

FORMATTING NOTE:

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (~~{- text here -}~~) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

* * *

INITIATIVE 207

AN ACT Relating to greater governmental fiscal responsibility through limitations on expenditures and taxation; Amending RCW 66.08.180; adding new sections to chapter 43.135 RCW and amending RCW 43.135.035, and 43.135.045; adding a new chapter to Title 28A RCW; and amending RCW 28A.150.100, 28A.150.260; and providing for submission of this act to a vote of the people.

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

{+ NEW SECTION +} Sec. 1. The legislature of the State of Washington hereby finds and declares:

(1) The level of investment in public education needed to provide for Washington State's continued economic prosperity is often at odds with simplistic expenditure caps.

(2) It is therefore the intent of chapter . . . , laws of 1998 (this act) to exempt public education from the expenditure and revenue limits of chapter 2, laws of 1994, referred to as Initiative 601.

{+ NEW SECTION +} Sec. 2. Unless the context clearly requires otherwise, as used in this chapter and section 10 of this act, "public education programs" include but are not limited to:

(1) Public schools as defined by RCW 28A.150.010, including the state school for the blind and the state school for the deaf.

(2) Institutions of higher education as defined in RCW 28B.10.016;

(3) Vocational education as defined in RCW 28C.040.410, 28C.10.020, and 28C.18.080; and

(4) Public libraries as defined in RCW 27.12.010 and 27.12.020.

It is necessary for juveniles and adults of the state of Washington to receive a proper education, therefore education as provided in this section is exempt from the provisions of Chapter 43.135 RCW, "Initiative 601".

{+ NEW SECTION +} Sec. 3. (1) Funding shall be increased for the purpose of educating students with and without disabilities. Further: Funding shall be substantial to meet the needs of all public school students within the state of Washington and shall combine special education and regular education programs of the state public school

system, as determined by the superintendent of public instruction.

(2) The superintendent of public instruction shall be appropriated two hundred fifty million dollars for the biennium ending June 30, 1999, and two hundred fifty million dollars for the biennium ending June 30, 2001. This money shall not be a part of any other state money received from the legislature for purpose and intent of educating the people of the state of Washington through the superintendent of public instruction.

(3) The superintendent of public instruction shall pay this money to the education service districts within the state of Washington proportionately by student population and each school district within each educational service district shall receive a proportional amount by student population and particular need of each school district as determined by each ESD superintendent each year until June 30, 2001. Each school district receiving money shall use it for the following purpose or as determined by the Office of the Superintendent of Public Instruction:

(a) Assistive Technology for the students with disabilities;

(b) Computer Technology for the students with and without disabilities;

(c) To help parents borrow assistive technology for their children with disabilities, for home use, using guidelines developed by the Office of the Superintendent of Public Instruction.

(d) Employing within each educational service district one full-time equivalent employee with a masters degree in computer technology and at least one full-time equivalent employee with a bachelor's degree in special education. Both of these full-time employees shall be certificated teachers. The duties of these certificated teachers shall be determined by each educational service district superintendent. However, these employees shall be responsible for developing communications between school system and parents with children with disabilities and at high risk.

{+ NEW SECTION +} Sec. 4. The following public school programs within the state of Washington shall receive no less than one million dollars each, each year for the biennium's beginning June 30, 1999 and ending June 30, 2001. The moneys mentioned herein are above the normal and regular appropriations made each biennium by the legislature of the state of Washington. In no way does this section conclude or intend that less money be given to these programs as mentioned below. Funding for this section shall come from the appropriations of New Sections sixteen and seventeen of (this act). The programs herein mentioned are:

(1) Complex Needs;

(2) Magnet Schools;

(3) Primary Intervention Programs; and

(4) English as a second language.

The superintendent of public instruction shall disburse such funds through each education service district involved in such programs as mentioned above.

{+ NEW SECTION +} Sec. 5. There are school districts that have multi-grade levels taught by one classroom teacher. No classroom shall have more than three consecutive grade levels. All multi-grade level classrooms shall have one full time teacher's aide. No multi-grade-level classroom shall:

(1) Have grades kindergarten through six mixed with grades seven

through eight or grades nine through twelve;

(2) Have grades seven through eight mixed with grades nine through twelve, except:

(a) Grade nine may be joined with grades seven and eight where, such is and has been past

{+ NEW SECTION +} Sec. 6. (1) It is essential that the state of Washington afford funding to the libraries of the state of Washington, as provided in RCW 27.12.010(3) and 27.12.020. Public libraries under chapter 27.12 RCW are necessary for the proper education of the people of the state of Washington, therefore, public education and libraries are exempt from chapter 43.135 RCW, "Initiative 601" and shall receive substantial funding through the legislature.

{+ SECTION +} Sec. 7. AMENDING: RCW 28A.150.100: Basic education certificated instructional staff---Definitions---Ratio to students.

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" shall mean all full time equivalent certificated instructional staff in the following programs as defined for state-wide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) In the school year (({- 1988-89 -})) {+ 1999-00 +} school year and thereafter, each school district shall maintain a ratio of at least (({- forty-six -})) {+ fifty +} basic education certificated instructional staff to one thousand annual average full time equivalent students. [1990 c 33 § 103; 1987 1st ex.s. c 2 § 203. Formerly RCW 28A.41.110.]

{+ SECTION +} Sec. 8. AMENDING: RCW 28A.150.260. Annual basic education allocation of funds according to average FTE student, student enrollment--Procedure to determine distribution formula--Submittal to legislature--Enrollment, FTE student, certificated and classified staff, defined--Minimum classroom contact hours--Waiver. (Contingent expiration date.) The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

(a) Certificated instructional staff and their related costs;
(b) Certificated administrative staff and their related costs;
(c) Classified staff and their related costs;
(d) Nonsalary costs;
(e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biannually by the superintendent {+ of public instruction

+} and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels. {+ Except, when teacher to student ratios are increased, then administrative staff shall be reduced proportionately. +}

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) (({- forty-nine -})) {+ fifty +} certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three {+ , this fifty to one thousand ratio shall be the standard and shall not be changed, except in the case where the legislature may want to increase the number of certificated teachers per one thousand full time annual students +}; (ii) (({- forty-six -})) {+ fifty +} certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve {+ , this fifty to one thousand ratio shall be the standard and shall not be changed: except in the case where the legislature may want to increase the number of certificated teachers per one thousand full time annual students +}; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) (({- sixteen and sixty-seven one-hundredths -})) {+ seventeen +} classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such

noncertificated people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(4) Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.150.220(4) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. Waivers from contact hours may be requested under RCW 28A.305.140.

{+ SECTION +} Sec. 9. AMENDING: RCW 66.08.180 Liquor revolving fund--Distribution--Reserve for administration--Disbursement to universities and state agencies. Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title.

(1) All license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board as follows:

(a) Three hundred thousand dollars per biennium, to the University of Washington for the forensic investigations council to conduct the state toxicological laboratory pursuant to RCW 68.50.107; and

(b) Of the remaining funds:

(i) 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research; and

(ii) 89.9 percent to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050;

(2) The first (({- fifty-five -})) {+ one hundred +} dollars per license fee provided in RCW 66.24.320 and 66.24.330 (({- up to a maximum of one hundred fifty thousand dollars annually and -})) shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through (({- third -})) {+ twelfth +} grade to be administered by the office of superintendent of public instruction.

(3) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050; and

(4) One-fourth cent per liter of the tax imposed by RCW 66.24.210

shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

{+ SECTION +} Sec. 10. AMENDING RCW 43.135.035 Tax legislation-- Conditions and restrictions--Ballot title--Declarations of emergency-- Taxes on intangible property--Expenditure limit to reflect program cost shifting or fund transfer. (1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter. {+ Except; as provided in subsection (5) of this section public education and public libraries shall be exempt from expenditure limitations. +}

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The office of financial management shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows: "Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to

another fund or account, the office of financial management shall lower the state expenditure limit to reflect the shift.

{+ (5) The Common/Public schools and the Public Library System of the state of Washington are exempt from the provisions of RCW 43.135 known as Initiative Measure 601. The exemption as provided in this subsection shall come effective in the fiscal year 1999 and thereafter 1999 shall be the base year for calculating the expenditure limits +} [1994 c 2 § 4 (Initiative Measure No. 601, approved November 2, 1993).]

{+ SECTION +} Sec. 11. AMENDING RCW 43.135.045 (({- Emergency -})) {+ Common/Public school +} reserve fund--Excess balance to education {+ and education +} construction fund--Appropriation conditions. (1) The (({- emergency -})) {+ common/public school +} reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the (({- emergency -})) {+ common/public school +} reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit.

(2) The legislature may appropriate moneys from the (({- emergency -})) {+ common/public school +} reserve fund only with approval of at least (({- two-thirds -})) {+ fifty-one percent +} of the members of each house of the legislature(({- , and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter -})).

(3) The (({- emergency -})) {+ common/public school +} reserve fund balance shall not exceed (({- five -})) {+ twenty +} percent of biennial general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of (({- five -})) {+ twenty +} percent shall be transferred on a quarterly basis by the state treasurer to the education construction fund hereby created in the treasury.

(4)(a) Funds may be appropriated from the education construction fund exclusively for common{+ /public +} school construction or higher education construction.

(b) Funds (({- may -})) {+ shall not +} be appropriated for any other purpose{+ . Except +}: only if approved by two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. {+ Further: A special election may be held. +} An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit{+ , common/public schools are exempt from adjustment to the state expenditure limits, +} only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

{+ NEW SECTION +} Sec. 12. The intent of this chapter is to create the best school and educational system in the world, to create the model structure for the rest of the United States to emulate, and to set a standard of education that tells and shows the children of the state of Washington that the people not only care about education, that we, the people, put education first!

(1) The education of the children of the state of Washington is the first priority of the legislature of the state of Washington.

(2) Because the state of Washington is the home of computer technology and such technology is the new schools of the state of Washington up-to-date in computer technology. This shall be done

through cooperation with the superintendent of public instruction.

(3) The legislature shall work with the superintendent of public instruction to create the public school system that shall be the number one world class school system for the purpose of teaching and educating the residents of the state of Washington.

(4) No state agency shall lose funding as a result of the expenditure cap being lifted on public education and the public libraries of the state of Washington.

{+ NEW SECTION +} Sec. 13. A new section is added to chapter 43.135 RCW to read as follows:

Funding for public libraries under chapter 27.12 RCW is exempt from this chapter 43.135 RCW..

{+ NEW SECTION +} Sec. 14. Sections (1) through (6) of this act constitute a new chapter in Title 28A RCW.

{+ NEW SECTION +} Sec. 15. The sum of two hundred fifty million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1999, from the general fund to the superintendent of public instruction for purpose of this act. This appropriation is a special appropriation and is beyond any regular appropriation in such biennium.

{+ NEW SECTION +} Sec. 16. The sum of two hundred fifty million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2001, from the general fund to the superintendent of public instruction for purpose of this act. This appropriation is a special appropriation and is beyond any regular appropriation in such biennium.

{+ NEW SECTION +} Sec. 17. Severability-Construction Clause.

(1.) If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the provision to other persons or circumstances is not affected.

(2.) The provisions of this act are to be liberally construed to effectuate the policies and purpose of this act.

{+ NEW SECTION +} Sec. 18. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state constitution and the laws adopted to facilitate its operation.

END ...