
HOUSE BILL 1093

State of Washington

68th Legislature

2023 Regular Session

By Representatives Walsh, McEntire, Jacobsen, and Graham

Prefiled 12/29/22. Read first time 01/09/23. Referred to Committee on Education.

1 AN ACT Relating to providing parents and their children with more
2 choices for a quality elementary and secondary education through the
3 family empowerment scholarship program; amending RCW 83.100.230;
4 adding a new section to chapter 28A.150 RCW; adding a new section to
5 chapter 28B.77 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that:

8 (a) According to the Washington Constitution, it is "the
9 paramount duty" of the state government to make "ample provision" for
10 the basic education of all children residing within its borders,
11 without distinction or preference on account of race, color, economic
12 status, or sex;

13 (b) Test scores and other standard measurements of student
14 achievement indicate that Washington's elementary and secondary
15 students are struggling and their proficiency in basic skills,
16 particularly in reading and mathematics, has been in decline for
17 several years;

18 (c) Parents are and should be the primary decision makers about
19 their children's well-being, including about what is best for their
20 children's education;

1 (d) The state should empower and support families to choose the
2 educational environment that best suits each student's needs;

3 (e) The state has authorized various education options, including
4 traditional public schools, charter schools, home-based instruction,
5 and private schools. However an inequity remains, families with
6 greater financial means can choose from among these options, while
7 families that do not have such means cannot. This inequity traps some
8 students in failing schools or schools that do not meet their needs;
9 and

10 (f) The recent COVID-19 pandemic has made the societal cost of
11 this inequity plain and apparent.

12 (2) Therefore, the legislature intends to establish a more
13 equitable funding program that empowers families to make choices
14 while providing greater educational equity, enrichment, and
15 achievement. This program will use a system of scholarship moneys to
16 assure a uniform quality education for all of Washington's elementary
17 and secondary students.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150
19 RCW to read as follows:

20 (1) The family empowerment scholarship program is established.
21 The goal of the program is to empower families to choose an
22 educational environment and program that will prepare their students
23 for postsecondary education, gainful employment or entrepreneurship,
24 and a successful future, regardless of the parents' income level or
25 zip code, by providing funding that includes only those minimum state
26 controls necessary to ensure the proper administration of the
27 program.

28 (2) The council must administer the program in accordance with
29 this section and section 3 of this act.

30 (3) To apply for the program, the parent of an eligible student
31 must submit an application to the council in the manner and by the
32 deadline set by the council.

33 (4) The council must annually award 100,000 scholarships of
34 \$12,000 each on a first-come, first-served basis, with priority for
35 participating students whose agreement is automatically renewed under
36 subsection (6) of this section.

37 (5) To participate in the program and receive a scholarship
38 award, the parent of an eligible student must sign, and submit to the
39 council, an agreement that obligates the parent to:

1 (a) Home-school the participating student in compliance with the
2 home-based instruction requirements of RCW 28A.225.010 and
3 28A.200.010, or enroll the participating student in a private school;

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

6 (A) Curricula and other materials necessary to provide home-based
7 instruction;

8 (B) Tuition, fees, or both at a private school;

9 (C) Textbooks required by a private school;

10 (D) Tutoring and other services with a direct nexus to academics;

11 (E) Computer hardware or other technological devices;

12 (F) Tuition, fees, or both for a private online learning program;

13 (G) Fees for nationally standardized norm-referenced achievement
14 tests, advanced placement examinations, and any examinations related
15 to college or university admission;

16 (H) Uniforms required to attend a private school; and

17 (I) Costs for annual standardized testing or the academic
18 progress assessment required under RCW 28A.200.010 for participating
19 students receiving home-based instruction.

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

21 (A) Transportation of the participating student; or

22 (B) Consumable educational supplies, including paper, and pens or
23 markers; and

24 (c) Withdraw from or not enroll in the public school the
25 participating student attends or is eligible to attend, and release
26 the public school and, if applicable, the school district, from all
27 obligations to provide an education or education services to the
28 participating student.

29 (6) Agreements signed and submitted to the council automatically
30 renew annually unless:

31 (a) The parent of a participating student submits a request in
32 writing to the council to withdraw from the program or fails to
33 comply with the provisions of the agreement. The termination of an
34 agreement due to a failure to comply with its provisions must be
35 based on a willful disregard of program requirements and may not be
36 based upon a good-faith error by a parent;

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

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

1 (7) (a) This act does not permit any government agency to exercise
2 control or supervision over any private school or home-based
3 instruction.

4 (b) A private school that accepts a payment from a parent who
5 receives a scholarship award under this act is not an agent of the
6 state or federal government.

7 (c) A private school shall not be required to alter its creed,
8 practices, admissions policy, or curriculum in order to accept
9 participating students whose parents pay tuition or fees from a
10 scholarship award under this act.

11 (d) In any legal proceeding challenging the application of this
12 act to a private school, the state bears the burden of establishing
13 that the law is necessary and does not impose any undue burden on
14 private schools or home-based instruction.

15 (8) The definitions in this subsection apply throughout this
16 section unless the context clearly requires otherwise.

17 (a) "Agreement" means the contract developed by the council and
18 signed by the parent of an eligible student that is consistent with
19 the requirements of this section and section 3 of this act and
20 establishes the obligations of the parent and the council.

21 (b) "Council" means the student achievement council created under
22 chapter 28B.77 RCW.

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

26 (d) "Home-based instruction" has the same meaning as in RCW
27 28A.225.010.

28 (e) "Parent" means a parent, guardian, or other person or entity
29 having legal custody of a child.

30 (f) "Participating student" means a student whose parent has
31 submitted a signed agreement to the council and been awarded
32 scholarship funds.

33 (g) "Private school" means a school approved under chapter
34 28A.195 RCW.

35 (h) "Program" means the family empowerment scholarship program.

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

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.77
38 RCW to read as follows:

1 (1) The council must administer the family empowerment
2 scholarship program established under section 2 of this act in
3 accordance with this section and section 2 of this act.

4 (2) In administering the family empowerment scholarship program,
5 the council must:

6 (a) Create and implement an application process that includes a
7 standard application form and annual deadlines;

8 (b) Review and prioritize applications;

9 (c) Notify applicants of their award status before July 1st;

10 (d) Develop an agreement and a process to receive signed
11 agreements;

12 (e) Develop and implement a method of awarding scholarship funds
13 to the parent of a participating student; and

14 (f) Create and implement a process to automatically renew the
15 agreement of the parent of a participating student if the
16 requirements in section 2 of this act are met.

17 (3) The council may not add additional eligibility, agreement, or
18 other requirements that impose barriers or burdens to parents
19 applying for the family empowerment scholarship program.

20 (4) The definitions in this subsection apply throughout this
21 section unless the context clearly requires otherwise.

22 (a) "Agreement" has the same meaning as in section 2 of this act.

23 (b) "Parent" has the same meaning as in section 2 of this act.

24 (c) "Participating student" has the same meaning as in section 2
25 of this act.

26 **Sec. 4.** RCW 83.100.230 and 2021 c 199 s 105 are each amended to
27 read as follows:

28 The education legacy trust account is created in the state
29 treasury. Money in the account may be spent only after appropriation.
30 Expenditures from the account may be used only for support of the
31 common schools, funding the family empowerment scholarship program
32 established under section 2 of this act, and for expanding access to
33 higher education through funding for new enrollments and financial
34 aid, early learning and child care programs, and other educational
35 improvement efforts.

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