

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5321

Chapter 283, Laws of 2021

67th Legislature
2021 Regular Session

COLLEGE BOUND SCHOLARSHIP—ELIGIBILITY

EFFECTIVE DATE: May 12, 2021

Passed by the Senate March 4, 2021
Yeas 31 Nays 18

DENNY HECK

President of the Senate

Passed by the House April 22, 2021
Yeas 60 Nays 37

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 12, 2021 3:04 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5321** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 12, 2021

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5321

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By Senate Higher Education & Workforce Development (originally sponsored by Senators Nobles, Das, Dhingra, Frockt, Hasegawa, Lias, Lovelett, Nguyen, Randall, Saldaña, Stanford, and Wilson, C.)

READ FIRST TIME 02/10/21.

1 AN ACT Relating to the college bound scholarship; amending RCW
2 28B.118.040; reenacting and amending RCW 28B.118.010 and 28B.118.090;
3 creating new sections; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature enacted the college bound
6 scholarship program in 2007 to encourage all Washington students to
7 dream big by creating a guaranteed four-year tuition scholarship
8 program for students from low-income families. The legislature finds
9 the program has been successful in achieving this goal. A report by
10 the Washington state institute for public policy found that the
11 scholarship increases high school graduation rates, probability of
12 on-time college enrollment, college persistence, and college
13 graduation rates. However, more than one quarter of eligible students
14 are unable to access the scholarship by failing to sign the pledge
15 required by the program. The legislature finds that the pledge has
16 become an unintended barrier to entry, a problem made more acute as
17 students are receiving their education remotely during the COVID-19
18 pandemic and have less access to school teachers, counselors, and
19 peers. Therefore, the legislature intends with this act to remove the
20 pledge as an eligibility requirement while retaining the requirement
21 that students maintain a "C" average and avoid serious interactions

1 with the criminal justice system for four years. In order to ensure
2 that the legislature will fulfill its promise to provide a
3 scholarship upon graduation, the legislature intends by this act to
4 create a statutory contractual right for students who fulfill
5 scholarship requirements that vests when the student becomes first
6 eligible for the scholarship.

7 **Sec. 2.** RCW 28B.118.010 and 2019 c 406 s 44 and 2019 c 298 s 1
8 are each reenacted and amended to read as follows:

9 The office of student financial assistance shall design the
10 Washington college bound scholarship program in accordance with this
11 section and in alignment with the Washington college grant program in
12 chapter 28B.92 RCW unless otherwise provided in this section. The
13 right of an eligible student to receive a college bound scholarship
14 vest upon enrollment in the program that is earned by meeting the
15 requirements of this section as it exists at the time of the
16 student's enrollment under subsection (2) of this section.

17 (1) "Eligible students" are those students who:

18 (a) Qualify for free or reduced-price lunches.

19 (i) If a student qualifies in the seventh or eighth grade, the
20 student remains eligible even if the student does not receive free or
21 reduced-price lunches thereafter.

22 (ii) Beginning in the 2019-20 academic year, if a student
23 qualifies for free or reduced-price lunches in the ninth grade and
24 was previously ineligible during the seventh or eighth grade while he
25 or she was a student in Washington, the student is eligible for the
26 college bound scholarship program;

27 (b) Are dependent pursuant to chapter 13.34 RCW and:

28 (i) In grade seven through twelve; or

29 (ii) Are between the ages of eighteen and twenty-one and have not
30 graduated from high school; or

31 (c) Were dependent pursuant to chapter 13.34 RCW and were adopted
32 between the ages of fourteen and eighteen with a negotiated adoption
33 agreement that includes continued eligibility for the Washington
34 state college bound scholarship program pursuant to RCW 74.13A.025.

35 ~~(2) ((Eligible students and the students' parents or guardians~~
36 ~~shall be notified of the student's eligibility for the Washington~~
37 ~~college bound scholarship program. Students and the students' parents~~
38 ~~or guardians shall also be notified of the requirements for award of~~
39 ~~the scholarship.~~

1 ~~(3) (a) To be eligible for a Washington college bound scholarship,~~
2 ~~a student eligible under subsection (1) (a) (i) of this section must~~
3 ~~sign a pledge during seventh or eighth grade or a student eligible~~
4 ~~under subsection (1) (a) (ii) of this section must sign a pledge during~~
5 ~~ninth grade. The pledge must include a commitment to graduate from~~
6 ~~high school with at least a C average and with no felony convictions.~~
7 ~~The pledge must be witnessed by a parent or guardian and forwarded to~~
8 ~~the office of student financial assistance by mail or electronically,~~
9 ~~as indicated on the pledge form.~~

10 ~~(b) (i) Beginning in the 2018-19 academic year, the office of~~
11 ~~student financial assistance shall make multiple attempts to secure~~
12 ~~the signature of the student's parent or guardian for the purpose of~~
13 ~~witnessing the pledge.~~

14 ~~(ii) If the signature of the student's parent or guardian is not~~
15 ~~obtained, the office of student financial assistance may partner with~~
16 ~~the school counselor or administrator to secure the parent's or~~
17 ~~guardian's signature to witness the pledge. The school counselor or~~
18 ~~administrator shall make multiple attempts via all phone numbers,~~
19 ~~email addresses, and mailing addresses on record to secure the~~
20 ~~parent's or guardian's signature. All attempts to contact the parent~~
21 ~~or guardian must be documented and maintained in the student's~~
22 ~~official file.~~

23 ~~(iii) If a parent's or guardian's signature is still not~~
24 ~~obtained, the school counselor or administrator shall indicate to the~~
25 ~~office of student financial assistance the nature of the unsuccessful~~
26 ~~efforts to contact the student's parent or guardian and the reasons~~
27 ~~the signature is not available. Then the school counselor or~~
28 ~~administrator may witness the pledge unless the parent or guardian~~
29 ~~has indicated that he or she does not wish for the student to~~
30 ~~participate in the program.~~

31 ~~(c) A) (a) Every eligible student ((eligible under subsection~~
32 ~~(1) (b) of this section)) shall be automatically enrolled by the~~
33 ~~office of student financial assistance, with no action necessary by~~
34 ~~the student ((or the)), student's family, ((and the enrollment form~~
35 ~~must be forwarded by the department of social and health services to~~
36 ~~the office of student financial assistance by mail or electronically,~~
37 ~~as indicated on the form)) or student's guardians.~~

38 ~~(b) Eligible students and the students' parents or guardians~~
39 ~~shall be notified of the student's enrollment in the Washington~~
40 ~~college bound scholarship program and the requirements for award of~~

1 the scholarship by the office of student financial assistance. To the
2 maximum extent practicable, an eligible student must acknowledge
3 enrollment in the college bound scholarship program and receipt of
4 the requirements for award of the scholarship.

5 (c) The office of the superintendent of public instruction and
6 the department of children, youth, and families must provide the
7 office of student financial assistance with a list of eligible
8 students when requested. The office of student financial assistance
9 must determine the most effective methods, including timing and
10 frequency, to notify eligible students of enrollment in the
11 Washington college bound scholarship program. The office of student
12 financial assistance must take reasonable steps to ensure that
13 eligible students acknowledge enrollment in the college bound
14 scholarship program and receipt of the requirements for award of the
15 scholarship. The office of student financial assistance shall also
16 make available to every school district information, brochures, and
17 posters to increase awareness and to enable school districts to
18 notify eligible students directly or through school teachers,
19 counselors, or school activities.

20 ~~((4) (a) Scholarships shall be awarded to))~~ (3) Except as
21 provided in subsection (4) of this section, an eligible student~~((s~~
22 ~~graduating from public high schools, approved private high schools~~
23 ~~under chapter 28A.195 RCW, or who received home-based instruction~~
24 ~~under chapter 28A.200 RCW.~~

25 ~~(b) (i) To receive the Washington college bound scholarship, a~~
26 ~~student)) must ((graduate)):~~

27 (a) Graduate with at least a "C" average from a public high
28 school ~~((or))~~ under RCW 28A.150.010, an approved private high school
29 under chapter 28A.195 RCW in Washington, or have received home-based
30 instruction under chapter 28A.200 RCW ~~((, must have))~~;

31 (b) Have no felony convictions ~~((, and must be))~~;

32 (c) Be a resident student as defined in RCW 28B.15.012(2) (a)
33 through (e) ~~((A))~~; and

34 (d) Have a family income that does not exceed 65 percent of the
35 state median family income at the time of high school graduation.

36 (4) (a) An eligible student who ~~((is eligible to receive the~~
37 Washington college bound scholarship because the student)) is a
38 resident student under RCW 28B.15.012(2) (e) must also provide the
39 institution, as defined in RCW 28B.15.012, an affidavit indicating
40 that the individual will file an application to become a permanent

1 resident at the earliest opportunity the individual is eligible to do
2 so and a willingness to engage in any other activities necessary to
3 acquire citizenship, including but not limited to citizenship or
4 civics review courses.

5 ~~((ii))~~ (b) For eligible ~~((children))~~ students as defined in
6 subsection (1)(b) and (c) of this section, ~~((to receive the
7 Washington college bound scholarship,))~~ a student ~~((must have
8 received))~~ may also meet the requirement in subsection (3)(a) of this
9 section by receiving a high school equivalency certificate as
10 provided in RCW 28B.50.536 ~~((or have graduated with at least a "C"
11 average from a public high school or an approved private high school
12 under chapter 28A.195 RCW in Washington or have received home-based
13 instruction under chapter 28A.200 RCW, must have no felony
14 convictions, and must be a resident student as defined in RCW
15 28B.15.012(2) (a) through (e))~~).

16 (c) For a student who does not meet the "C" average requirement,
17 and who completes fewer than two quarters in the running start
18 program, under chapter 28A.600 RCW, the student's first quarter of
19 running start course grades must be excluded from the student's
20 overall grade point average for purposes of determining ~~((their
21 eligibility to receive the scholarship))~~ if the requirement in
22 subsection (3)(a) of this section is met.

23 (5) ~~((A student's family income will be assessed upon graduation
24 before awarding the scholarship. If at graduation from high school
25 the student's family income does not exceed sixty-five percent of the
26 state median family income, scholarship award amounts shall be as
27 provided in this section.~~

28 ~~(6))~~ (a) For students attending two or four-year institutions of
29 higher education as defined in RCW 28B.10.016, the value of the award
30 shall be (i) the difference between the student's tuition and
31 required fees, less the value of any state-funded grant, scholarship,
32 or waiver assistance the student receives; (ii) plus five hundred
33 dollars for books and materials.

34 (b) For students attending private four-year institutions of
35 higher education in Washington, the award amount shall be the
36 representative average of awards granted to students in public
37 research universities in Washington or the representative average of
38 awards granted to students in public research universities in
39 Washington in the 2014-15 academic year, whichever is greater.

1 (c) For students attending private vocational schools in
2 Washington, the award amount shall be the representative average of
3 awards granted to students in public community and technical colleges
4 in Washington or the representative average of awards granted to
5 students in public community and technical colleges in Washington in
6 the 2014-15 academic year, whichever is greater.

7 ~~((7) Recipients))~~ (6) Eligible students must enroll no later
8 than the fall term, as defined by the institution of higher
9 education, one academic year following high school graduation.
10 Eligible students may receive no more than four full-time years'
11 worth of scholarship awards within a five-year period.

12 ~~((8))~~ (7) Institutions of higher education shall award the
13 student all need-based and merit-based financial aid for which the
14 student would otherwise qualify. The Washington college bound
15 scholarship is intended to replace unmet need, loans, and, at the
16 student's option, work-study award before any other grants or
17 scholarships are reduced.

18 ~~((9))~~ (8) The first scholarships shall be awarded to students
19 graduating in 2012.

20 ~~((10))~~ (9) The eligible student has a property right in the
21 award, but the state of Washington retains legal ownership of tuition
22 units awarded as scholarships under this chapter until the tuition
23 units are redeemed. These tuition units shall remain separately held
24 from any tuition units owned under chapter 28B.95 RCW by a Washington
25 college bound scholarship recipient.

26 ~~((11))~~ (10) The scholarship award must be used within five
27 years of receipt. Any unused scholarship tuition units revert to the
28 Washington college bound scholarship account.

29 ~~((12))~~ (11) Should the recipient terminate his or her
30 enrollment for any reason during the academic year, the unused
31 portion of the scholarship tuition units shall revert to the
32 Washington college bound scholarship account.

33 **Sec. 3.** RCW 28B.118.040 and 2019 c 298 s 2 are each amended to
34 read as follows:

35 The office of student financial assistance shall:

36 (1) With the assistance of the office of the superintendent of
37 public instruction, implement and administer the Washington college
38 bound scholarship program;

1 (2) Develop ~~((and distribute, to all schools with students~~
2 ~~enrolled in grades seven through nine, a pledge form that can be~~
3 ~~completed and returned electronically or by mail by the student or~~
4 ~~the school to the office of student financial assistance)) effective~~
5 ~~methods to notify eligible students of their enrollment in the~~
6 ~~Washington college bound scholarship program and the requirements of~~
7 ~~RCW 28B.118.010;~~

8 (3) Develop and implement a ~~((student application, selection, and~~
9 ~~notification)) process for scholarships, which includes working with~~
10 other state agencies, law enforcement, or the court system to verify
11 that eligible students do not have felony convictions;

12 (4) Annually in March, with the assistance of the office of the
13 superintendent of public instruction, distribute to tenth grade
14 ~~((college bound scholarship)) eligible students and their families:~~

15 (a) Notification that, to qualify for the scholarship, a student's
16 family income may not exceed sixty-five percent of the state median
17 family income at graduation from high school; (b) the current year's
18 value for sixty-five percent of the state median family income; and
19 (c) a statement that a student should consult their school counselor
20 if their family makes, or is projected to make, more than this value
21 before the student graduates;

22 (5) Develop comprehensive social media outreach with grade-level
23 specific information designed to keep students on track to graduate
24 and leverage current tools such as the high school and beyond plan
25 required by the state board of education and the ready set grad
26 website maintained by the student achievement council;

27 (6) Track scholarship recipients to ensure continued eligibility
28 and determine student compliance for awarding of scholarships;

29 (7) Within existing resources, collaborate with college access
30 providers and K-12, postsecondary, and youth-serving organizations to
31 map and coordinate mentoring and advising resources across the state;

32 (8) Subject to appropriation, deposit funds into the state
33 educational trust fund;

34 (9) Purchase tuition units under the advanced college tuition
35 payment program in chapter 28B.95 RCW to be owned and held in trust
36 by the office of student financial assistance, for the purpose of
37 scholarship awards as provided for in this section; and

38 (10) Distribute scholarship funds, in the form of tuition units
39 purchased under the advanced college tuition payment program in
40 chapter 28B.95 RCW or through direct payments from the state

1 educational trust fund, to institutions of higher education on behalf
2 of scholarship recipients identified by the office, as long as
3 recipients maintain satisfactory academic progress.

4 **Sec. 4.** RCW 28B.118.090 and 2019 c 406 s 45 and 2019 c 298 s 3
5 are each reenacted and amended to read as follows:

6 (1) Beginning January 1, 2015, and at a minimum every year
7 thereafter, the student achievement council and all institutions of
8 higher education eligible to participate in the college bound
9 scholarship program shall ensure data needed to analyze and evaluate
10 the effectiveness of the college bound scholarship program is
11 promptly transmitted to the education data center created in RCW
12 43.41.400 so that it is available and easily accessible. The data to
13 be reported should include but not be limited to:

14 (a) The number of enrolled students (~~((who sign up))~~) for the
15 college bound scholarship program in seventh, eighth, or ninth grade;

16 (b) The number of college bound scholarship students who graduate
17 from high school;

18 (c) The number of college bound scholarship students who enroll
19 in postsecondary education;

20 (d) Persistence and completion rates of college bound scholarship
21 recipients disaggregated by institutions of higher education;

22 (e) College bound scholarship recipient grade point averages;

23 (f) The number of college bound scholarship recipients who did
24 not remain eligible and reasons for ineligibility;

25 (g) College bound scholarship program costs; and

26 (h) Impacts to the Washington college grant program.

27 (2) Beginning May 12, 2015, and at a minimum every December 1st
28 thereafter, the student achievement council shall submit student unit
29 record data for the college bound scholarship program applicants and
30 recipients to the education data center.

31 NEW SECTION. **Sec. 5.** This act does not affect any existing
32 right acquired or liability or obligation incurred under the sections
33 amended or repealed or under any rule or order adopted under those
34 sections, nor does it affect any proceeding instituted under those
35 sections.

1 NEW SECTION. **Sec. 6.** The legislature intends this act to be
2 curative, remedial, and retroactively apply to seventh grade students
3 beginning with the 2019-20 school year.

4 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of
6 the state government and its existing public institutions, and takes
7 effect immediately.

Passed by the Senate March 4, 2021.

Passed by the House April 22, 2021.

Approved by the Governor May 12, 2021.

Filed in Office of Secretary of State May 12, 2021.

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