
ENGROSSED SUBSTITUTE HOUSE BILL 2051

State of Washington 63rd Legislature 2013 2nd Special Session

By House Appropriations (originally sponsored by Representatives Lytton, Hunter, Sullivan, Maxwell, and Pollet)

READ FIRST TIME 04/24/13.

1 AN ACT Relating to implementation of basic education expenditures;
2 amending RCW 28A.150.220, 28A.180.030, 28A.180.040, 82.16.020, and
3 82.18.040; reenacting and amending RCW 43.135.045 and 82.45.060;
4 creating a new section; providing effective dates; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature intends to fund a plan to
8 carry out the reforms enacted in chapter 548, Laws of 2009, and chapter
9 236, Laws of 2010, and to make the statutory changes necessary to
10 support this plan.

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

13 (1) In order for students to have the opportunity to develop the
14 basic education knowledge and skills under RCW 28A.150.210, school
15 districts must provide instruction of sufficient quantity and quality
16 and give students the opportunity to complete graduation requirements
17 that are intended to prepare them for postsecondary education, gainful

1 employment, and citizenship. The program established under this
2 section shall be the minimum instructional program of basic education
3 offered by school districts.

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

6 (a) For students enrolled in grades one through twelve, at least a
7 district-wide annual average of one thousand hours, which shall be
8 increased to at least one thousand eighty instructional hours for
9 students enrolled in each of grades seven through twelve and at least
10 one thousand instructional hours for students in each of grades one
11 through six according to an implementation schedule adopted by the
12 legislature, but not before the 2014-15 school year; and

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

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

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

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

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

30 (d) Supplemental instruction and services for underachieving
31 students through the learning assistance program under RCW 28A.165.005
32 through 28A.165.065;

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

37 (f) The opportunity for an appropriate education at public expense

1 as defined by RCW 28A.155.020 for all eligible students with
2 disabilities as defined in RCW 28A.155.020; and

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

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

8 (5) Each school district's kindergarten through twelfth grade basic
9 educational program shall be accessible to all students who are five
10 years of age, as provided by RCW 28A.225.160, and less than twenty-one
11 years of age and shall consist of a minimum of one hundred eighty
12 school days per school year in such grades as are conducted by a school
13 district, and one hundred eighty half-days of instruction, or
14 equivalent, in kindergarten, to be increased to a minimum of one
15 hundred eighty school days per school year according to the
16 implementation schedule under RCW 28A.150.315. However, schools
17 administering the Washington kindergarten inventory of developing
18 skills may use up to three school days at the beginning of the school
19 year to meet with parents and families as required in the parent
20 involvement component of the inventory. In addition, effective May 1,
21 1979, a school district may schedule the last five school days of the
22 one hundred and eighty day school year for noninstructional purposes in
23 the case of students who are graduating from high school, including,
24 but not limited to, the observance of graduation and early release from
25 school upon the request of a student, and all such students may be
26 claimed as a full-time equivalent student to the extent they could
27 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
28 28A.150.260.

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

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

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

3 As used throughout this chapter, unless the context clearly
4 indicates otherwise:

5 (1) "Transitional bilingual instruction" means:

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

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

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

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

22 (4) "Exited pupil" means a student previously enrolled in the
23 transitional bilingual instruction program who is no longer eligible
24 for the program based on his or her performance on an English
25 proficiency assessment approved by the superintendent of public
26 instruction.

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

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

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

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

36 (c) Determine, by administration of an English test approved by the

1 superintendent of public instruction the number of eligible pupils
2 enrolled in the school district at the beginning of a school year and
3 thereafter during the year as necessary in individual cases;

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

8 (i) The receiving school shall determine whether the district's
9 program is a like program when compared to the sending school's
10 program; and

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

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

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

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

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

29 **Sec. 5.** RCW 43.135.045 and 2012 2nd sp.s. c 5 s 1 and 2012 1st
30 sp.s. c 10 s 5 are each reenacted and 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
36 be 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 must result
8 in an adjustment to the state expenditure limit only for the fiscal
9 period for which the appropriation is made and does not affect any
10 subsequent fiscal period.

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

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

17 There is imposed an excise tax upon each sale of real property at
18 the rate of one and twenty-eight one-hundredths percent of the selling
19 price. Beginning July 1, 2013, and ending June 30, 2019, an amount
20 equal to two percent of the proceeds of this tax must be deposited in
21 the public works assistance account created in RCW 43.155.050, and an
22 amount equal to four and one-tenth percent must be deposited in the
23 education legacy trust account created in RCW 83.100.230. Thereafter,
24 an amount equal to six and one-tenth percent of the proceeds of this
25 tax to the state treasurer must be deposited in the public works
26 assistance account created in RCW 43.155.050~~((: PROVIDED, That during~~
27 ~~the fiscal year 2011, six and one tenth percent of the proceeds of this~~
28 ~~tax must be deposited in the general fund for general purpose~~
29 ~~expenditures)).~~ Except as otherwise provided in this section, an
30 amount equal to one and six-tenths percent of the proceeds of this tax
31 to the state treasurer must be deposited in the city-county assistance
32 account created in RCW 43.08.290. ~~((During the 2011-2013 fiscal~~
33 ~~biennium, 1.546 percent of the proceeds of this tax to the state~~
34 ~~treasurer must be deposited in the city county assistance account.))~~

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

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

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

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

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

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

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

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

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

18 (2) An additional tax is imposed equal to the rate specified in RCW
19 82.02.030 multiplied by the tax payable under subsection (1) of this
20 section.

21 (3) Twenty percent of the moneys collected under subsection (1) of
22 this section on water distribution businesses and sixty percent of the
23 moneys collected under subsection (1) of this section on sewerage
24 collection businesses shall be deposited in the education legacy trust
25 account created in RCW 83.100.230 from July 1, 2013, through June 30,
26 2019, and thereafter in the public works assistance account created in
27 RCW 43.155.050 (~~PROVIDED, That during the fiscal year 2011, twenty~~
28 ~~percent of the moneys collected under subsection (1) of this section on~~
29 ~~water distribution businesses and sixty percent of the moneys collected~~
30 ~~under subsection (1) of this section on sewerage collection businesses~~
31 ~~must be deposited in the general fund for general purpose~~
32 ~~expenditures~~)).

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

35 (1) Taxes collected under this chapter must be held in trust until
36 paid to the state. Except as otherwise provided in this subsection
37 (1), taxes received by the state must be deposited in the public works

1 assistance account created in RCW 43.155.050. For the period beginning
2 July 1, 2011, and ending June 30, 2015, taxes received by the state
3 under this chapter must be deposited in the general fund for general
4 purpose expenditures. For fiscal years 2016, 2017, and 2018, one-half
5 of the taxes received by the state under this chapter must be deposited
6 in the general fund for general purpose expenditures and the remainder
7 deposited in the (~~public works assistance account~~) education legacy
8 trust account created in RCW 83.100.230. For fiscal year 2019, taxes
9 received by the state under this chapter must be deposited in the
10 education legacy trust account created in RCW 83.100.230. Any person
11 collecting the tax who appropriates or converts the tax collected is
12 guilty of a gross misdemeanor if the money required to be collected is
13 not available for payment on the date payment is due. If a taxpayer
14 fails to pay the tax imposed by this chapter to the person charged with
15 collection of the tax and the person charged with collection fails to
16 pay the tax to the department, the department may, in its discretion,
17 proceed directly against the taxpayer for collection of the tax.

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

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

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

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

34 (3) Sections 5, 6, and 8 of this act are necessary for the
35 immediate preservation of the public peace, health, or safety, or

1 support of the state government and its existing public institutions,
2 and take effect immediately.

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