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**SUBSTITUTE HOUSE BILL 2309**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House Postsecondary Education & Workforce (originally sponsored by Representatives Bergquist, Ybarra, Reed, Waters, Pollet, McEntire, Paul, Slatter, Entenman, Santos, Ramel, Riccelli, Timmons, and Callan)

AN ACT Relating to establishing the Washington 13 free guarantee, which provides free access to community and technical colleges; amending RCW 28A.230.212; reenacting and amending RCW 43.88C.010; adding a new section to chapter 28A.230 RCW; adding a new chapter to Title 28B RCW; creating new sections; providing a contingent effective date; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) When the Washington advanced college tuition payment program was enacted, the legislature envisioned that establishing a scholarship for those in financial need would be a permissible use of the moneys from the payment program account.

(2) The legislature finds that the Washington advanced college tuition payment program account in chapter 28B.95 RCW has a surplus of funding and is funded at a level of approximately 148 percent.

(3) The legislature finds that it is an appropriate use of a portion of the surplus from the Washington advanced college tuition payment program account to provide financial aid to students in financial need in order to attend community or technical college.

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

(1) "Board" means the state board for community and technical colleges.

(2) "Community or technical college" means the community or technical colleges governed under chapter 28B.50 RCW.

(3) "Eligible degree or certificate program" means:

(a) An associate degree program;

(b) Academic programs with credits that can fully transfer via an articulation agreement toward a baccalaureate degree or postbaccalaureate degree at an institution of higher education;

(c) Professional and technical programs that lead to a recognized postsecondary credential; or

(d) Apprenticeship programs established pursuant to chapter 49.04 RCW and conducted in association with any community or technical college.

(4) "Gift aid" means financial aid received from the federal Pell grant, the state need grant program under chapter 28B.92 RCW, the college bound scholarship program under chapter 28B.118 RCW, the opportunity grant program under chapter 28B.50 RCW, the opportunity scholarship program under chapter 28B.145 RCW, or any other state grant or scholarship program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans and work-study programs.

(5) "Guarantee" means the Washington 13 free guarantee.

(6) "Office" means the office of student financial assistance.

(7) "Recipient" means an eligible student who has been awarded the guarantee.

(8) "Resident student" means a student who is a resident student as defined in RCW 28B.15.012.

NEW SECTION. **Sec.**  (1) The Washington 13 free guarantee is established to provide up to 45 credits of tuition free community or technical college, to be earned within two academic years, for eligible students regardless of income beginning in the 2025-26 academic year.

(2) The office shall implement and administer the guarantee and is authorized to establish rules necessary for implementation of the guarantee.

(3) To be eligible for the guarantee, students must meet the following requirements:

(a) Have graduated high school from a public high school in the state of Washington or earned a high school equivalency certificate, as described in RCW 28B.50.536, in the same or immediately preceding academic year in which the student enrolls in any community or technical college that serves the high school district from which the student graduated or district of the grantor of the high school equivalency certificate;

(b) Not have previously earned an associate's degree;

(c) Be enrolled at least part time in a Washington public community or technical college in an eligible degree or certificate program;

(d) Complete the free application for federal student aid or the Washington application for state financial aid for the academic year in which they seek eligibility for the guarantee; and

(e) Be a resident student, as defined in RCW 28B.15.012(2) (a) through (e).

(4) Qualifications for receipt and renewal of the guarantee include maintaining satisfactory academic progress toward completion of an eligible degree or certificate program as determined by the office and established in rule.

NEW SECTION. **Sec.**  The office shall award grants under the guarantee to recipients. The value of the award is the difference between the recipient's tuition fees as defined in RCW 28B.15.020 and services and activities fees as defined in RCW 28B.15.041, less the value of any state-funded grant, scholarship, gift aid, or waiver assistance the recipient receives, for up to 45 credits to be earned within two academic years.

NEW SECTION. **Sec.**  Beginning in the 2025-26 academic year, each community or technical college must designate a staff member to provide student support and coordinate wraparound services for recipients to reduce or help to reduce barriers that threaten completion of eligible degree or certificate programs. Support and wraparound services under this section may be provided no longer than the recipient receives benefits under the guarantee.

NEW SECTION. **Sec.**  The amount of $300,000,000 from the Washington advanced college tuition payment program account in chapter 28B.95 RCW must be used for the following purposes under the Washington 13 free guarantee. Funding may only be allocated if the actuarial funded status remains at or above 120 percent. Funding must be used by the office solely for providing recipients with family incomes at or between 65 to 140 percent of the state median family income with:

(1) Grant awards. The value of a grant award will be the difference between the recipient's tuition fees as defined in RCW 28B.15.020 and services and activities fees as defined in RCW 28B.15.041, less the value of any state-funded grant including the college bound scholarship program established in chapter 28B.118 RCW and the Washington college grant created in RCW 28B.92.200, scholarship, gift aid, or waiver assistance the recipient receives, for up to 45 credits to be earned within two academic years; and

(2) $500 cost of attendance stipends for books and other related higher education expenses divided evenly over one academic years' worth of quarters or semesters, regardless of full-time or part-time enrollment status. Receipt of the stipend may not result in a reduction of gift aid.

NEW SECTION. **Sec.**  The caseload forecast council shall estimate the anticipated caseload of the guarantee and submit this forecast as required in RCW 43.88C.020.

NEW SECTION. **Sec.**  The office and the board may adopt, and revise as necessary, rules to implement this chapter.

NEW SECTION. **Sec.**  (1) The student achievement council, in collaboration with the state board for community and technical colleges, shall conduct a study on the sustainability of the guarantee to include at a minimum: Any increase in enrollments at community or technical colleges; any decreases in enrollments elsewhere at institutions of higher education; changes in recipient persistence, completion, and time-to-degree rates in eligible degree or certificate programs. The study must include an analysis on the demand for student services, such as advising and student success courses, recommendations to improve student services and outcomes, and the financial impact of the guarantee on recipients. The student achievement council shall report its findings to the relevant committees of the legislature, pursuant to RCW 43.01.036, by October 1, 2027.

(2) This section expires July 1, 2028.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.230 RCW to read as follows:

School districts shall ensure that counselors meet one-on-one with students in the 12th grade whose income status is at or below 70 percent of the state median family income for the purposes of explaining their grant options under the Washington college grant created in RCW 28B.92.200 and the Washington 13 free guarantee created under section 3 of this act. Income status may be determined by the free application for federal student aid, qualification to receive free or reduced-price lunch, eligibility for the college bound scholarship program established in chapter 28B.118 RCW, or other criteria established in the institution's policy.

**Sec.**  RCW 28A.230.212 and 2023 c 271 s 3 are each amended to read as follows:

(1) This section establishes the school district, content, and other substantive requirements for the high school and beyond plan required by RCW 28A.230.090.

(2)(a) Beginning by the seventh grade, each student must be administered a career interest and skills inventory which is intended to be used to inform eighth grade course taking and development of an initial high school and beyond plan. No later than eighth grade, each student must have begun development of a high school and beyond plan that includes a proposed plan for first-year high school courses aligned with graduation requirements and secondary and postsecondary goals.

(b) For each student who has not earned a score of level 3 or 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, the high school and beyond plan must be updated to ensure that the student takes a mathematics course in both ninth and 10th grades. These courses may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(3) With staff support, students must update their high school and beyond plan annually, at a minimum, to review academic progress and inform future course taking.

(a) The high school and beyond plan must be updated in 10th grade to reflect high school assessment results in RCW 28A.655.061, ensure student access to advanced course options per the district's academic acceleration policy in RCW 28A.320.195, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs.

(b) Each school district shall provide students who have not met the standard on state assessments or who are behind in completion of credits or graduation pathway options with the opportunity to access interventions and academic supports, courses, or both, designed to enable students to meet all high school graduation requirements. The parents or legal guardians shall be notified about these opportunities as included in the student's high school and beyond plan, preferably through a student-led conference, including the parents or legal guardians, and at least annually until the student is on track to graduate.

(c) For students with an individualized education program, the high school and beyond plan must be developed and updated in alignment with their school to postschool transition plan. The high school and beyond plan must be developed and updated in a similar manner and with similar school personnel as for all other students.

(4) School districts shall involve parents and legal guardians to the greatest extent feasible in the process of developing and updating the high school and beyond plan.

(a) The plan must be provided to the student and the students' parents or legal guardians in a language the student and parents or legal guardians understand and in accordance with the school district's language access policy and procedures as required under chapter 28A.183 RCW, which may require language assistance for students and parents or legal guardians with limited English proficiency.

(b) School districts must annually provide students in grades eight through 12 and their parents or legal guardians with comprehensive information about the graduation pathway options offered by the district and are strongly encouraged to begin providing this information beginning in sixth grade. School districts must provide this information in a manner that conforms with the school district's language access policy and procedures as required under chapter 28A.183 RCW.

(5) School districts are strongly encouraged to partner with student serving, community-based organizations that support career and college exploration and preparation for postsecondary and career pathways. Partnerships may include high school and beyond plan coordination and planning, data-sharing agreements, and safe and secure access to individual student's high school and beyond plans.

(6) All high school and beyond plans must, at a minimum, include the following elements:

(a) Identification of career goals and interests, aided by a skills and interest assessment;

(b) Identification of secondary and postsecondary education and training goals;

(c) An academic plan for course taking that:

(i) Informs students about course options for satisfying state and local graduation requirements;

(ii) Satisfies state and local graduation requirements;

(iii) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career preparation;

(iv) Identifies available advanced course sequences per the school district's academic acceleration policy, as described in RCW 28A.320.195, that include dual credit courses or other programs and are aligned with the student's postsecondary goals;

(v) Informs students about the potential impacts of their course selections on postsecondary opportunities;

(vi) Identifies available career and technical education equivalency courses that can satisfy core subject area graduation requirements under RCW 28A.230.097;

(vii) If applicable, identifies career and technical education and work-based learning opportunities that can lead to technical college certifications and apprenticeships; and

(viii) If applicable, identifies opportunities for credit recovery and acceleration, including partial and mastery-based credit accrual to eliminate barriers for on-time grade level progression and graduation per RCW 28A.320.192;

(d) Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

(i) ((~~The~~)) Beginning in the ninth grade and each academic year thereafter, the college bound scholarship program established in chapter 28B.118 RCW, the Washington college grant created in RCW 28B.92.200, the Washington 13 free guarantee created in section 3 of this act, and other scholarship opportunities;

(ii) The documentation necessary for completing state and federal financial aid applications; application timeliness and submission deadlines; and the importance of submitting applications early;

(iii) Information specific to students who are or have been the subject of a dependency proceeding pursuant to chapter 13.34 RCW, who are or are at risk of being homeless, and whose family member or legal guardian will be required to provide financial and tax information necessary to complete applications;

(iv) Opportunities to participate in advising days and seminars that assist students and, when necessary, their parents or legal guardians, with filling out financial aid applications in accordance with RCW 28A.300.815; and

(v) A sample financial aid letter and a link to the financial aid calculator created in RCW 28B.77.280; and

(e) By the end of the 12th grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, extracurricular activities, and any community service including how the school district has recognized the community service pursuant to RCW 28A.320.193.

(7) In accordance with RCW 28A.230.090(1)(c) any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level, and a school district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(8) The state board of education shall adopt rules to implement this section.

**Sec.**  RCW 43.88C.010 and 2023 c 420 s 4, 2023 c 345 s 1, and 2023 c 244 s 1 are each reenacted and amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(d) The number of students who are eligible for the Washington 13 free guarantee created in section 3 of this act and are expected to attend a community or technical college governed under chapter 28B.50 RCW;

(e) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program; and

((~~(e)~~)) (f) Beginning with the first official forecast after July 23, 2023, the number of people eligible for the working families' tax credit under RCW 82.08.0206. The total number of people eligible for the working families' tax credit should include:

(i) The number of eligible people with no qualifying children;

(ii) The number of eligible people with one qualifying child;

(iii) The number of eligible people with two qualifying children; and

(iv) The number of eligible people with three or more qualifying children.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(14) The caseload forecast council shall forecast the number of individuals who are functionally and financially eligible for medicaid waiver services administered by the developmental disabilities administration who also meet the criteria outlined in RCW 71A.12.370 and are expected to utilize a medicaid waiver service.

(15) The caseload forecast council shall forecast eligible children participating in the transition to kindergarten program under RCW 28A.300.072.

(16) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

(17) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

NEW SECTION. **Sec.**  Sections 2 through 9 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. **Sec.**  This act may be known and cited as the Washington 13 free guarantee act.

NEW SECTION. **Sec.**  This act takes effect only after receipt of written notification from the internal revenue service that the provisions of this act, if implemented, would not result in disqualification of Washington's qualified tuition plan under section 529 of the internal revenue code. The office of student financial assistance must provide written notice of the effective date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

**--- END ---**