
SECOND SUBSTITUTE HOUSE BILL 2670

State of Washington

61st Legislature

2010 Regular Session

By House Ways & Means (originally sponsored by Representatives Haigh, Ericks, Quall, Sullivan, Kenney, Maxwell, Simpson, Priest, Dammeier, and Kagi)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to restoring the school district levy base;
2 amending RCW 84.52.0531; amending 2006 c 119 s 3 (uncodified); amending
3 2009 c 4 s 909 (uncodified); creating a new section; and providing an
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that since 2004,
7 school districts have been permitted to restore full funding for
8 Initiative 728 and Initiative 732 in the levy base. The intent of the
9 legislature is to extend the expiration date for this provision and
10 also to restore in the base funding received for staffing enhancements
11 in grades kindergarten through four.

12 **Sec. 2.** RCW 84.52.0531 and 2009 c 4 s 908 are each amended to read
13 as follows:

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

17 (1) For excess levies for collection in calendar year 1997, the

1 maximum dollar amount shall be calculated pursuant to the laws and
2 rules in effect in November 1996.

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

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

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

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

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

23 (ii) The serving district's maximum levy percentage determined
24 under subsection (5) of this section; increased by:

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

29 (d) The district's maximum levy amount shall be reduced by the
30 maximum amount of state matching funds for which the district is
31 eligible under RCW 28A.500.010.

32 (3) For excess levies for collection in calendar year 2005 and
33 thereafter, a district's levy base shall be the sum of allocations in
34 (a) through (c) of this subsection received by the district for the
35 prior school year and the amounts determined under subsection (4) of
36 this section, including allocations for compensation increases, plus
37 the sum of such allocations multiplied by the percent increase per full
38 time equivalent student as stated in the state basic education

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

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

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

10 (i) Pupil transportation;

11 (ii) Special education;

12 (iii) Education of highly capable students;

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

16 (v) Food services; and

17 (vi) Statewide block grant programs; and

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

21 (4)(a) For levy collections in calendar years 2005 through ~~((2011))~~
22 2017, in addition to the allocations included under subsection (3)(a)
23 through (c) of this section, a district's levy base shall also include
24 the following:

25 ~~((a))~~ (i)(A) For levy collections in calendar year 2010, the
26 difference between the allocation the district would have received in
27 the current school year had RCW 84.52.068 not been amended by chapter
28 19, Laws of 2003 1st sp. sess. and the allocation the district received
29 in the current school year pursuant to RCW ((84.52.068. The office of
30 the superintendent of public instruction shall offset the amount added
31 to a district's levy base pursuant to this subsection (4)(a) by any
32 additional per student allocations included in a district's levy base
33 pursuant to the enactment of an initiative to the people subsequent to
34 June 10, 2004)) 28A.505.220;

35 (B) For levy collections in calendar years 2011 through 2017, the
36 difference between the allocation rate the district would have received
37 in the prior school year using the Initiative 728 rate and the
38 allocation rate the district received in the prior school year pursuant

1 to RCW 28A.505.220 multiplied by the full-time equivalent student
2 enrollment used to calculate the Initiative 728 allocation for the
3 prior school year; and

4 ~~((b))~~ (ii) The difference between the allocations the district
5 would have received the prior school year ((had RCW 28A.400.205 not
6 been amended by chapter 20, Laws of 2003 1st sp. sess.)) using the
7 Initiative 732 base and the allocations the district actually received
8 the prior school year pursuant to RCW 28A.400.205((. The office of the
9 superintendent of public instruction shall offset the amount added to
10 a district's levy base pursuant to this subsection (4)(b) by any
11 additional salary increase allocations included in a district's levy
12 base pursuant to the enactment of an initiative to the people
13 subsequent to June 10, 2004)).

14 (b) For levy collections in calendar years 2011 through 2017, in
15 addition to the allocations included under subsections (3)(a) through
16 (c) and (4)(a) of this section, a district's levy base shall also
17 include the difference between an allocation of fifty-three and two-
18 tenths certificated instructional staff units per thousand full-time
19 equivalent students in grades kindergarten through four enrolled in the
20 prior school year and the allocation of certificated instructional
21 staff units per thousand full-time equivalent students in grades
22 kindergarten through four that the district actually received in the
23 prior school year, except that the levy base for a school district
24 whose allocation in the 2009-10 school year was less than fifty-three
25 and two-tenths certificated instructional staff units per thousand
26 full-time equivalent students in grades kindergarten through four shall
27 include the difference between the allocation the district actually
28 received in the 2009-10 school year and the allocation the district
29 actually received in the prior school year.

30 (5) A district's maximum levy percentage shall be twenty-two
31 percent in 1998 and twenty-four percent in 1999 and every year
32 thereafter; plus, for qualifying districts, the grandfathered
33 percentage determined as follows:

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

36 (b) For 1998 and thereafter, the percentage calculated as follows:

37 (i) Multiply the grandfathered percentage for the prior year times

1 the district's levy base determined under subsection (3) of this
2 section;

3 (ii) Reduce the result of (b)(i) of this subsection by any levy
4 reduction funds as defined in subsection (6) of this section that are
5 to be allocated to the district for the current school year;

6 (iii) Divide the result of (b)(ii) of this subsection by the
7 district's levy base; and

8 (iv) Take the greater of zero or the percentage calculated in
9 (b)(iii) of this subsection.

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

22 ~~((For the purposes of this section,))~~ The definitions in this
23 subsection apply throughout this section unless the context clearly
24 requires otherwise.

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

27 ~~((8) For the purposes of this section,))~~ (b) "Current school year"
28 means the year immediately following the prior school year.

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

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

1 allocation had been provided in previous years and in each subsequent
2 year.

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

5 ~~((+10+))~~ (9) The superintendent of public instruction shall develop
6 rules and regulations and inform school districts of the pertinent data
7 necessary to carry out the provisions of this section.

8 ~~((+11+))~~ (10) For calendar year 2009, the office of the
9 superintendent of public instruction shall recalculate school district
10 levy authority to reflect levy rates certified by school districts for
11 calendar year 2009.

12 **Sec. 3.** 2006 c 119 s 3 (uncodified) is amended to read as follows:
13 This act expires January 1, ~~((2012))~~ 2018.

14 **Sec. 4.** 2009 c 4 s 909 (uncodified) is amended to read as follows:
15 Section 908 of this act expires January 1, ~~((2012))~~ 2018.

16 NEW SECTION. **Sec. 5.** Section 2 of this act expires January 1,
17 2018.

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