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**HOUSE BILL 2933**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Kraft, Young, Hoff, Jenkin, Vick, McCaslin, Sutherland, Eslick, Chandler, Walsh, Corry, Dent, Kretz, Graham, and Boehnke

AN ACT Relating to a comprehensive opt out of public K-12 education through the education choice scholarship program; adding a new section to chapter 43.08 RCW; and adding a new chapter to Title 28A RCW.

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

NEW SECTION. **Sec.**  (1) The education choice scholarship program is established. The purposes of the program are as follows:

(a) Provide flexible, student outcome education funding options for students who are eligible to attend a public school in Washington in a manner that includes only those minimum state controls necessary to ensure the proper administration of the program; and

(b) Promote the academic success of students in the program and prepare them for postsecondary education, gainful employment or entrepreneurship, and a successful future.

(2) To enroll in the program established by this section, a parent of a qualified student must submit a biannual agreement to the office of the superintendent of public instruction that obligates the parent to:

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

(b)(i) Use moneys provided through the program only for the student and only for the following purposes:

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

(B) Textbooks required by a qualified school;

(C) Tutoring or services provided by an individual or facility accredited by a state, regional, or national accrediting organization;

(D) Curricula;

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

(F) Fees for a nationally standardized norm-referenced achievement test, an advanced placement examination, or any examinations related to college or university admission;

(G) Uniforms required for a qualified school; and

(H) Tuition for career and technical education.

(ii) Moneys provided through the program may not be used for:

(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 the student in the public school the student attends or is eligible to attend, and release the school and, if applicable, the district, from all obligations to provide an education or education services to the student.

(3) In exchange for the parents' biannual agreement under subsection (2) of this section, the office of the superintendent of public instruction shall, in accordance with section 4 of this act, transfer sums to the treasurer for: Deposit in an account established for the student; and authorized disbursements by the parent.

(4) Biannual agreements submitted to the office of the superintendent of public instruction under this section renew automatically every two years unless:

(a) The parent of a student requests to exit the program or fails to comply with its provisions. 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 student graduates from high school; or

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

(5) Education services provided to students through the program established in this section who are not enrolled in a qualified school are considered home-based instruction.

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

(1) "Account" means an education choice scholarship account established for a qualified student through the program.

(2) "Agreement" means a two-year contract developed by the office of the superintendent of public instruction and signed by the parent that: Is consistent with the requirements of this chapter; and establishes the applicable program duties and obligations of the parent, the student, the office of the superintendent of public instruction, and the treasurer.

(3) "Curriculum" means the materials necessary to comply with the home-based instruction requirements of RCW 28A.225.010 and 28A.200.010.

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

(5) "Program" means the education choice scholarship program established in section 1 of this act.

(6) "Qualified school" means a private school in Washington that enrolls students in one or more grades from kindergarten through grade twelve.

(7) "Qualified student" or "student" means a child eligible to attend a public school in the state.

(8) "Treasurer" means the state treasurer.

NEW SECTION. **Sec.**  The state legislature shall, at each regular session in an odd-numbered year, appropriate from the Washington opportunity pathways account, for the program established in section 1 of this act, amounts as determined in accordance with section 4 of this act for the ensuing biennium.

NEW SECTION. **Sec.**  (1) The legislature intends for state funding for students participating in the program be distributed in a manner that is equitable for the student with state funding provided to public schools for the instructional program of basic education, excluding state funding provided to public schools in accordance with RCW 28A.150.200(2)(d) and 28A.150.220(3) (d) through (g).

(2)(a) For qualified students enrolled in the program, the superintendent of public instruction shall transmit to the treasurer for each account an amount calculated as provided in this section and based on the statewide average salaries provided in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the student resides, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act.

(b) The office of the superintendent of public instruction shall, for purposes of making distributions under this section, separately calculate and distribute to accounts moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(3) The superintendent of public instruction may adopt and periodically update rules for the distribution of funding required by this section and as otherwise required by law.

NEW SECTION. **Sec.**  A new section is added to chapter 43.08 RCW to read as follows:

The state treasurer shall adopt and periodically update rules to implement the education choice scholarship program established in section 1 of this act and may contract with private financial management firms to manage program accounts.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 28A RCW.

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