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**HOUSE BILL 2042**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Kraft, Chase, McCaslin, Jacobsen, Sutherland, and Eslick

AN ACT Relating to providing parents and their children with more choices for a quality K-12 education through the K-12 education scholarship program; amending RCW 83.100.230; adding a new section to chapter 28B.76 RCW; adding a new chapter to Title 28A RCW; and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) The legislature recognizes that parents are uniquely and exclusively suited to making decisions about their children, including education decisions. It is imperative that Washington state empowers and supports parents and students to choose the educational environment that best suits their needs.

(2) The legislature finds that the state has authorized many education options including traditional public schools, charter schools, home-based instruction, and private schools. While many students are currently benefiting from these options, there are more students who desire access to these education alternatives and outcomes. However, there are many parents who do not have the means to choose the option that is best for their children. This increases inequity in the education system with the parents and children with the least means, but the most need, trapped in a failing school or a school that does not otherwise meet their needs.

(3) The legislature recognizes that the paramount duty of the state is to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, economic status, or sex.

(4) The legislature realizes the need to provide for in-person or hybrid schooling models for optimum learning for students, especially when public schools are not offering these options, for example during the COVID-19 pandemic.

(5) The legislature finds that with the recent United States supreme court decision in *Espinoza v. Montana Department of Revenue*, 140 S.Ct. 2246 (2020), now is the time to remedy years of funding inequity for students who are not in the public school system.

(6) The legislature, therefore, intends to establish a program that addresses educational inequities for students both inside and outside the public school system. The program will empower parents to choose the educational environment that best suits their children's unique needs by providing K-12 education scholarships.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agreement" means the contract developed by the office and signed by the parent of an eligible student that is consistent with the requirements of this section and section 3 of this act and establishes the obligations of the parent and the office.

(2) "Eligible student" means a person residing in Washington who is at least five years of age and less than 21 years of age, unless the person is ineligible to attend a public school in the state.

(3) "Home-based instruction" has the meaning provided in RCW 28A.225.010.

(4) "Office" means the office of student financial assistance created in RCW 28B.76.090.

(5) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(6) "Participating student" means a student whose parent has submitted a signed agreement to the office and been awarded scholarship funds.

(7) "Private school" means a school approved under chapter 28A.195 RCW.

(8) "Program" means the K-12 education scholarship program.

(9) "Public school" has the same meaning as in RCW 28A.150.010.

NEW SECTION. **Sec.**  (1) The K-12 education scholarship program is established to empower parents to choose an educational environment and program that will prepare their students for postsecondary education, gainful employment or entrepreneurship, and a successful future, regardless of the parents' income level or zip code, by providing funding that includes only those minimum state controls necessary to ensure the proper administration of the program.

(2) The office of student financial assistance within the student achievement council shall administer the program in accordance with this chapter.

(3) The office shall annually award 130,000 scholarships of $7,000 each as follows: (a) 25 percent of the scholarships must be awarded to eligible students in special populations, for example homeless, foster students, students from low-income households, and students receiving special education services; and (b) the remaining scholarships must be geographically distributed to students across the state regardless of race, color, economic status, or sex.

NEW SECTION. **Sec.**  (1) The office shall create and implement an application process that includes a standard application form and annual deadlines.

(2)(a) The office shall convene a scholarship committee as described in (b) of this subsection.

(b) The scholarship committee must be an independent committee with sole authority to review and select applicants to participate in the program. The committee must be composed of a parent who provides home-based instruction under chapter 28A.200 RCW, a parent of a student with special needs, a member of a state advocacy organization representing private schools, and a member of a state nonprofit organization for home-based instruction. Members of the committee must represent the geographic diversity of the state.

(c) The members must be compensated in accordance with RCW 43.03.220, except that compensation for attending virtual meetings must be less than the compensation provided for in-person meetings. In addition, the members must be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. The education legacy trust account created in RCW 83.100.230 must be used to provide the compensation and reimbursements required under this subsection (2)(c).

(3) The office shall notify applicants of their award status before July 1st of the application school year.

(4) The office must develop an agreement and process to receive signed agreements.

(5) The office must develop and implement a method of awarding scholarship funds to the parent of a participating student.

(6) The office must create and implement a process to automatically renew the agreement of the parent of a participating student unless:

(a) The parent of a participating student submits a request in writing to the office to withdraw from the program or fails to comply with the provisions of the agreement. The termination of an agreement due to a failure to comply with its provisions must be based on a willful disregard of program requirements and may not be based upon a good faith error by a parent;

(b) The participating student graduates from high school or earns a high school equivalency certificate under RCW 28B.50.536; or

(c) The participating student is ineligible to attend a public school in the state.

(7) The office may not add additional eligibility, agreement, or other requirements that impose barriers or burdens to parents applying for the program.

NEW SECTION. **Sec.**  (1) To apply for a scholarship, the parent of an eligible student must submit an application to the office in the manner and by the deadline set by the office.

(2) If selected to participate in the program and receive a scholarship award, the parent of an eligible student must sign, and submit to the office, an agreement that obligates the parent to:

(a) Enroll the participating student in a private school or adhere to the home-based instruction requirements of RCW 28A.225.010 and 28A.200.010;

(b)(i) Use the scholarship award only for the participating student and only for the following purposes:

(A) Tuition, fees, or both at a private school;

(B) Textbooks required by a private school;

(C) Tutoring and other services with a direct nexus to academics;

(D) Curricula and other materials necessary to provide home-based instruction;

(E) Tuition, fees, or both for a private online learning program;

(F) Fees for nationally standardized norm-referenced achievement tests, advanced placement examinations, and any examinations related to college or university admission;

(G) Uniforms required to attend a private school; and

(H) Costs for annual standardized testing or the academic progress assessment required under RCW 28A.200.010 for participating students receiving home-based instruction.

(ii) Not use the scholarship award for the following purposes:

(A) Computer hardware or other technological devices;

(B) Transportation of the student; or

(C) Consumable educational supplies, including paper, and pens or markers; and

(c) Withdraw from or not enroll in the public school the participating student attends or is eligible to attend, and release the public school and, if applicable, the school district, from all obligations to provide an education or education services to the participating student.

NEW SECTION. **Sec.**  (1) Parents and private schools that accept program scholarship awards from the program are not agents of the state or federal government and must be given maximum freedom to provide for the educational needs of participating students without governmental control.

(2) Private schools must not be required to alter their creed, practices, admissions policies, or curricula in order to admit participating students whose parents pay tuition or fees using program scholarship awards.

(3) Nothing in this section may be construed to expand the regulatory authority of the state, the state board of education, the office of the superintendent of public instruction, the office of student financial assistance, or any of their officers, to impose any additional regulations on private schools beyond those necessary to enforce the requirements of the program.

**Sec.**  RCW 83.100.230 and 2021 c 199 s 105 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for support of the common schools, for K-12 education scholarship program awards and administrative costs authorized under chapter 28A.--- RCW (the new chapter created in section 9 of this act), and for expanding access to higher education through funding for new enrollments and financial aid, early learning and child care programs, and other educational improvement efforts.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.76 RCW to read as follows:

The office shall administer the K-12 education scholarship program established under chapter 28A.--- RCW (the new chapter created in section 9 of this act).

NEW SECTION. **Sec.**  Sections 1 through 6 and 10 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**