
HOUSE BILL 2042

State of Washington

67th Legislature

2022 Regular Session

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

Read first time 01/19/22. 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 28B.76 RCW; adding a new chapter to Title 28A RCW; and
5 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. While many
15 students are currently benefiting from these options, there are more
16 students who desire access to these education alternatives and
17 outcomes. However, there are many parents who do not have the means
18 to choose the option that is best for their children. This increases
19 inequity in the education system with the parents and children with
20 the least means, but the most need, trapped in a failing school or a
21 school that does not otherwise meet their needs.

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

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

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

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

18 NEW SECTION. **Sec. 2.** The definitions in this section apply
19 throughout this chapter unless the context clearly requires
20 otherwise.

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

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

28 (3) "Home-based instruction" has the meaning provided in RCW
29 28A.225.010.

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

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

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

37 (7) "Private school" means a school approved under chapter
38 28A.195 RCW.

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

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

2 NEW SECTION. **Sec. 3.** (1) The K-12 education scholarship program
3 is established to empower parents to choose an educational
4 environment and program that will prepare their students for
5 postsecondary education, gainful employment or entrepreneurship, and
6 a successful future, regardless of the parents' income level or zip
7 code, by providing funding that includes only those minimum state
8 controls necessary to ensure the proper administration of the
9 program.

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

13 (3) The office shall annually award 130,000 scholarships of
14 \$7,000 each as follows: (a) 25 percent of the scholarships must be
15 awarded to eligible students in special populations, for example
16 homeless, foster students, students from low-income households, and
17 students receiving special education services; and (b) the remaining
18 scholarships must be geographically distributed to students across
19 the state regardless of race, color, economic status, or sex.

20 NEW SECTION. **Sec. 4.** (1) The office shall create and implement
21 an application process that includes a standard application form and
22 annual deadlines.

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

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

33 (c) The members must be compensated in accordance with RCW
34 43.03.220, except that compensation for attending virtual meetings
35 must be less than the compensation provided for in-person meetings.
36 In addition, the members must be reimbursed for travel expenses under
37 RCW 43.03.050 and 43.03.060. The education legacy trust account

1 created in RCW 83.100.230 must be used to provide the compensation
2 and reimbursements required under this subsection (2)(c).

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

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

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

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

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

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

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

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

25 NEW SECTION. **Sec. 5.** (1) To apply for a scholarship, the parent
26 of an eligible student must submit an application to the office in
27 the manner and by the deadline set by the office.

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

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

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

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

37 (B) Textbooks required by a private school;

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

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

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

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

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

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

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

12 (A) Computer hardware or other technological devices;

13 (B) Transportation of the student; or

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

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

21 NEW SECTION. **Sec. 6.** (1) Parents and private schools that
22 accept program scholarship awards from the program are not agents of
23 the state or federal government and must be given maximum freedom to
24 provide for the educational needs of participating students without
25 governmental control.

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

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

36 **Sec. 7.** RCW 83.100.230 and 2021 c 199 s 105 are each amended to
37 read as follows:

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

10 NEW SECTION. Sec. 8. A new section is added to chapter 28B.76
11 RCW to read as follows:

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

15 NEW SECTION. Sec. 9. Sections 1 through 6 and 10 of this act
16 constitute a new chapter in Title 28A RCW.

17 NEW SECTION. Sec. 10. This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of
19 the state government and its existing public institutions, and takes
20 effect immediately.

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