

SHB 2051 - H AMD 580

By Representative Hunter

ADOPTED 06/28/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends to fund a plan to
4 carry out the reforms enacted in chapter 548, Laws of 2009, and chapter
5 236, Laws of 2010, and to make the statutory changes necessary to
6 support this plan.

7 **Sec. 2.** RCW 28A.150.220 and 2013 c 323 s 2 are each amended to
8 read as follows:

9 (1) In order for students to have the opportunity to develop the
10 basic education knowledge and skills under RCW 28A.150.210, school
11 districts must provide instruction of sufficient quantity and quality
12 and give students the opportunity to complete graduation requirements
13 that are intended to prepare them for postsecondary education, gainful
14 employment, and citizenship. The program established under this
15 section shall be the minimum instructional program of basic education
16 offered by school districts.

17 (2) Each school district shall make available to students the
18 following minimum instructional offering each school year:

19 (a) For students enrolled in grades one through twelve, at least a
20 district-wide annual average of one thousand hours, which shall be
21 increased to at least one thousand eighty instructional hours for
22 students enrolled in each of grades seven through twelve and at least
23 one thousand instructional hours for students in each of grades one
24 through six according to an implementation schedule adopted by the
25 legislature, but not before the 2014-15 school year; and

26 (b) For students enrolled in kindergarten, at least four hundred
27 fifty instructional hours, which shall be increased to at least one
28 thousand instructional hours according to the implementation schedule
29 under RCW 28A.150.315.

1 (3) The instructional program of basic education provided by each
2 school district shall include:

3 (a) Instruction in the essential academic learning requirements
4 under RCW 28A.655.070;

5 (b) Instruction that provides students the opportunity to complete
6 twenty-four credits for high school graduation, subject to a phased-in
7 implementation of the twenty-four credits as established by the
8 legislature. Course distribution requirements may be established by
9 the state board of education under RCW 28A.230.090;

10 (c) If the essential academic learning requirements include a
11 requirement of languages other than English, the requirement may be met
12 by students receiving instruction in one or more American Indian
13 languages;

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

17 (e) Supplemental instruction and services for eligible and enrolled
18 students and exited students whose primary language is other than
19 English through the transitional bilingual instruction program under
20 RCW 28A.180.010 through 28A.180.080;

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

24 (g) Programs for highly capable students under RCW 28A.185.010
25 through 28A.185.030.

26 (4) Nothing contained in this section shall be construed to require
27 individual students to attend school for any particular number of hours
28 per day or to take any particular courses.

29 (5) Each school district's kindergarten through twelfth grade basic
30 educational program shall be accessible to all students who are five
31 years of age, as provided by RCW 28A.225.160, and less than twenty-one
32 years of age and shall consist of a minimum of one hundred eighty
33 school days per school year in such grades as are conducted by a school
34 district, and one hundred eighty half-days of instruction, or
35 equivalent, in kindergarten, to be increased to a minimum of one
36 hundred eighty school days per school year according to the
37 implementation schedule under RCW 28A.150.315. However, schools
38 administering the Washington kindergarten inventory of developing

1 skills may use up to three school days at the beginning of the school
2 year to meet with parents and families as required in the parent
3 involvement component of the inventory. In addition, effective May 1,
4 1979, a school district may schedule the last five school days of the
5 one hundred and eighty day school year for noninstructional purposes in
6 the case of students who are graduating from high school, including,
7 but not limited to, the observance of graduation and early release from
8 school upon the request of a student, and all such students may be
9 claimed as a full-time equivalent student to the extent they could
10 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
11 28A.150.260.

12 (6) Nothing in this section precludes a school district from
13 enriching the instructional program of basic education, such as
14 offering additional instruction or providing additional services,
15 programs, or activities that the school district determines to be
16 appropriate for the education of the school district's students.

17 (7) The state board of education shall adopt rules to implement and
18 ensure compliance with the program requirements imposed by this
19 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
20 program approval requirements as the state board may establish.

21 **Sec. 3.** RCW 28A.180.030 and 2001 1st sp.s. c 6 s 3 are each
22 amended to read as follows:

23 As used throughout this chapter, unless the context clearly
24 indicates otherwise:

25 (1) "Transitional bilingual instruction" means:

26 (a) A system of instruction which uses two languages, one of which
27 is English, as a means of instruction to build upon and expand language
28 skills to enable the pupil to achieve competency in English. Concepts
29 and information are introduced in the primary language and reinforced
30 in the second language: PROVIDED, That the program shall include
31 testing in the subject matter in English; or

32 (b) In those cases in which the use of two languages is not
33 practicable as established by the superintendent of public instruction
34 and unless otherwise prohibited by law, an alternative system of
35 instruction which may include English as a second language and is
36 designed to enable the pupil to achieve competency in English.

1 (2) "Primary language" means the language most often used by the
2 student for communication in his/her home.

3 (3) "Eligible pupil" means any enrollee of the school district
4 whose primary language is other than English and whose English language
5 skills are sufficiently deficient or absent to impair learning.

6 (4) "Exited pupil" means a student previously enrolled in the
7 transitional bilingual instruction program who is no longer eligible
8 for the program based on his or her performance on an English
9 proficiency assessment approved by the superintendent of public
10 instruction.

11 **Sec. 4.** RCW 28A.180.040 and 2009 c 380 s 5 are each amended to
12 read as follows:

13 (1) Every school district board of directors shall:

14 (a) Make available to each eligible pupil transitional bilingual
15 instruction to achieve competency in English, in accord with rules of
16 the superintendent of public instruction;

17 (b) Wherever feasible, ensure that communications to parents
18 emanating from the schools shall be appropriately bilingual for those
19 parents of pupils in the bilingual instruction program;

20 (c) Determine, by administration of an English test approved by the
21 superintendent of public instruction the number of eligible pupils
22 enrolled in the school district at the beginning of a school year and
23 thereafter during the year as necessary in individual cases;

24 (d) Ensure that a student who is a child of a military family in
25 transition and who has been assessed as in need of, or enrolled in, a
26 bilingual instruction program, the receiving school shall initially
27 honor placement of the student into a like program.

28 (i) The receiving school shall determine whether the district's
29 program is a like program when compared to the sending school's
30 program; and

31 (ii) The receiving school may conduct subsequent assessments
32 pursuant to RCW 28A.180.090 to determine appropriate placement and
33 continued enrollment in the program;

34 (e) Before the conclusion of each school year, measure each
35 eligible pupil's improvement in learning the English language by means
36 of a test approved by the superintendent of public instruction; (~~and~~)

1 (f) Provide in-service training for teachers, counselors, and other
2 staff, who are involved in the district's transitional bilingual
3 program. Such training shall include appropriate instructional
4 strategies for children of culturally different backgrounds, use of
5 curriculum materials, and program models; and

6 (g) Make available a program of instructional support for up to two
7 years immediately after pupils exit from the program, for exited pupils
8 who need assistance in reaching grade-level performance in academic
9 subjects even though they have achieved English proficiency for
10 purposes of the transitional bilingual instructional program.

11 (2) The definitions in Article II of RCW 28A.705.010 apply to
12 subsection (1)(d) of this section.

13 **Sec. 5.** RCW 43.135.045 and 2012 2nd sp.s. c 5 s 1 and 2012 1st
14 sp.s. c 10 s 5 are each reenacted and amended to read as follows:

15 The education construction fund is hereby created in the state
16 treasury.

17 (1) Funds may be appropriated from the education construction fund
18 exclusively for common school construction or higher education
19 construction. ~~((During the 2007-2009 fiscal biennium, funds may also
20 be used for higher education facilities preservation and maintenance.
21 During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may
22 transfer from the education construction fund to the state general fund
23 such amounts as reflect the excess fund balance of the fund.))~~

24 (2) Funds may be appropriated for any other purpose only if
25 approved by a two-thirds vote of each house of the legislature and if
26 approved by a vote of the people at the next general election. An
27 appropriation approved by the people under this subsection must result
28 in an adjustment to the state expenditure limit only for the fiscal
29 period for which the appropriation is made and does not affect any
30 subsequent fiscal period.

31 ~~((3) After July 1, 2010, the state treasurer must transfer one
32 hundred two million dollars from the general fund to the education
33 construction fund by June 30th of each year. However, the transfers
34 may not take place in the fiscal biennium ending June 30, 2015.))~~

35 **Sec. 6.** RCW 82.45.060 and 2011 1st sp.s. c 50 s 975 and 2011 1st
36 sp.s. c 48 s 7035 are each reenacted and amended to read as follows:

1 There is imposed an excise tax upon each sale of real property at
2 the rate of one and twenty-eight one-hundredths percent of the selling
3 price. Beginning July 1, 2013, and ending June 30, 2019, an amount
4 equal to two percent of the proceeds of this tax must be deposited in
5 the public works assistance account created in RCW 43.155.050, and an
6 amount equal to four and one-tenth percent must be deposited in the
7 education legacy trust account created in RCW 83.100.230. Thereafter,
8 an amount equal to six and one-tenth percent of the proceeds of this
9 tax to the state treasurer must be deposited in the public works
10 assistance account created in RCW 43.155.050 (~~PROVIDED, That during~~
11 ~~the fiscal year 2011, six and one-tenth percent of the proceeds of this~~
12 ~~tax must be deposited in the general fund for general purpose~~
13 ~~expenditures~~)). Except as otherwise provided in this section, an
14 amount equal to one and six-tenths percent of the proceeds of this tax
15 to the state treasurer must be deposited in the city-county assistance
16 account created in RCW 43.08.290. (~~During the 2011-2013 fiscal~~
17 ~~biennium, 1.546 percent of the proceeds of this tax to the state~~
18 ~~treasurer must be deposited in the city-county assistance account.~~)

19 **Sec. 7.** RCW 82.16.020 and 2011 1st sp.s. c 48 s 7033 are each
20 amended to read as follows:

21 (1) There is levied and there shall be collected from every person
22 a tax for the act or privilege of engaging within this state in any one
23 or more of the businesses herein mentioned. The tax shall be equal to
24 the gross income of the business, multiplied by the rate set out after
25 the business, as follows:

26 (a) Express, sewerage collection, and telegraph businesses: Three
27 and six-tenths percent;

28 (b) Light and power business: Three and sixty-two one-hundredths
29 percent;

30 (c) Gas distribution business: Three and six-tenths percent;

31 (d) Urban transportation business: Six-tenths of one percent;

32 (e) Vessels under sixty-five feet in length, except tugboats,
33 operating upon the waters within the state: Six-tenths of one percent;

34 (f) Motor transportation, railroad, railroad car, and tugboat
35 businesses, and all public service businesses other than ones mentioned
36 above: One and eight-tenths of one percent;

37 (g) Water distribution business: Four and seven-tenths percent.

1 (2) An additional tax is imposed equal to the rate specified in RCW
2 82.02.030 multiplied by the tax payable under subsection (1) of this
3 section.

4 (3) Twenty percent of the moneys collected under subsection (1) of
5 this section on water distribution businesses and sixty percent of the
6 moneys collected under subsection (1) of this section on sewerage
7 collection businesses shall be deposited in the education legacy trust
8 account created in RCW 83.100.230 from July 1, 2013, through June 30,
9 2019, and thereafter in the public works assistance account created in
10 RCW 43.155.050(~~(:—PROVIDED, That during the fiscal year 2011, twenty~~
11 ~~percent of the moneys collected under subsection (1) of this section on~~
12 ~~water distribution businesses and sixty percent of the moneys collected~~
13 ~~under subsection (1) of this section on sewerage collection businesses~~
14 ~~must be deposited in the general fund for general purpose~~
15 ~~expenditures)).~~

16 **Sec. 8.** RCW 82.18.040 and 2012 2nd sp.s. c 5 s 2 are each amended
17 to read as follows:

18 (1) Taxes collected under this chapter must be held in trust until
19 paid to the state. Except as otherwise provided in this subsection
20 (1), taxes received by the state must be deposited in the public works
21 assistance account created in RCW 43.155.050. For the period beginning
22 July 1, 2011, and ending June 30, 2015, taxes received by the state
23 under this chapter must be deposited in the general fund for general
24 purpose expenditures. For fiscal years 2016, 2017, and 2018, one-half
25 of the taxes received by the state under this chapter must be deposited
26 in the general fund for general purpose expenditures and the remainder
27 deposited in the ((~~public works assistance account~~)) education legacy
28 trust account created in RCW 83.100.230. For fiscal year 2019, taxes
29 received by the state under this chapter must be deposited in the
30 education legacy trust account created in RCW 83.100.230. Any person
31 collecting the tax who appropriates or converts the tax collected is
32 guilty of a gross misdemeanor if the money required to be collected is
33 not available for payment on the date payment is due. If a taxpayer
34 fails to pay the tax imposed by this chapter to the person charged with
35 collection of the tax and the person charged with collection fails to
36 pay the tax to the department, the department may, in its discretion,
37 proceed directly against the taxpayer for collection of the tax.

1 (2) The tax is due from the taxpayer within twenty-five days from
2 the date the taxpayer is billed by the person collecting the tax.

3 (3) The tax is due from the person collecting the tax at the end of
4 the tax period in which the tax is received from the taxpayer. If the
5 taxpayer remits only a portion of the total amount billed for taxes,
6 consideration, and related charges, the amount remitted must be applied
7 first to payment of the solid waste collection tax and this tax has
8 priority over all other claims to the amount remitted.

9 NEW SECTION. **Sec. 9.** (1) Sections 2 through 4 of this act are
10 necessary for the immediate preservation of the public peace, health,
11 or safety, or support of the state government and its existing public
12 institutions, and take effect September 1, 2013.

13 (2) Section 7 of this act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and takes effect
16 June 30, 2013.

17 (3) Sections 5, 6, and 8 of this act are necessary for the
18 immediate preservation of the public peace, health, or safety, or
19 support of the state government and its existing public institutions,
20 and take effect immediately."

21 Correct the title.

EFFECT: Replaces all provisions of the underlying bill with the following:

Redefines the Transitional Bilingual Instruction Program to require school districts to make instructional support available for students for up to two years immediately after they exit the program, if they need assistance in other academic subjects.

Repeals a requirement for an annual transfer of \$102 million from the general fund to the education construction fund.

Deposits certain revenues into the Education Legacy Trust Account (ELTA) through June 30, 2019, that are currently deposited in the Public Works Assistance Account (PWAA):

Real Estate Excise Tax: From July 1, 2013, through June 30, 2019, 2 percent of the REET is deposited in the PWAA and 4.1 percent is deposited in the ELTA. Thereafter, 6.1 percent is deposited in the PWAA.

Public Utility Tax: From July 1, 2013, through June 30, 2019, the

portion of the tax that is currently deposited in the PWAA is deposited in the ELTA. Thereafter, the tax is deposited in the PWAA.

Solid Waste Collection Tax: As in current law, the tax is deposited in the GFS through June 30, 2015. From July 1, 2015, through June 30, 2018, 50 percent is deposited in the GFS (as in current law) and 50 percent is deposited in the ELTA rather than the PWAA. From July 1, 2018, through June 30, 2019, the tax is deposited in the ELTA. Thereafter, the tax is deposited in the PWAA.

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