
SENATE BILL 5205

State of Washington

67th Legislature

2021 Regular Session

By Senators Schoesler, Braun, Dozier, Holy, McCune, and Warnick

Read first time 01/14/21. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to establishing a K-12 education voucher program;
2 amending RCW 28A.150.200; and adding a new chapter to Title 28A RCW.

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

4 NEW SECTION. **Sec. 1.** INTENT. The legislature intends to improve
5 the education of children by enabling parents to independently
6 determine which school best meets their child's educational needs and
7 empowering parents to be able to send their child to their school of
8 choice. The legislature further intends to support parental school
9 choice by making state-funded K-12 education vouchers a necessary
10 component to fulfill the state's constitutional obligation under
11 Article IX to amply fund a program of basic education.

12 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
13 section apply throughout this chapter unless the context clearly
14 requires otherwise.

15 (1) "Eligible child" means a person eligible to attend grades
16 kindergarten through twelve in Washington state.

17 (2) "Parent" means a parent, guardian, or other person or entity
18 having legal custody of an eligible child.

19 (3) "Private school" means an approved private school under
20 chapter 28A.195 RCW.

1 (4) "Public school" means a public school as defined in RCW
2 28A.150.010.

3 (5) "Voucher" or "K-12 education voucher" is a payment credit
4 provided to an eligible child through their parent, which may be
5 redeemed at a designated voucher-redeeming school. A voucher is basic
6 education funding under Article IX of the state Constitution.

7 (6) "Voucher-redeeming school" means any public school and any
8 approved private school, located within Washington state.

9 NEW SECTION. **Sec. 3.** K-12 EDUCATION VOUCHERS—EMPOWERMENT OF
10 PARENTS. (1) Beginning with the 2021-22 school year, the state shall
11 annually provide a K-12 education voucher to every eligible child
12 whose parent applies for a K-12 education voucher. Vouchers may be
13 redeemed at any voucher-redeeming school.

14 (2) The K-12 education voucher value for each eligible child must
15 be not less than nine thousand dollars beginning in the 2021-22
16 school year and annually adjusted thereafter for inflation as
17 specified in the omnibus appropriations act.

18 (3) To obtain a K-12 education voucher for an eligible child, a
19 parent must apply to the office of the superintendent of public
20 instruction by August 1st of each year.

21 (4) K-12 education vouchers are not taxable income of the child
22 or the parent of the child receiving the K-12 education voucher. The
23 parent of the child receiving a K-12 education voucher is free to
24 choose any voucher-redeeming school, and this selection is not a
25 decision or act of the state or any of its subdivisions.

26 (5) After the parent designates the enrolling school to receive
27 the K-12 education voucher funds, the office of the superintendent of
28 public instruction shall disburse the K-12 education voucher funds in
29 equal monthly amounts directly to the school for the education of the
30 child for which the K-12 education voucher is provided.

31 (6) Expenditures for K-12 education vouchers issued under this
32 chapter count toward the minimum state funding requirements for basic
33 education established under Article IX of the Washington state
34 Constitution.

35 (7) For fiscal purposes, a child who receives a K-12 education
36 voucher is a resident of the school district in which the child is
37 enrolled.

1 NEW SECTION. **Sec. 4.** HOME-BASED INSTRUCTION. Nothing in this
2 chapter affects the laws and rules in existence on the effective date
3 of this section pertaining to home-based instruction, including
4 chapter 28A.200 RCW.

5 NEW SECTION. **Sec. 5.** RULE-MAKING AUTHORITY. The office of the
6 superintendent of public instruction shall adopt rules to implement
7 this chapter.

8 **Sec. 6.** RCW 28A.150.200 and 2017 3rd sp.s. c 13 s 401 are each
9 amended to read as follows:

10 (1) The program of basic education established under this chapter
11 is deemed by the legislature to comply with the requirements of
12 Article IX, section 1 of the state Constitution, which states that
13 "It is the paramount duty of the state to make ample provision for
14 the education of all children residing within its borders, without
15 distinction or preference on account of race, color, caste, or sex,"
16 and is adopted pursuant to Article IX, section 2 of the state
17 Constitution, which states that "The legislature shall provide for a
18 general and uniform system of public schools."

19 (2) The legislature defines the program of basic education under
20 this chapter as that which is necessary to provide the opportunity to
21 develop the knowledge and skills necessary to meet the state-
22 established high school graduation requirements that are intended to
23 allow students to have the opportunity to graduate with a meaningful
24 diploma that prepares them for postsecondary education, gainful
25 employment, and citizenship. Basic education by necessity is an
26 evolving program of instruction intended to reflect the changing
27 educational opportunities that are needed to equip students for their
28 role as productive citizens and includes the following:

29 (a) The instructional program of basic education the minimum
30 components of which are described in RCW 28A.150.220;

31 (b) The program of education provided by chapter 28A.190 RCW for
32 students in residential schools as defined by RCW 28A.190.020 and for
33 juveniles in detention facilities as identified by RCW 28A.190.010;

34 (c) The program of education provided by chapter 28A.193 RCW for
35 individuals under the age of eighteen who are incarcerated in adult
36 correctional facilities;

1 (d) Transportation and transportation services to and from school
2 for eligible students as provided under RCW 28A.160.150 through
3 28A.160.180; (~~and~~)

4 (e) Statewide salary allocations necessary to hire and retain
5 qualified staff for the state's statutory program of basic education;
6 and

7 (f) Vouchers or K-12 education vouchers as defined in section 2
8 of this act, which support parental choice of schools for their
9 child.

10 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act
11 constitute a new chapter in Title 28A RCW.

12 NEW SECTION. **Sec. 8.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

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