districts that have implemented the education sector  
18 excellence assessment framework shall contract with a trained  
19 examiner every three years with the goal of achieving within nine  
20 years a score of seventy percent or higher on the scoring guidelines  
21 published by the national institutes of standards and technology,  
22 United States department of commerce.

23 (4) Beginning in the 2019-20 school year, each school district  
24 that has implemented the education sector excellence assessment  
25 framework shall report the results to the office of the  
26 superintendent of public instruction. The school district must  
27 include in its report a summary of the results of each operational  
28 performance assessment. School districts shall continue to implement  
29 the education sector excellence assessment framework and report the  
30 results every three years.

31 NEW SECTION. **Sec. 1503.** A new section is added to chapter  
32 28A.300 RCW to read as follows:

33 The office of the superintendent of public instruction shall:

34 (1) Develop a standardized manner for school districts to report  
35 the results of the implementation of the education sector excellence  
36 assessment framework as required under section 1502 of this act; and

37 (2) Analyze the school district reports to identify processes to  
38 streamline or eliminate in order to improve the school district  
39 results. The analysis must be shared with the school districts and

1 take into consideration information obtained through any operational  
2 performance assessments conducted in previous years as required in  
3 section 1502 of this act.

4 NEW SECTION. **Sec. 1504.** A new section is added to chapter  
5 28A.310 RCW to read as follows:

6 (1) By December 1, 2019, all educational service districts must  
7 implement the education sector excellence assessment framework  
8 published by the national institutes of standards and technology,  
9 United States department of commerce.

10 (2) Each educational service district must contract with a  
11 trained national or state excellence assessment examiner within a  
12 year of implementation, and every three years thereafter, with the  
13 goal of reaching a score of seventy percent or higher based on the  
14 scoring guidelines published by the national institutes of standards  
15 and technology, United States department of commerce, within a nine-  
16 year period.

17 NEW SECTION. **Sec. 1505.** A new section is added to chapter  
18 28A.300 RCW to read as follows:

19 (1) By December 1, 2019, the office of the superintendent of  
20 public instruction must implement the education sector excellence  
21 assessment framework published by the national institutes of  
22 standards and technology, United States department of commerce.

23 (2) The office of the superintendent of public instruction must  
24 contract with a trained national or state excellence assessment  
25 examiner within a year of implementation, and every three years  
26 thereafter, with the goal of reaching a score of seventy percent or  
27 higher based on the scoring guidelines published by the national  
28 institutes of standards and technology, United States department of  
29 commerce, within a nine-year period.

30 NEW SECTION. **Sec. 1506.** A new section is added to chapter  
31 28A.305 RCW to read as follows:

32 (1) By December 1, 2019, the state board of education must  
33 implement the education sector excellence assessment framework  
34 published by the national institutes of standards and technology,  
35 United States department of commerce.

36 (2) The state board of education must contract with a trained  
37 national or state excellence assessment examiner within a year of

1 implementation, and every three years thereafter, with the goal of  
2 reaching a score of seventy percent or higher based on the scoring  
3 guidelines published by the national institutes of standards and  
4 technology, United States department of commerce, within a nine-year  
5 period.

6 NEW SECTION. **Sec. 1507.** A new section is added to chapter  
7 28A.410 RCW to read as follows:

8 (1) By December 1, 2019, the professional educator standards  
9 board must implement the education sector excellence assessment  
10 framework published by the national institutes of standards and  
11 technology, United States department of commerce.

12 (2) The professional educator standards board must contract with  
13 a trained national or state excellence assessment examiner within a  
14 year of implementation, and every three years thereafter, with the  
15 goal of reaching a score of seventy percent or higher based on the  
16 scoring guidelines published by the national institutes of standards  
17 and technology, United States department of commerce, within a nine-  
18 year period.

19 NEW SECTION. **Sec. 1508.** A new section is added to chapter  
20 28A.345 RCW to read as follows:

21 (1) By December 1, 2019, the Washington state school directors'  
22 association must implement the education sector excellence assessment  
23 framework published by the national institutes of standards and  
24 technology, United States department of commerce.

25 (2) The Washington state school directors' association must  
26 contract with a trained national or state excellence assessment  
27 examiner within a year of implementation, and every three years  
28 thereafter, with the goal of reaching a score of seventy percent or  
29 higher based on the scoring guidelines published by the national  
30 institutes of standards and technology, United States department of  
31 commerce, within a nine-year period.

32 NEW SECTION. **Sec. 1509.** A new section is added to chapter  
33 43.06B RCW to read as follows:

34 (1) By December 1, 2019, the office of the education ombuds must  
35 implement the education sector excellence assessment framework  
36 published by the national institutes of standards and technology,  
37 United States department of commerce.

1 (2) The office of the education ombuds must contract with a  
2 trained national or state excellence assessment examiner within a  
3 year of implementation, and every three years thereafter, with the  
4 goal of reaching a score of seventy percent or higher based on the  
5 scoring guidelines published by the national institutes of standards  
6 and technology, United States department of commerce, within a nine-  
7 year period.

8 **PART XVI**

9 **AUTHORITY TO REMOVE TEACHERS DETRIMENTAL TO STUDENT ACADEMIC**  
10 **PERFORMANCE**

11 **Sec. 1601.** RCW 28A.405.140 and 1993 c 336 s 403 are each amended  
12 to read as follows:

13 (1) After an evaluation conducted pursuant to RCW 28A.405.100,  
14 the principal or the evaluator may require the teacher to take in-  
15 service training provided by the district in the area of teaching  
16 skills needing improvement, and may require the teacher to have a  
17 mentor for purposes of achieving such improvement.

18 (2) Notwithstanding the provisions of RCW 28A.405.210,  
19 28A.405.220, 28A.405.300, 28A.405.310, and 28A.405.320, if, for three  
20 consecutive years or three nonconsecutive years within any five-year  
21 period, clear improvement is not demonstrated based on the in-service  
22 training and mentoring provided pursuant to subsection (1) of this  
23 section and after a finding that the lack of a teacher's progress in  
24 improving his or her teaching skills is detrimental to the academic  
25 performance of the teacher's students, the principal may initiate an  
26 action to dismiss the teacher. In the event the principal makes this  
27 determination, the teacher shall be notified in writing. The  
28 notification must include a detailed explanation of the reasons for  
29 the principal making this determination.

30 (3) Within ten days of receiving notice pursuant to this section,  
31 every teacher receiving such notice, at his or her request, must be  
32 provided an opportunity to meet informally with the principal for the  
33 purpose of requesting that the principal reconsider his or her  
34 decision. At the meeting, the teacher must be given the opportunity  
35 to refute any facts upon which the principal's determination was  
36 made.

37 (4) Within ten days following the meeting with the teacher, the  
38 principal must either reinstate the teacher or must submit to the

1 school district board of directors for consideration at its next  
2 regular meeting a written report recommending that the employment  
3 contract of the teacher be terminated. A copy of the report must be  
4 delivered to the teacher at least ten days before the scheduled  
5 meeting of the board of directors. At the board of directors'  
6 meeting, the teacher must be given the opportunity to present  
7 information and provide documentation refuting any facts upon which  
8 the principal's determination was made.

9 (5) The board of directors must notify the teacher in writing of  
10 its final decision within ten days following the meeting at which the  
11 principal's recommendation was considered. The decision of the board  
12 of directors to terminate the contract of a teacher pursuant to this  
13 section is final and not subject to appeal.

14 (6) All school district collective bargaining agreements signed,  
15 adopted, or renewed after the effective date of this section must  
16 include provisions consistent with this section.

17 **Sec. 1602.** RCW 28A.405.220 and 2016 c 85 s 2 are each amended to  
18 read as follows:

19 (1) Notwithstanding the provisions of RCW 28A.405.140 and  
20 28A.405.210, every person employed by a school district in a teaching  
21 or other nonsupervisory certificated position shall be subject to  
22 nonrenewal of employment contract as provided in this section during  
23 the first three years of employment by such district, unless: (a) The  
24 employee has previously completed at least two years of certificated  
25 employment in another school district in the state of Washington, in  
26 which case the employee shall be subject to nonrenewal of employment  
27 contract pursuant to this section during the first year of employment  
28 with the new district; or (b) the employee has received an evaluation  
29 rating below level 2 on the four-level rating system established  
30 under RCW 28A.405.100 during the third year of employment, in which  
31 case the employee shall remain subject to the nonrenewal of the  
32 employment contract until the employee receives a level 2 rating; or  
33 (c) the school district superintendent may make a determination to  
34 remove an employee from provisional status if the employee has  
35 received one of the top two evaluation ratings during the second year  
36 of employment by the district. Employees as defined in this section  
37 shall hereinafter be referred to as "provisional employees."

38 (2) In the event the superintendent of the school district  
39 determines that the employment contract of any provisional employee

1 should not be renewed by the district for the next ensuing term such  
2 provisional employee shall be notified thereof in writing on or  
3 before May 15th preceding the commencement of such school term, or if  
4 the omnibus appropriations act has not passed the legislature by the  
5 end of the regular legislative session for that year, then  
6 notification shall be no later than June 15th, which notification  
7 shall state the reason or reasons for such determination. Such notice  
8 shall be served upon the provisional employee personally, or by  
9 certified or registered mail, or by leaving a copy of the notice at  
10 the place of his or her usual abode with some person of suitable age  
11 and discretion then resident therein. The determination of the  
12 superintendent shall be subject to the evaluation requirements of RCW  
13 28A.405.100.

14 (3) Every such provisional employee so notified, at his or her  
15 request made in writing and filed with the superintendent of the  
16 district within ten days after receiving such notice, shall be given  
17 the opportunity to meet informally with the superintendent for the  
18 purpose of requesting the superintendent to reconsider his or her  
19 decision. Such meeting shall be held no later than ten days following  
20 the receipt of such request, and the provisional employee shall be  
21 given written notice of the date, time and place of meeting at least  
22 three days prior thereto. At such meeting the provisional employee  
23 shall be given the opportunity to refute any facts upon which the  
24 superintendent's determination was based and to make any argument in  
25 support of his or her request for reconsideration.

26 (4) Within ten days following the meeting with the provisional  
27 employee, the superintendent shall either reinstate the provisional  
28 employee or shall submit to the school district board of directors  
29 for consideration at its next regular meeting a written report  
30 recommending that the employment contract of the provisional employee  
31 be nonrenewed and stating the reason or reasons therefor. A copy of  
32 such report shall be delivered to the provisional employee at least  
33 three days prior to the scheduled meeting of the board of directors.  
34 In taking action upon the recommendation of the superintendent, the  
35 board of directors shall consider any written communication which the  
36 provisional employee may file with the secretary of the board at any  
37 time prior to that meeting.

38 (5) The board of directors shall notify the provisional employee  
39 in writing of its final decision within ten days following the  
40 meeting at which the superintendent's recommendation was considered.

1 The decision of the board of directors to nonrenew the contract of a  
2 provisional employee shall be final and not subject to appeal.

3 (6) This section applies to any person employed by a school  
4 district in a teaching or other nonsupervisory certificated position  
5 after June 25, 1976. This section provides the exclusive means for  
6 nonrenewing the employment contract of a provisional employee and no  
7 other provision of law shall be applicable thereto, including,  
8 without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

## 9 **PART XVII**

### 10 **REPEALERS**

11 NEW SECTION. **Sec. 1701.** The following acts or parts of acts are  
12 each repealed:

13 (1) RCW 28A.150.198 (Finding—Intent—2009 c 548) and 2009 c 548 s  
14 1;

15 (2) RCW 28A.150.261 (State funding to support instructional  
16 program of basic education—Schedule of increased allocations) and  
17 2015 3rd sp.s. c 38 s 2 & 2015 c 2 s 3;

18 (3) RCW 28A.160.150 (Student transportation allocation—Operating  
19 costs, determination and funding) and 2009 c 548 s 304, 1996 c 279 s  
20 1, 1990 c 33 s 141, 1983 1st ex.s. c 61 s 2, & 1981 c 265 s 1;

21 (4) RCW 28A.160.160 (Student transportation allocation—  
22 Definitions) and 2009 c 548 s 305, 1996 c 279 s 2, 1995 c 77 s 17,  
23 1990 c 33 s 142, 1983 1st ex.s. c 61 s 3, & 1981 c 265 s 2;

24 (5) RCW 28A.160.180 (Student transportation allocation  
25 determination—Report) and 2009 c 548 s 307, 1996 c 279 s 3, 1995 c 77  
26 s 18, 1990 c 33 s 144, 1985 c 59 s 1, 1983 1st ex.s. c 61 s 5, 1982  
27 1st ex.s. c 24 s 2, & 1981 c 265 s 4;

28 (6) RCW 28A.160.190 (Student transportation allocation—Notice—  
29 Payment schedule) and 2009 c 548 s 308, 1990 c 33 s 145, 1985 c 59 s  
30 2, 1983 1st ex.s. c 61 s 6, 1982 1st ex.s. c 24 s 3, & 1981 c 265 s  
31 5;

32 (7) RCW 28A.160.191 (Student transportation allocation—Adequacy  
33 for certain districts—Adjustment) and 2009 c 548 s 309;

34 (8) RCW 28A.160.192 (Student transportation allocation—  
35 Distribution formula) and 2011 1st sp.s. c 27 s 3, 2010 c 236 s 8, &  
36 2009 c 548 s 311;

1 (9) RCW 28A.160.205 (School bus replacement incentive program—  
2 Rules) and 2007 c 348 s 101;

3 (10) RCW 28A.180.080 (Allocation of moneys for bilingual  
4 instruction program) and 2009 c 548 s 705, 1995 c 335 s 601, 1990 c  
5 33 s 167, & 1979 c 95 s 6;

6 (11) RCW 28A.300.173 (Prototypical funding model—District  
7 allocation of state resources—Public access on internet-based portal)  
8 and 2010 c 236 s 12;

9 (12) RCW 28A.300.2851 (School bullying and harassment—Work group)  
10 and 2013 c 23 s 51 & 2011 c 185 s 2;

11 (13) RCW 28A.400.201 (Enhanced salary allocation model for  
12 educator development and certification—Technical working group—  
13 Report and recommendation) and 2016 c 162 s 4, 2011 1st sp.s. c 43 s  
14 468, 2010 c 236 s 7, & 2009 c 548 s 601;

15 (14) RCW 28A.405.200 (Annual salary schedules as basis for  
16 salaries of certificated employees) and 1969 ex.s. c 283 s 1;

17 (15) RCW 28A.415.020 (Credit on salary schedule for approved in-  
18 service training, continuing education, and internship) and 2011 1st  
19 sp.s. c 18 s 5, 2007 c 319 s 3, 2006 c 263 s 808, 1995 c 284 s 2,  
20 1990 c 33 s 415, & 1987 c 519 s 1;

21 (16) RCW 28A.415.023 (Credit on salary schedule for approved in-  
22 service training, continuing education, or internship—Course content  
23 —Rules) and 2012 c 35 s 6 & 2011 1st sp.s. c 18 s 6;

24 (17) RCW 28A.415.024 (Credit on salary schedule—Accredited  
25 institutions—Verification—Penalty for submitting credits from  
26 unaccredited institutions) and 2006 c 263 s 809 & 2005 c 461 s 1;

27 (18) RCW 28A.415.025 (Internship clock hours—Rules) and 2006 c  
28 263 s 810 & 1995 c 284 s 3;

29 (19) 2015 c 2 s 1 (uncodified);

30 (20) 2015 c 2 s 4 (uncodified); and

31 (21) 2015 3rd sp.s. c 38 s 3 and 2015 c 2 s 5 (uncodified).

32 **NEW SECTION. Sec. 1702.** The following acts or parts of acts are  
33 each repealed, effective September 1, 2018:

34 (1) RCW 28A.150.260 (Allocation of state funding to support  
35 instructional program of basic education—Distribution formula—  
36 Prototypical schools—Enhancements and adjustments—Review and  
37 approval—Enrollment calculation) and 2015 c 2 s 2, 2014 c 217 s 206,  
38 2011 1st sp.s. c 27 s 2, (2011 1st sp.s. c 34 s 9 expired July 1,



2013), 2010 c 236 s 2, 2009 c 548 s 106, 2006 c 263 s 322, 1997 c 13 s 2, (1997 c 13 s 1 and 1995 c 77 s 2 expired September 1, 2000), 1995 c 77 s 3, 1992 c 141 s 507, 1992 c 141 s 303, 1991 c 116 s 10, 1990 c 33 s 108, 1987 1st ex.s. c 2 s 202, 1985 c 349 s 5, 1983 c 229 s 1, 1979 ex.s. c 250 s 3, 1979 c 151 s 12, 1977 ex.s. c 359 s 5, & 1969 ex.s. c 244 s 14;

(2) RCW 28A.400.205 (Cost-of-living increases for employees) and 2013 2nd sp.s. c 5 s 1, 2011 1st sp.s. c 18 s 1, 2009 c 573 s 1, 2003 1st sp.s. c 20 s 1, & 2001 c 4 s 2; and

(3) RCW 28A.400.206 (Cost-of-living increases—Duty of state) and 2003 1st sp.s. c 20 s 2 & 2001 c 4 s 1.

## **PART XVIII DECODIFICATION**

NEW SECTION.      **Sec. 1801.**      RCW 28A.405.110 (Evaluations—Legislative findings) is decodified.

## **PART XIX RECODIFICATION**

NEW SECTION.      **Sec. 1901.**      (1) RCW 28A.150.230, 28A.150.300, and 28A.150.305 are each recodified as sections in chapter 28A.320 RCW.

(2) RCW 28A.150.240 is recodified as a section in chapter 28A.405 RCW.

(3) RCW 28A.150.550 is recodified as a section in chapter 28A.657 RCW.

## **PART XX REFERENDUM**

NEW SECTION.      **Sec. 2001.**      Sections 403 and 412 of this act take effect January 1, 2019, only if the referendum in section 2002 of this act is not adopted by the people and certified by the secretary of state by January 1, 2018. The secretary of state shall provide written notice to the governor, the legislature, and the code reviser's office by January 1, 2018, as to whether the requirements of this section have been met.

1        NEW SECTION.    **Sec. 2002.**    The secretary of state shall submit  
2    this act, except for sections 401 through 412 of this act, to the  
3    people for their adoption and ratification, or rejection, at the next  
4    general election to be held in this state, in accordance with Article  
5    II, section 1 of the state Constitution and the laws adopted to  
6    facilitate its operation.

--- END ---