CHAPTER 28.

[S. B. 80.]

SCHOOL MAINTENANCE.

AN ACT relating to education, providing for school revenues and disbursements, amending sections 4719, 4784, 4871, 4873, 4876, 4877, 4878, 4882, 4934, 4936, 4937, and 4938 of Remington's Compiled Statutes and section 1 of chapter 93 of the Laws of the Extraordinary Session of 1925, and repealing chapter 139, and section 4 of chapter 93, of the Laws of the Extraordinary Session of 1925, and sections 4818, 4834, and 4880 of Remington's Compiled Statutes, and all acts and parts of acts in conflict herewith.

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

Budget required.

SECTION 1. Each school district of the second and the third class in the State of Washington shall be required, through its board of directors, to provide a detailed budget containing such information as may be called for on forms to be provided by the superintendent of public instruction who shall determine and direct a schedule for the performance of duties by county and district officers necessary to practical budget making. The budget shall be approved by the school directors after a public hearing whereat any taxpayer may appear and be heard for or against any part of such budget, and thereafter forwarded to the county superintendent before August first of each year, for review and revision by a county reviewing committee of five persons to consist of the county superintendent of schools, a member of the local board of education and three citizens who are taxpayers, registered voters, property owners and residents of the county the budgets of which are under review and who hold no public office with or without salary or who are otherwise in public employment with or without salary; which reviewing committee shall finally fix and determine the amount thereof. The state tax commission shall appoint the three citizen members in each county who shall serve without compensation. The meetings of the reviewing committee shall be open to the public, and a copy of the original budget, and also a copy of the revised budget shall be available for examination by resident taxpayers who may attend the hearing. In arriving at this amount current taxes only may be counted for the purpose of offsetting outstanding warrants, unless the use of delinquent taxes is approved by the reviewing committee. No district of any class shall be permitted to increase its yearly budget during the biennium from July 1, 1933, to June 30, 1935, over the amount of its budget for the school year ending June 30, 1932, excepting in an amount sufficient to care for increased attendance, and/or to pay off any warrant indebtedness outstanding at the close of the previous school year. On or before the Friday following the election at which special levies must be voted, the county superintendent shall file one copy of the budget in his office, one copy with the superintendent of public instruction and one copy with the county auditor for the board of county commissioners, which board shall levy a tax on all the taxable property in the local district sufficient to raise the money to meet the necessary expenditures shown by such budget, after deducting the estimated revenues from state and county funds and other miscellaneous sources, together with such cash on hand as has not been voted or allocated for other purposes or is not needed to keep the district free from an interest bearing warrant basis: *Provided,* That when in the judgment of any school board additional expenditures other than those allowed by the reviewing board are deemed necessary, such expenditures shall be submitted to the electors at the special election provided for in Initiative No. 64 as a separate item and if authorized by a three-

Approved after public hearing.

Reviewing Committee.

Budget to be filed.

Levy.

⅗ vote of electors necessary for additional expenditures.

fifths vote shall be levied and included in the final budget.

Amends §4784, Rem. Comp. Stat.

SEC. 2. That Section 4784, of Remington's Compiled Statutes be amended to read as follows:

Amount of indebtedness limited to budget.

Section 4784. It shall be unlawful for any board of directors to contract indebtedness against its district in any one year in any sum or sums exceeding the aggregate of the amount set forth and approved in their final budget; and any board of directors violating the provision set forth in this section shall be personally liable for the full amount thus expended, or contracted for, and each director having a part in such unlawful expenditure shall immediately forfeit his office: *Provided,* That no board of directors shall be prohibited from making expenditures for the payment of regular employees and for the necessary repairs, and upkeep of the school plant during the interim while the budget is being settled: *Provided, further,* That when any emergency arises because of unforseen conditions, the board of directors in consultation with the county superintendent of schools, and the appointed citizen members of the county reviewing committee shall determine the best means of meeting such emergency, and when the proposed plan and the indebtedness therefor have received the approval of the superintendent of public instruction it shall be put into effect. Any county auditor issuing or causing to be issued a district warrant for any sum or sums not authorized in accordance with this section shall be personally liable therefor, and shall reimburse the district in double the amount of any such sum or sums. An order for a warrant issued by any local board of directors shall not be transferable, and the county auditor shall issue no warrant except to individuals or firms designated in original district orders.

Personal liability.

Expenditure during settling of budget.

Emergency.

County auditor, liability of.

Amends §4719, Rem. Comp. Stat.

SEC. 3. That section 4719 of Remington's Compiled Statutes be amended to read as follows:

Transportation routes, how established.

Section 4719. Transportation routes shall be established or approved by a commission to consist of a member of the local board, a representative of the superintendent of public instruction, and the county superintendent of schools under rules and regulations to be formulated by the superintendent of public instruction. The commission shall cooperate with the local board of directors in establishing new routes of transportation, in approving those routes in operation and in determining costs of individual routes in which matters the action of the local board is made subject to the approval of the commission. Individual transportation or other arrangements may be authorized when these seem best in the judgment of the commission. No district shall be required to transport any pupil living within two miles of the school which such pupil attends. The commission in its discretion may require pupils residing within two miles of an established route to travel to the route at their own expense. Every district maintaining approved transportation routes shall be reimbursed by the state upon the basis of one-half cent per pupil mile. The pupil miles credited to the district each day shall equal the actual number of pupils transported times the mileage of one regular round trip of the conveyance: *Provided,* That no reimbursement shall be given for pupils living within two miles of the school building by the ordinary traveled route: *Provided, further,* That the total reimbursement to any school district shall be limited to fifty per cent of that district's total transportation costs on approved routes. In arriving at this minimum a reasonable depreciation shall be allowed for district-owned conveyances. The superintendent of public instruction shall resolve this transportation allowance into days' attendance and add it to the regular attendance for both state revenue and apportionment purposes. A local district may be

Reimbursement.

Not given when pupils reside within two miles.

Limitation of.

Education of pupils in other districts.

authorized by the county superintendent of schools to educate its pupils in another district for one year, either by the payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education. Such authorization may be extended at the discretion of the county superintendent.

Amends § 4934, Rem. Comp. Stat.

SEC. 4. That section 4934 of Remington's Compiled Statutes be amended to read as follows:

Application of funds.

Section 4934. The interest accruing on said permanent school fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school fund, and from revenues from other sources allotted thereto, shall be exclusively applied to the current use of the common schools. In addition thereto it shall be the duty of the state board of equalization, annually, at the time of levying taxes for other state

Levy.

purposes, to levy a tax not to exceed 5 mills on the dollar, upon all taxable property within the state sufficient to produce a sum, which, when added to the amount of money derived from interest and other income from the state permanent school fund during the preceding school year and to the amount of money collected and allotted to the current use of the common schools of the state during the preceding school year from any other kind of tax or taxes that may hereafter be provided by law, shall

25c per day, per pupil.

equal twenty-five cents per day per pupil for each day's attendance in the common schools of the state during the preceding school year allotted to the several school districts of the state by the superintendent of public instruction as herein provided.

The yearly attendance for calculating the said sum shall be computed on a basis not to exceed one

hundred and eighty school days, and shall be as follows:

Basis of computation:

Elementary, junior high, and high schools.

First: The total number of actual days' attendance in the elementary schools, one and one-fifth times the actual days' attendance in junior high schools and one and two-fifths times the actual days' attendance in regular or senior high schools of the state during the preceding school year, as reported by the county superintendents of schools or the successors to their duties. An additional two-fifths days' attendance shall be counted for each day's attendance in vocational classes approved under the state plan for vocational education.

Vocational classes.

Parental, and schools for defectives.

Second: Three times the actual attendance in parental schools and two times actual attendance in schools for defectives complying with the requirement of section 4878 of Remington's Compiled Statutes amended herein.

Minimum.

Third: Such a total number of days' attendance as is necessary to provide each school district in the state with a minimum of two thousand five hundred days' attendance.

Transportation costs.

Fourth: Such a total number of days' attendance as will, at twenty-five cents per day, equal the amount of the reimbursement by the state to the several school districts for transportation costs as is elsewhere in this act provided.

Night schools.

Fifth: In night schools an attendance of two hours or more shall constitute one-half day for apportionment purposes.

Part-time schools.

Sixth: For attendance in part-time schools which require four hours per week, this aggregate weekly attendance shall be counted as equivalent to one day's attendance in high school.

Kindergartens.

Seventh: In kindergartens an attendance of two hours or more shall constitute one-half day for apportionment purposes.

Eighth: To the regular attendance there shall be added an additional one-half day for each day's actual attendance in the school districts of this state for pupils residing within any military, naval, lighthouse, or other United States reservation, national park or national forest, or on rented or leased undeeded land within any Indian reservation, or the children of school age of any person in the naval or military service of the United States.

Pupils residing within U. S. reservations.

The superintendent of public instruction shall certify, on or before the first day of September of each year, to the state board of equalization the total current state school fund for the year as herein computed. This amount shall constitute the basis for the state levy for current use to be applied exclusively to the common schools. The fund provided by this section shall be known as the current state school fund.

Current state school fund.

Amends §4873, Rem. Comp. Stat.

SEC. 5. That section 4873 of Remington's Compiled Statutes be amended to read as follows:

Section 4873. The basis of apportionment to each county shall be on the total days of attendance in the several districts of the county as computed in section 4 of this act.

County apportionment, basis of.

Amends §4871, Rem. Comp. Stat.

SEC. 6. That section 4871 of Remington's Compiled Statutes be amended to read as follows:

Section 4871. The superintendent of public instruction shall apportion to the several counties of the state on or before the twentieth day of each calendar month of each year such current state school funds as have been certified by the state auditor to be in the hands of the state and county treasurers.

Apportionment, time of.

Amends §4882, Rem. Comp. Stat.

SEC. 7. That section 4882 of Remington's Compiled Statutes be amended to read as follows:

Section 4882. When the school board of any district is obliged to close the schools by order of any health officer on account of prevalence of infectious and/or contagious diseases, or when it is impossible

to maintain the school on account of any circumstance over which the school board has no control, the state superintendent of public instruction may allow such district its regular apportionment of funds for the time so lost, the amount to be determined on a basis of the average daily attendance in the district for the year in which such discontinuance occurred: *Provided,* That in no such case may any district draw money for a period of time longer than fifteen school days in any school year according to the provisions of this section.

Closing of school, funds allowed.

Fifteen day limitation.

Amends §4878, Rem. Comp. Stat.

SEC. 8. That section 4878 of Remington's Compiled Statutes be amended to read as follows:

Section 4878. For the purposes of levying state taxes and of apportionment of current state school funds to the public school districts of the state the attendance of pupils in parental schools where food and lodging are furnished the pupils shall be counted as three times the actual attendance, and in schools for defectives two times the actual attendance shall be allowed. In order to receive the allowances herein authorized for schools for defectives, a district shall be required to comply with such rules and regulations as the state board of education shall determine.

Parental schools.

Schools for defectives.

Amends §4877, Rem. Comp. Stat.

SEC. 9. That section 4877 of Remington's Compiled Statutes be amended to read as follows:

Section 4877. For the purposes of levying and apportioning current state school funds the attendance of pupils in junior high schools shall be counted as one and one-fifth and in regular or senior high schools as one and two-fifths times the actual attendance; but in order to receive the benefit of this provision, these schools shall meet the standards set up by the state board of education and shall not charge tuition for the attendance of any high school pupil resident of a school district in this state which does not maintain a four-year high school. An additional two-fifths day's attendance shall be counted for each

Junior high schools.

Senior high schools.

Vocational classes.

day's attendance in vocational classes approved under the state plan for vocational education.

Amends §1, ch. 93, Ex. Laws 1925.

SEC. 10. That section 1 of chapter 93 of the Laws of Extraordinary Session of 1925 be amended to read as follows:

Children residing within U. S. reservations.

Section 1. That any child who is of school age and otherwise eligible, residing within the boundaries of any military, naval, lighthouse or other United States reservation, national park or national forest, or residing upon rented or leased undeeded lands within any Indian reservation within the State of Washington, shall be admitted to the public school, or schools, of any contiguous district without payment of tuition: *Provided,* The United States authorities in charge of such reservation or park shall cooperate fully with the state, county, and school district authorities in the enforcement of the laws of this state relating to the compulsory attendance of children of school age, and all laws relating to and regulating school attendance: *Provided, further,* That school districts, in the schools of which any child or children residing within any military, naval, lighthouse or other United States reservation, national park or national forest, or on rented or leased undeeded land within any Indian reservation attend under the provisions of this section, shall be reimbursed from the current state school fund on the basis of one and one-half days' attendance for each day said pupil actually attends school as shown by the daily register kept by the teachers in charge: *Provided, still further,* That this extra half day's attendance must be taken into consideration by the superintendent of public instruction and by the county superintendent of schools in determining the aggregate number of days which shall form the basis for the current state school fund, and also in making up the apportionment basis for such districts as may be involved.

Attendance laws, to be enforced.

Reimbursement of school district.

Considered in current school fund and in apportionment basis.

Amends §4937, Rem. Comp. Stat.

SEC. 11. That section 4937 of Remington's Compiled Statutes be amended to read as follows:

Certificate of attendance.

Section 4937. It shall be the duty of the county superintendent of schools of each county in the State of Washington, on or before the 15th day of August in each year, to file with the county auditor of his county a certificate showing the aggregate number of days' attendance accredited to the several school districts, determined from the annual school reports of each district within the county, and this shall be the basis upon which said tax levy, mentioned in section 4936 of Remington's Compiled Statutes, shall be made by the county commissioners of the several counties of the State of Washington. The revenue herein provided shall become a part of the county current school fund and shall be used exclusively to provide education in the common schools.

basis of levy.

Revenue, how used.

Amends §4936, Rem. Comp. Stat.

SEC. 12. That section 4936 of Remington's Compiled Statutes be amended to read as follows:

Section 4936. The county commissioners of the several counties of the State of Washington shall annually at the time of making the tax levy for county purposes, levy a tax on all property subject to taxation in their county, sufficient to produce five cents per day for each pupil in attendance in the common schools of the county during the preceding school year. No district shall be reckoned as having less than two thousand five hundred days' attendance either for revenue or apportionment purposes.

Levy, 5c per day.

Amends §4938, Rem. Comp. Stat.

SEC. 13. That section 4938 of Remington's Compiled Statutes be amended to read as follows:

Section 4938. At the same time that the state school funds are apportioned to the different districts, as provided by sections 4871 to 4883 inclusive of Remington's Compiled Statutes, the whole or any part of the money derived under section 4936 of Remington's Compiled Statutes shall be certified by the county treasurer to the county superintendent of

Certificate of money derived.

schools and by him apportioned to the different districts of the county in proportion to the number of days of attendance in each district for the preceding school year. This apportionment shall be made within five days after receiving the certificate of apportionment from the superintendent of public instruction, and both state and county apportionments shall be completed within the time limit and reported to the county treasurer.

Making of apportionment, time limit.

Amends §4876, Rem. Comp. Stat.

SEC. 14. That section 4876 of Remington's Compiled Statutes be amended to read as follows:

Private schools, report of.

Section 4876. It shall be the duty of the administrative or executive authority of every private school in this state to report to the county superintendent of schools on or before the 30th day of June in each year, on a blank to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state.

Partial invalidity.

SEC. 15. If any section or provision of this act be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Repeals §§4818, 4834, 4880, Rem. Comp. Stat.; ch. 139; § 4, ch. 93, Ex. Laws of 1925.

SEC. 16. That sections 4818, 4834, and 4880 of Remington's Compiled Statutes and chapter 139 and section 4 of chapter 93, of the Laws of the Extraordinary Session of 1925, and all acts and parts of acts in conflict herewith, are hereby repealed.

Passed the Senate February 9, 1933.

Passed the House February 16, 1933.

Approved by the Governor February 21, 1933.