
HOUSE BILL 2791

State of Washington

66th Legislature

2020 Regular Session

By Representatives Tharinger, DeBolt, Blake, Walsh, Chapman, Eslick, Van Werven, and Shewmake

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

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

6 NEW SECTION. **Sec. 1.** School districts in counties with federal
7 and state forests are uniquely limited in terms of generating local
8 revenue to enhance the program of basic education and to repair and
9 renew school facilities. The legislature intends to no longer reduce
10 state basic education funding to school districts in counties with
11 federal and state forestlands. The money school districts receive as
12 a result of federal and state forest revenue payments should be
13 considered a grant, or as compensation, to inhabitants of local areas
14 for impacts associated with the presence of federal and state lands.
15 These revenues should be delivered to school districts as a
16 supplement to basic education allocations in addition to the state's
17 basic education apportionment.

18 **Sec. 2.** RCW 28A.150.250 and 2018 c 177 s 601 are each amended to
19 read as follows:

1 (1) From those funds made available by the legislature for the
2 current use of the common schools, the superintendent of public
3 instruction shall distribute annually as provided in RCW 28A.510.250
4 to each school district of the state operating a basic education
5 instructional program approved by the state board of education an
6 amount based on the formulas provided in RCW 28A.150.260,
7 28A.150.390, and 28A.150.392 which, when combined with an appropriate
8 portion of such locally available revenues (~~(, other than receipts~~
9 ~~from federal forest revenues distributed to school districts pursuant~~
10 ~~to RCW 28A.520.010 and 28A.520.020,)) as the superintendent of public
11 instruction may deem appropriate for consideration in computing state
12 equalization support, excluding excess property tax levies, will
13 constitute a basic education allocation in dollars for each annual
14 average full-time equivalent student enrolled. These basic education
15 distributions must not be reduced by funds received by local
16 districts from federal forest revenues pursuant to RCW 28A.520.010
17 and 28A.520.020, and from state forest revenues pursuant to RCW
18 79.64.110.~~

19 (2) The instructional program of basic education shall be
20 considered to be fully funded by those amounts of dollars
21 appropriated by the legislature pursuant to RCW 28A.150.260,
22 28A.150.390, and 28A.150.392 to fund those program requirements
23 identified in RCW 28A.150.220 in accordance with the formula provided
24 in RCW 28A.150.260 and those amounts of dollars appropriated by the
25 legislature to fund the salary requirements of RCW 28A.150.410.

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

34 (b) If the state board of education recommends the withholding of
35 a school district's basic education allocation under this subsection,
36 the superintendent of public instruction may withhold the allocation
37 of state funds in whole or in part for support of the school
38 district. Written notice of the intent to withhold state funds, with
39 reasons stated for this action, shall be made to the school district

1 by the office of the superintendent of public instruction before any
2 portion of the state allocation is withheld.

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

5 (1) There shall be a fund known as the federal forest revolving
6 account. The state treasurer, who shall be custodian of the revolving
7 account, shall deposit into the revolving account the funds for each
8 county received by the state in accordance with Title 16, section
9 500, United States Code. The state treasurer shall distribute these
10 moneys to the counties according to the determined proportional area.
11 The county legislative authority shall expend fifty percent of the
12 money for the benefit of the public roads and other public purposes
13 as authorized by federal statute or public schools of such county and
14 not otherwise. Disbursements by the counties of the remaining fifty
15 percent of the money shall be as authorized by the superintendent of
16 public instruction, or the superintendent's designee, and shall occur
17 in the manner provided in subsection (2) of this section.

18 (2) No later than thirty days following receipt of the funds from
19 the federal government, the superintendent of public instruction
20 shall apportion moneys distributed to counties for schools to public
21 school districts in the respective counties in proportion to the
22 number of resident full-time equivalent students enrolled in each
23 public school district to the number of resident full-time equivalent
24 students enrolled in public schools in the county. In apportioning
25 these funds, the superintendent of public instruction shall utilize
26 the October enrollment count.

27 (3) ~~((a) Except as provided in (b) of this subsection, if the))~~
28 The amount received by any public school district pursuant to
29 subsection (2) of this section ~~((is less than))~~ must not reduce the
30 basic education allocation to which the district would otherwise be
31 entitled ~~((, the superintendent of public instruction shall apportion
32 to the district, in the manner provided by RCW 28A.510.250, an amount
33 which shall be the difference between the amount received pursuant to
34 subsection (2) of this section and the basic education allocation to
35 which the district would otherwise be entitled.~~

36 ~~(b) If a school district has a poverty level of at least fifty-~~
37 ~~seven percent, the superintendent may not offset that district's~~
38 ~~basic education allocation by the amount of those federal forest~~
39 ~~revenues, to the extent that such revenues do not exceed seventy~~

1 ~~thousand dollars. The superintendent may offset the district's basic~~
2 ~~education allocations by the portion of the federal forest revenues~~
3 ~~that exceeds seventy thousand dollars. For purposes of this section,~~
4 ~~poverty is measured by the percentage of students eligible for free~~
5 ~~and reduced-price lunch in the previous school year)).~~

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

9 (5) The definition of resident student for purposes of this
10 section shall be based on rules adopted by the superintendent of
11 public instruction, which shall consider and address the impact of
12 alternative learning experience students on federal forest funds
13 distribution.

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