

for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate September 15, 1973.

Passed the House September 15, 1973.

Approved by the Governor September 27, 1973.

Filed in Office of Secretary of State September 27, 1973.

CHAPTER 33
[House Bill No. 1128]
BASIC PROGRAM OF EDUCATION FINANCIAL EQUALIZATION
ACT OF 1973

AN ACT Relating to education; amending section 2, chapter 46, Laws of 1973 as amended by section 137, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130; amending section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145; amending section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040; amending section 2, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 42, Laws of 1970 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.802; amending section 4, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.803; amending section 6, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.805; amending section 8, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.807; amending section 9, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.808; amending section 10, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.809; amending section 11, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.810; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; repealing section 2, chapter 46, Laws of 1973 as last amended by section ..., chapter ..., Laws of 1973 2nd ex. sess. and RCW 28A.41.130; repealing section 2, chapter 46, Laws of 1973 as last amended by sections 9, 136, 138 and 139, chapter 195, Laws of 1973 1st ex. sess., all codified as RCW 28A.41.130; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; making an effective date; and providing for the expiration of this act.

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

NEW SECTION. Section 1. This 1973 amendatory act shall be known and may be cited as "the basic program of education financial

equalization act of 1973".

NEW SECTION. Sec. 2. It is the intent of this 1973 amendatory act to:

(1) Assure the citizens of this state that adequate and equalized financial aid for education will result without the reliance on high property taxes resulting from annual special excess levies for operating and maintenance purposes;

(2) Assure the citizens and school districts of this state that the per pupil support level for a basic program of education as defined in section 17 of this 1973 amendatory act will not be reduced as a consequence of the passage of House Joint Resolution No. 37.

Sec. 3. Section 2, chapter 46, Laws of 1973 as amended by section 137, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, ((other than the proceeds of the state property tax)) the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 as now or hereafter amended to each school district of the state operating a program ((approved)) in conformance with law and with minimum standards established by the state board of education an amount which, when combined with the following revenues, will constitute ((an equal guarantee in dollars for each weighted pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A-56-480)) financial equalization for the common schools of the state:

(1) ((Eighty-five percent of the amount of revenues which would be produced by a levy of seven mills on the assessed valuation of taxable property within the school district adjusted to fifty percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW ~~{---:---:---}~~ as now or hereafter amended would produce irrespective of any delinquencies; and

~~{2}~~) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

~~{3}~~ {2} Eighty-five percent of) {2} The receipts from public

utility district funds distributed to school districts pursuant to RCW 54.28.090; and

~~((4) Eighty-five percent of)~~ (3) The receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

~~((5) Eighty-five percent of)~~ (4) The proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 as now or hereafter amended upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to RCW (_____) as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

~~((6) Eighty-five percent of)~~ (5) Such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing ((state)) financial equalization ((support)) hereunder.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

(1) To determine the allocation of moneys for financial equalization under section 3 of this 1973 amendatory act respecting certificated employees the staff education and experience table referred to in section 2, chapter 134, Laws of 1973 1st ex. sess. (page 891 of the Pamphlet Edition of the 1973 session laws) shall be used for the 1973-75 biennium. The table shall be renewed or revised biennially and shall be subject to approval, rejection, or amendment by the legislature. The table shall be included as a part of the state superintendent's biennial state budget request. In the event the legislature rejects the table presented without adopting a new table, the table established for the previous biennium shall remain in effect.

Subject to appropriation limitations, the numerical allocation of certificated staff shall be computed from the following relationships: For each average annual twenty full time equivalent kindergarten, elementary and secondary pupils, one certificated staff unit: PROVIDED, That for high schools enrolling less than one hundred ninety full time equivalent pupils, nine and one-half certificated staff units.

Using the superintendent of public instructions table based on staff education and experience, together with the numerical allocation above, a composite pay differential factor shall be thus established for each district. The state-wide certificated base pay as determined by the legislature for each school year, as multiplied by the pay differential factor for each district, shall then determine the dollars of pay support for each certificated staff

unit.

In addition to the dollar support hereinabove in this subsection provided, each school district shall receive for certificated employee benefits, other than for insurance benefits under RCW 28A.58.420, as now or hereafter amended, an amount sufficient to reimburse such district for their payments to the old-age and survivors insurance system embodied in the social security act, for employee retirement, industrial insurance, or any other employee benefit program mandated by the legislature for their certificated staff units.

(2) To determine the allocation of additional moneys for classified employees, the factor under subsection (1) of this section for certificated units shall be used. For each sixty full time equivalent kindergarten, elementary and secondary pupils, a numerical allocation of one classified staff unit will be allowed. The state-wide classified base pay as determined by the legislature for each school year, as multiplied by the pay differential factor for each district, shall then determine the dollars of pay support for each classified staff unit.

In addition to the dollar support hereinabove in this subsection provided, each school district shall receive for classified employee benefits, other than for insurance benefits under RCW 28A.58.420, as now or hereafter amended, an amount sufficient to reimburse such district for their payments to the old-age and survivors insurance system embodied in the social security act, for employee retirement, industrial insurance, or any other benefit program mandated by the legislature for their classified staff units.

(3) To determine the allocation of additional moneys for nonemployee related costs for each school year, the legislature shall utilize the number of certificated units as hereinabove in subsection (1) provided.

The enrollment of any district for the purposes of determining full time pupils for the purposes of this section shall be the average number of full time students and part time students as provided for in section 7 of this 1973 amendatory act enrolled on the first school day of each month.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, allocation of state funds pursuant to section 3 of this 1973 amendatory act per certificated unit, classified unit and nonemployee unit calculated pursuant to section 4 of this 1973 amendatory act shall ensure a dollar support level accrued per enrolled pupil of no less than that of the 1973-74 base school year from federal, state,

and local funds used in the apportionment formula calculation as determined by the superintendent of public instruction and such other funds as determined appropriate by the superintendent of public instruction, plus special excess levies: PROVIDED, That districts declining in full time equivalent enrollment by more than two percent from the immediately preceding school year's full-time equivalent enrollment shall receive no less total dollars from the aforementioned sources than the total amount accrued from those sources during the previous school year less one-half of the difference generated on the present school year's enrollment as compared with the previous school year's enrollment for apportionment purposes:

V [PROVIDED FURTHER, That for districts that exceed the state average for comparable districts, the superintendent of public instruction, by rule and regulations, shall provide a five year plan that reduces the funds of such school districts to the state average for comparable districts:

[PROVIDED FURTHER, That for districts below the state average for comparable districts the state superintendent shall provide by rule and regulation a five-year plan that increases the funds of such school districts to the state average for comparable districts.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

In addition to those state funds provided for school districts as otherwise in this chapter provided, the superintendent of public instruction shall include as a part of the superintendent's state budget request, funds to be distributed to school districts for special programs, including but not limited to, programs for the handicapped as authorized by chapter 28A.13 RCW, as now or hereafter amended, programs for culturally disadvantaged students, including additional costs occurring because of a high degree of transient enrollment, programs necessitating additional costs through interdistrict cooperation, whether under RCW 28A.58.075, as now or hereafter amended, or as otherwise provided by law, programs of vocational and/or vocational-technical education, compensatory programs for gifted students, programs for urban, rural, and racial disadvantaged students, pupil transportation including equipment acquisition, and other special programs as deemed appropriate by the superintendent of public instruction and authorized by the legislature.

Sec. 7. Section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145 are each amended 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 or private sectarian 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 or private sectarian school and taking courses at and/or receiving ancillary services offered by any public school not available in such private or private sectarian school district and 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, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: 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) and shall include such costs in the (~~"weighting schedule"~~ established pursuant to REW 28A.41-140) distribution of funds to school districts under section 3 of this 1973 amendatory 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), and shall include said costs in funding the activities of said school districts.

~~((5) The superintendent of public instruction is authorized~~

to adopt rules and regulations to carry out the purposes of RCW 28A.44.440 and 28A.44.445r))

Sec. 8. Section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040 are each amended to read as follows:

The ((weighted)) student enrollment as computed ((under RCW 28A.44.440 accredited to)) for the purposes of section 4 of this 1973 amendatory act for each school district or part thereof within a county shall be the basis upon which the real estate sales tax proceeds as provided for in chapter 28A.45 RCW and apportionments from the county current school fund shall be made.

Sec. 9. Section 2, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 42, Laws of 1970 ex. sess. and RCW 28A.47.801 are each amended to read as follows:

Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment as computed for the purposes of section 4 of this 1973 amendatory act and the provisions of RCW ((28A.44.440 and)) 28A.47.800 through 28A.47.811: PROVIDED, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015, or such lesser amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 10. Section 3, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.802 are each amended to read as follows:

In allotting the state funds provided by RCW ((28A.44.440 and)) 28A.47.800 through 28A.47.811, and in accordance with student enrollment as computed for the purposes of section 4 of this 1973 amendatory act, the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with RCW ((28A.44.440 and)) 28A.47.800 through 28A.47.811 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied

for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

Sec. 11. Section 4, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW ((28A.47.800 and)) 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the district((s))s shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil shall be subtracted from two, and then the result of the foregoing shall be divided by two plus (the ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil).

$$\begin{array}{r}
 \text{Computed} \\
 \text{State Ratio} = \frac{2 - \frac{\text{District adjusted valuation per full time equivalent pupil}}{\text{District adjusted valuation per full time equivalent pupil}}}{2 + \frac{\text{District adjusted valuation per full time equivalent pupil}}{\text{District adjusted valuation per full time equivalent pupil}}} \div \frac{\text{Total state adjusted valuation per full time equivalent pupil}}{\text{Total state adjusted valuation per full time equivalent pupil}} = \text{State \% Assistance}
 \end{array}$$

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW ((REW 28A.47.800 and)) 28A.47.800 through

28A.47.811, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state-owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency.

Sec. 12. Section 6, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.805 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW ((28A.47.140 and) 28A.47.800 through 28A.47.811 for school building construction is found by the state board of education to have a school housing emergency requiring

an allotment of state funds in excess of the amount allocable under RCW 28A.47.803, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

Sec. 13. Section 8, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.807 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW ((~~28A.47.440~~ and)) 28A.47.800 through 28A.47.811; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW ((~~28A.47.440~~ and)) 28A.47.800 through 28A.47.811.

Sec. 14. Section 9, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.808 are each amended to read as follows:

The state board of education shall furnish to school districts seeking state assistance under the provisions of RCW ((~~28A.47.440~~

and) 28A.47.800 through 28A.47.811 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Sec. 15. Section 10, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.809 are each amended to read as follows:

Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 are allotted.

Sec. 16. Section 11, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.810 are each amended to read as follows:

The total amount of funds appropriated under the provisions of RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 and available for allotment by the state board of education shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

NEW SECTION. Sec. 17. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

As used in sections 3 and 4 of this 1973 amendatory act:

(1) "Financial equalization" shall mean the process of providing a specified amount of resources based upon staffing and nonemployee costs standards to each district, depending upon the number of students in noncategorical education programs and recognizing that staff characteristics and the size and location of schools may necessitate the application of alternative standards of financial support.

(2) "Basic program of education" shall mean those approved courses of study or learning experiences prescribed by law and rules and regulations of the state board of education and those determined by local school districts to be essential to comply with the constitutional mandate to provide for the ample education of all children residing within the state without distinction or preference.

NEW SECTION. Sec. 18. The following acts, or parts thereof,

are each hereby repealed:

(1) Section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140.

(2) Section 2, chapter 46, Laws of 1973, section 9, chapter 195, Laws of 1973 1st ex. sess., and RCW 28A.41.130;

(3) Section 2, chapter 46, Laws of 1973, section 136, chapter 195, Laws of 1973 1st ex. sess., and RCW 28A.41.130;

(4) Section 2, chapter 46, Laws of 1973, section 138, chapter 195, Laws of 1973 1st ex. sess., and RCW 28A.41.130;

(5) Section 2, chapter 46, Laws of 1973, section 139, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130; and

(6) Section 2, chapter 46, Laws of 1973 as last amended by section ..., chapter ..., Laws of 1973 2nd ex. sess. and RCW 28A.41.130.

NEW SECTION. Sec. 19. This 1973 amendatory act shall be effective on July 1, 1974.

NEW SECTION. Sec. 20. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. Notwithstanding any other provision of this 1973 amendatory act, if House Joint Resolution No. 37 of the first extraordinary session of the forty-third legislature is not approved by the electorate at the 1973 general election this entire 1973 amendatory act shall be null and void and of no effect.

NEW SECTION. Sec. 22. The 1974 legislature, in the event HJR 37 is approved, may amend said formula distribution to the various school districts, as provided in this act, to legislate state-wide teacher salary schedules.

Passed the House September 14, 1973.

Passed the Senate September 15, 1973.

Approved by the Governor September 26, 1973, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State September 27, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items House Bill No. 1128 entitled:

Veto
Message

"AN ACT Relating to education."

This bill would implement a new state financial aid equalization formula for school districts in the event that HJR 37 is approved by the voters in November, 1973. Section 4 provides a formula upon which a district's

entitlement to maintenance and operating funding would be determined by: (1) certificated and classified personnel allocation; (2) salary costs based on a statewide pay differential table; and (3) nonemployee related costs such as books, supplies, equipment and utilities. Veto
Message

Section 5 of the bill contains the guarantee to the school districts that they will suffer no reduction in their dollar support level per enrolled pupil as a result of the passage of HJR 37. As enacted, however, the second proviso in Section 5 is in direct conflict with such guarantee and with the equalization formula set forth in Section 4. The provisos not only provides for the reduction of the amount of state aid to those districts which exceed the state average for comparable districts, but also dictates a nonformula approach to school district funding which totally ignores the cost characteristics of individual school districts and the concept of program equalization which are reflected in Section 4 and the balance of the act. In addition the proviso flies in the face of the declared intent of the act as stated in Section 2 (2) which assures the citizens and school districts of this state that the per pupil support level will not be reduced upon the passage of HJR 37. In order to restore internal consistency within Section 5 and to preserve the original intent of the act, I have determined to veto the second proviso in Section 5, page 6, of the act, commencing at line 18 and ending on line 22.

Section 22 of the act purports to allow the 1974 Legislature in the event HJR 37 is approved to amend the formula in the act in order to legislate statewide teacher salary schedules. The language of this section is so worded that it has no legal effect whatsoever and adds nothing to the act. If the Legislature wishes to take up the subject of statewide teacher salary schedules in 1974, it has the absolute prerogative to do so and nothing in this act will or can dictate what action will be taken in 1974. Accordingly, I have determined to veto Section 22.

With the exception of the items described above, the remainder of the bill is approved."
