
HOUSE BILL 1215

State of Washington

67th Legislature

2021 Regular Session

By Representatives Kraft, Young, McCaslin, Sutherland, Walsh, Graham, McEntire, and Chase

Read first time 01/15/21. Referred to Committee on Education.

1 AN ACT Relating to providing parents and their children with more
2 choices for a quality K-12 education through the K-12 education
3 scholarship program; amending RCW 83.100.230; adding a new section to
4 chapter 28A.150 RCW; adding a new section to chapter 28B.77 RCW;
5 creating a new section; and declaring an emergency.

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

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

12 (2) The legislature finds that the state has authorized many
13 education options including traditional public schools, charter
14 schools, home-based instruction, and private schools. Parents with
15 means can enroll their children in private schools, forego an income
16 to provide home-based instruction, or move and enroll their children
17 in better school districts. At the same time, there are many parents
18 who do not have the means to choose the option that is best for their
19 children. This increases inequity in the education system with the
20 parents and children with the least means, but the most need, trapped

1 in a failing school or a school that does not otherwise meet their
2 needs.

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

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

11 (5) The legislature finds that with the recent United States
12 supreme court decision in *Espinoza v. Montana Department of Revenue*,
13 140 S.Ct. 2246 (2020), now is the time to remedy years of
14 discrimination against students who are not in the public school
15 system.

16 (6) The legislature, therefore, intends to establish a voucher
17 program that addresses educational inequities for students both
18 inside and outside the public school system. The program will empower
19 parents to choose the educational environment that best suits their
20 children's unique needs regardless of income level or zip code by
21 providing K-12 education scholarships.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150
23 RCW to read as follows:

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

32 (2) The council must administer the program in accordance with
33 this section and section 3 of this act.

34 (3) To apply for the program, the parent of an eligible student
35 must submit an application to the council in the manner and by the
36 deadline set by the council.

37 (4) The council must award 130,000 scholarships of \$7,000 each as
38 follows: (a) 25 percent of the scholarships must be awarded to
39 eligible students in special populations, for example homeless,

1 foster students, students from low-income households, and students
2 receiving special education services; and (b) the remaining
3 scholarships must be geographically distributed to students across
4 the state regardless of race, color, economic status, or sex.

5 (5) To participate in the program and receive a scholarship
6 award, the parent of an eligible student must sign, and submit to the
7 council, an agreement that obligates the parent to:

8 (a) Enroll the participating student in a private school or
9 comply with the home-based instruction requirements of RCW
10 28A.225.010 and 28A.200.010;

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

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

14 (B) Textbooks required by a private school;

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

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

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

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

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

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

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

27 (A) Computer hardware or other technological devices;

28 (B) Transportation of the student; or

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

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

36 (6) Agreements signed and submitted to the council automatically
37 renew annually unless:

38 (a) The parent of a participating student submits a request in
39 writing to the council to withdraw from the program or fails to
40 comply with the provisions of the agreement. The termination of an

1 agreement due to a failure to comply with its provisions must be
2 based on a willful disregard of program requirements and may not be
3 based upon a good-faith error by a parent;

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

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

8 (7) The definitions in this subsection apply throughout this
9 section unless the context clearly requires otherwise.

10 (a) "Agreement" means the contract developed by the council and
11 signed by the parent of an eligible student that is consistent with
12 the requirements of this section and section 3 of this act and
13 establishes the obligations of the parent and the council.

14 (b) "Council" means the student achievement council created under
15 chapter 28B.77 RCW.

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

19 (d) "Home-based instruction" has the same meaning as in RCW
20 28A.225.010.

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

23 (f) "Participating student" means a student whose parent has
24 submitted a signed agreement to the council and been awarded
25 scholarship funds.

26 (g) "Private school" means a school approved under chapter
27 28A.195 RCW.

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

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

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.77
31 RCW to read as follows:

32 (1) The council must administer the K-12 education scholarship
33 program established under section 2 of this act in accordance with
34 this section and section 2 of this act.

35 (2) In administering the K-12 education scholarship program the
36 council must:

37 (a) Create and implement an application process that includes a
38 standard application form and annual deadlines;

39 (b) Review and prioritize applications;

1 (c) Notify applicants of their award status before July 1st of
2 the application school year;

3 (d) Develop an agreement and process to receive signed
4 agreements;

5 (e) Develop and implement a method of awarding scholarship funds
6 to the parent of a participating student; and

7 (f) Create and implement a process to automatically renew the
8 agreement of the parent of a participating student if the
9 requirements in section 2 of this act are met.

10 (3) The council may not add additional eligibility, agreement, or
11 other requirements that impose barriers or burdens to parents
12 applying for the K-12 education scholarship program.

13 (4) The definitions in this subsection apply throughout this
14 section unless the context clearly requires otherwise.

15 (a) "Agreement" has the same meaning as in section 2 of this act.

16 (b) "Participating student" has the same meaning as in section 2
17 of this act.

18 **Sec. 4.** RCW 83.100.230 and 2019 c 415 s 990 are each amended to
19 read as follows:

20 The education legacy trust account is created in the state
21 treasury. Money in the account may be spent only after appropriation.
22 Expenditures from the account may be used only for support of the
23 common schools, funding the K-12 education scholarship program
24 established under section 2 of this act, and for expanding access to
25 higher education through funding for new enrollments and financial
26 aid, and other educational improvement efforts. During the 2015-2017,
27 2017-2019, and 2019-2021 fiscal biennia appropriations from the
28 account may be made for support of early learning programs. It is the
29 intent of the legislature that this policy will be continued in
30 subsequent fiscal biennia.

31 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of
33 the state government and its existing public institutions, and takes
34 effect immediately.

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