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HOUSE BILL 2817

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Eddy and Finn

1 AN ACT Relating to repealing the requirement to provide funding for  
2 a student achievement program; amending RCW 28A.600.405, 43.135.045,  
3 67.70.340, and 83.100.230; reenacting and amending RCW 28A.150.380; and  
4 repealing RCW 28A.505.210 and 28A.505.220.

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

6 **Sec. 1.** RCW 28A.150.380 and 2009 c 548 s 110 and 2009 c 479 s 16  
7 are each reenacted and amended to read as follows:

8 (1) The state legislature shall, at each regular session in an odd-  
9 numbered year, appropriate for the current use of the common schools  
10 such amounts as needed for state support to school districts during the  
11 ensuing biennium for the program of basic education under RCW  
12 28A.150.200.

13 (2) In addition to those state funds provided to school districts  
14 for basic education, the legislature may appropriate funds to be  
15 distributed to school districts for other factors and for other special  
16 programs to enhance or enrich the program of basic education.

17 ~~((3) The state legislature shall also, at each regular session in~~  
18 ~~an odd numbered year, appropriate from the general fund and education~~

1 ~~construction fund for the purposes of and in accordance with the~~  
2 ~~provisions of the student achievement act during the ensuing~~  
3 ~~biennium.))~~

4 **Sec. 2.** RCW 28A.600.405 and 2007 c 355 s 4 are each amended to  
5 read as follows:

6 (1) For purposes of this section and RCW 28B.50.534, "eligible  
7 student" means a student who has completed all state and local high  
8 school graduation requirements except the certificate of academic  
9 achievement under RCW 28A.655.061 or the certificate of individual  
10 achievement under RCW 28A.155.045, who is less than age twenty-one as  
11 of September 1st of the academic year the student enrolls at a  
12 community and technical college under this section, and who meets the  
13 following criteria:

14 (a) Receives a level 2 (basic) score on the reading and writing  
15 content areas of the high school (~~Washington assessment of student~~  
16 ~~learning~~) statewide student assessment;

17 (b) Has not successfully met state standards on a retake of the  
18 assessment or an alternative assessment;

19 (c) Has participated in assessment remediation; and

20 (d) Receives a recommendation to enroll in courses or a program of  
21 study made available under RCW 28B.50.534 from his or her high school  
22 principal.

23 (2) An eligible student may enroll in courses or a program of study  
24 made available by a community or technical college participating in the  
25 pilot program created under RCW 28B.50.534 for the purpose of obtaining  
26 a high school diploma.

27 (3) For eligible students in courses or programs delivered directly  
28 by the community or technical college participating in the pilot  
29 program under RCW 28B.50.534 and only for enrollment in courses that  
30 lead to a high school diploma, the superintendent of public instruction  
31 shall transmit to the colleges participating in the pilot program an  
32 amount per each full-time equivalent college student at statewide  
33 uniform rates. The amount shall be the sum of (a), (b), and (c) (~~, and~~  
34 ~~(d)~~) of this subsection, as applicable.

35 (a) The superintendent shall separately calculate and allocate  
36 moneys appropriated for basic education under RCW 28A.150.260 for  
37 purposes of making payments under this section. The calculations and

1 allocations shall be based upon the estimated statewide annual average  
2 per full-time equivalent high school student allocations under RCW  
3 28A.150.260, excluding small high school enhancements, and applicable  
4 rules adopted under chapter 34.05 RCW.

5 (b) The superintendent shall allocate an amount equal to the per  
6 funded student state allocation for the learning assistance program  
7 under chapter 28A.165 RCW for each full-time equivalent college student  
8 or a pro rata amount for less than full-time enrollment.

9 ~~(c) ((The superintendent shall allocate an amount equal to the per  
10 full-time equivalent student allocation for the student achievement  
11 program under RCW 28A.505.210 for each full-time equivalent college  
12 student or a pro rata amount for less than full-time enrollment.~~

13 ~~(d))~~ For eligible students who meet eligibility criteria for the  
14 state transitional bilingual instruction program under chapter 28A.180  
15 RCW, the superintendent shall allocate an amount equal to the per  
16 student state allocation for the transitional bilingual instruction  
17 program or a pro rata amount for less than full-time enrollment.

18 (4) The superintendent may adopt rules establishing enrollment  
19 reporting, recordkeeping, and accounting requirements necessary to  
20 ensure accountability for the use of basic education, learning  
21 assistance, and transitional bilingual program funds under this section  
22 for the pilot program created under RCW 28B.50.534.

23 (5) All school districts in the geographic area of the two  
24 community and technical colleges selected pursuant to section 8,  
25 chapter 355, Laws of 2007 to participate in the pilot program shall  
26 provide information about the high school completion option under RCW  
27 28B.50.534 to students in grades ten, eleven, and twelve and the  
28 parents or guardians of those students.

29 **Sec. 3.** RCW 43.135.045 and 2011 1st sp.s. c 50 s 950 are each  
30 amended to read as follows:

31 The education construction fund is hereby created in the state  
32 treasury.

33 (1) Funds may be appropriated from the education construction fund  
34 exclusively for common school construction or higher education  
35 construction. During the 2007-2009 fiscal biennium, funds may also be  
36 used for higher education facilities preservation and maintenance.

1 During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may  
2 transfer from the education construction fund to the state general fund  
3 such amounts as reflect the excess fund balance of the fund.

4 (2) Funds may be appropriated for any other purpose only if  
5 approved by a two-thirds vote of each house of the legislature and if  
6 approved by a vote of the people at the next general election. An  
7 appropriation approved by the people under this subsection shall result  
8 in an adjustment to the state expenditure limit only for the fiscal  
9 period for which the appropriation is made and shall not affect any  
10 subsequent fiscal period.

11 ~~(3) ((Funds for the student achievement program in RCW 28A.505.210  
12 and 28A.505.220 shall be appropriated to the superintendent of public  
13 instruction strictly for distribution to school districts to meet the  
14 provisions set out in the student achievement act. Allocations shall  
15 be made on an equal per full-time equivalent student basis to each  
16 school district.~~

17 ~~(4))~~ After July 1, 2010, the state treasurer shall transfer one  
18 hundred two million dollars from the general fund to the education  
19 construction fund by June 30th of each year.

20 **Sec. 4.** RCW 67.70.340 and 2010 1st sp.s. c 27 s 4 are each amended  
21 to read as follows:

22 (1) The legislature recognizes that creating a shared game lottery  
23 could result in less revenue being raised by the existing state lottery  
24 ticket sales. The legislature further recognizes that the fund most  
25 impacted by this potential event is the Washington opportunity pathways  
26 account. Therefore, it is the intent of the legislature to use some of  
27 the proceeds from the shared game lottery to make up the difference  
28 that the potential state lottery revenue loss would have on the  
29 Washington opportunity pathways account. The legislature further  
30 intends to use some of the proceeds from the shared game lottery to  
31 fund programs and services related to problem and pathological  
32 gambling.

33 (2) The Washington opportunity pathways account is expected to  
34 receive one hundred two million dollars annually from state lottery  
35 games other than the shared game lottery. For fiscal year 2011 and  
36 thereafter, if the amount of lottery revenues earmarked for the  
37 Washington opportunity pathways account is less than one hundred two

1 million dollars, the commission, after making the transfer required  
2 under subsection (3) of this section, must transfer sufficient moneys  
3 from revenues derived from the shared game lottery into the Washington  
4 opportunity pathways account to bring the total revenue up to one  
5 hundred two million dollars.

6 (3)(a) The commission shall transfer, from revenue derived from the  
7 shared game lottery, to the problem gambling account created in RCW  
8 43.20A.892, an amount equal to the percentage specified in (b) of this  
9 subsection of net receipts. For purposes of this subsection, "net  
10 receipts" means the difference between (i) revenue received from the  
11 sale of lottery tickets or shares and revenue received from the sale of  
12 shared game lottery tickets or shares; and (ii) the sum of payments  
13 made to winners.

14 (b) In fiscal year 2006, the percentage to be transferred to the  
15 problem gambling account is one-tenth of one percent. In fiscal year  
16 2007 and subsequent fiscal years, the percentage to be transferred to  
17 the problem gambling account is thirteen one-hundredths of one percent.

18 (4) The commission shall transfer the remaining net revenues, if  
19 any, derived from the shared game lottery "Powerball" authorized in RCW  
20 67.70.044(1) after the transfers pursuant to this section into the  
21 state general fund for (~~the student achievement program under RCW~~  
22 ~~28A.505.220~~) support for the common schools.

23 (5) The remaining net revenues, if any, in the shared game lottery  
24 account after the transfers pursuant to this section shall be deposited  
25 into the Washington opportunity pathways account.

26 **Sec. 5.** RCW 83.100.230 and 2010 1st sp.s. c 37 s 953 are each  
27 amended to read as follows:

28 The education legacy trust account is created in the state  
29 treasury. Money in the account may be spent only after appropriation.  
30 Expenditures from the account may be used only for (~~deposit into the~~  
31 ~~student achievement fund~~) support of the common schools and for  
32 expanding access to higher education through funding for new  
33 enrollments and financial aid, and other educational improvement  
34 efforts. (~~During the 2009-2011 fiscal biennium, moneys in the account~~  
35 ~~may also be transferred into the state general fund.~~)

1        NEW SECTION.   **Sec. 6.**   The following acts or parts of acts are each  
2 repealed:

3        (1) RCW 28A.505.210 (Student achievement funds--Use and accounting  
4 of funds--Public hearing--Report) and 2009 c 479 s 17, 2005 c 497 s  
5 105, & 2001 c 3 s 3; and

6        (2) RCW 28A.505.220 (Student achievement program--General fund  
7 allocation) and 2011 1st sp.s. c 17 s 1.

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