

---

SENATE BILL 6438

---

State of Washington

52nd Legislature

1992 Regular Session

By Senator Erwin

Read first time 01/30/92. Referred to Committee on Education.

1 AN ACT Relating to parental choice in education; and adding a new  
2 chapter to Title 28A RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature of the state of  
5 Washington, desiring to improve the quality of education available to  
6 all children, adopts this chapter to: (1) Enable parents to determine  
7 which schools best meet their children's needs; (2) empower parents to  
8 send their children to such schools; (3) establish academic  
9 accountability based on national standards; (4) reduce bureaucracy so  
10 that more educational dollars reach the classroom; (5) provide greater  
11 opportunities for teachers; and (6) mobilize the private sector to help  
12 accommodate our school age population. Therefore, all parents are  
13 hereby empowered to choose any school, public or private, for the  
14 education of their children, as provided in this section.



1 (6) Children enrolled in schools in Washington shall receive  
2 scholarships, if otherwise eligible, beginning with the 1993-94 school  
3 year.

4 (7) The superintendent of public instruction may require each  
5 public and private scholarship-redeeming school to choose and  
6 administer tests reflecting national standards for the purpose of  
7 measuring individual academic improvement. Such tests shall be scored  
8 by independent parties. Each school's composite results for each grade  
9 level shall be made public record. The amount of turnover for each  
10 school and grade level shall be part of the same public record.  
11 Results shall be tabulated and made of record no later than sixty days  
12 after being administered. Individual results shall be released only to  
13 the school and the child's parent.

14 (8) The school boards of school districts shall establish a  
15 mechanism consistent with federal law to allocate enrollment capacity  
16 based primarily on parental choice. Any public school that chooses to  
17 redeem scholarships shall open its enrollment capacity to children  
18 regardless of residence. Children are deemed residents of the school  
19 district in which they are enrolled for fiscal purposes.

20 NEW SECTION. **Sec. 3.** (1) A private school may become a  
21 scholarship-redeeming school by filing with the superintendent of  
22 public instruction a statement indicating satisfaction of the legal  
23 requirements which applied to private schools on October 1, 1991, and  
24 the requirements of this section.

25 (2) No school that has been found by a court of law to have  
26 discriminated on the basis of race, ethnicity, color, or national  
27 origin may redeem scholarships.

28 (3) To the extent permitted by the constitutions of the United  
29 States and the state of Washington, no school that has been found by a

1 court of law to have advocated unlawful behavior, taught hatred of any  
2 person or group on the basis of race, ethnicity, color, national  
3 origin, religion, or gender may redeem scholarships.

4 (4) Private schools shall be accorded maximum flexibility to  
5 educate their students and shall be free from unnecessary, burdensome,  
6 or onerous regulation. No regulation of private schools, scholarship-  
7 redeeming or not, beyond that required by this section and that which  
8 applied to private schools on October 1, 1991, may be issued or  
9 enacted, unless approved by a three-fourths vote of the legislature or,  
10 alternatively, as to any rule pertaining to health, safety, or land use  
11 imposed by any county, city, district, or subdivision of the state, a  
12 majority vote of qualified electors within the affected jurisdiction.  
13 In any legal proceeding challenging such a regulation as inconsistent  
14 with this section, the governmental body issuing or enacting it shall  
15 have the burden of establishing that the regulation: (a) Is essential  
16 to assure the health, safety, or education of students; (b) does not  
17 unduly burden private schools or the parent of students therein; and  
18 (c) will not harass, impede, injure, or suppress private schools.

19 (5) Notwithstanding subsection (4) of this section, the legislature  
20 may enact civil and criminal penalties for schools and persons who  
21 engage in fraudulent conduct in connection with the solicitation of  
22 students or redemption of scholarships.

23 (6) Each school, public or private, may establish a code of conduct  
24 and discipline and enforce it with sanctions, including dismissal. A  
25 student who is deriving no substantial academic benefit or is  
26 responsible for serious or habitual misconduct related to the school  
27 may be dismissed.

28 (7) After the parent has designated the enrolling school, the state  
29 shall disburse the student's scholarship funds, excepting funds held in  
30 trust pursuant to section 2(3) of this act, in equal amounts monthly,

1 directly to the school for credit to the parent's account. Monthly  
2 disbursements shall occur within thirty days of receipt of the school's  
3 statement of current enrollment.

4 NEW SECTION. **Sec. 4.** (1) Within one year after the effective  
5 date of this section, the legislature shall establish an expeditious  
6 process by which public schools may become independent scholarship-  
7 redeeming schools. Such schools shall be nondistrict-related and  
8 considered common public schools as defined by the state Constitution.

9 (2) Except as otherwise required by the constitutions of the state  
10 of Washington or the United States, public independent scholarship-  
11 redeeming schools shall operate under laws and rules no more  
12 restrictive than those applicable to private schools under section 3 of  
13 this act.

14 (3) Employees of such schools shall be permitted to continue their  
15 state-funded pension and health care programs on the same terms as  
16 other similarly situated participants so long as they remain in the  
17 employ of the school.

18 (4) Such schools shall receive state educational appropriations,  
19 other than those authorized in section 2(3) and 4(3) of this act, only  
20 through scholarship redemption.

21 NEW SECTION. **Sec. 5.** Unless the context clearly requires  
22 otherwise, the definitions in this section apply throughout this  
23 chapter.

24 (1) "Charges" includes tuition, fees, books, supplies,  
25 transportation, room and board, and other educational costs.

26 (2) "Child" means an individual eligible to attend kindergarten or  
27 grades one through twelve in the public school system.

1 (3) "Parent" means any person having legal or effective custody of  
2 the child.

3 (4) "Qualified electors" are persons registered to vote, whether or  
4 not they vote in any particular election.

5 (5) The legislature may establish reasonable standards for  
6 determining the state "residency" of children.

7 (6) "Scholarship-redeeming school" means any school, public,  
8 independent, or private including registered home schooling located  
9 within the geographical boundaries of Washington, that meet the  
10 requirements of this chapter. No school may be compelled to become a  
11 scholarship-redeeming school. No school that meets the requirements of  
12 this chapter may be prevented from becoming a scholarship-redeeming  
13 school.

14 (7) "Student" means a child attending school.

15 (8) "Total state and local government spending" includes, but is  
16 not limited to, spending funded from all revenue sources, including the  
17 general fund, federal funds, property taxes, lottery funds, funds from  
18 state timber and natural resource sales, and local miscellaneous income  
19 such as building rental fees, but excluding special levy proceeds and  
20 charitable donations.

21 NEW SECTION. **Sec. 6.** Any action or proceeding contesting the  
22 validity of the adoption of chapter ---, Laws of 1992 (this act) or  
23 validity of any provision of it shall be commenced within six months  
24 from the effective date of this section; otherwise chapter ---, Laws of  
25 1992 (this act) and all of its provisions shall be held valid, legal,  
26 and uncontestable.

27 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act shall  
28 constitute a new chapter in Title 28A RCW.

1        NEW SECTION.    **Sec. 8.**        If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.