
SUBSTITUTE HOUSE BILL 2309

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)

READ FIRST TIME 01/31/24.

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

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

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

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

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

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

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

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

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

9 (a) An associate degree program;

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

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

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

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

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

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

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

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

32 NEW SECTION. **Sec. 3.** (1) The Washington 13 free guarantee is
33 established to provide up to 45 credits of tuition free community or
34 technical college, to be earned within two academic years, for
35 eligible students regardless of income beginning in the 2025-26
36 academic year.

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

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

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

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

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

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

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

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

23 NEW SECTION. **Sec. 4.** The office shall award grants under the
24 guarantee to recipients. The value of the award is the difference
25 between the recipient's tuition fees as defined in RCW 28B.15.020 and
26 services and activities fees as defined in RCW 28B.15.041, less the
27 value of any state-funded grant, scholarship, gift aid, or waiver
28 assistance the recipient receives, for up to 45 credits to be earned
29 within two academic years.

30 NEW SECTION. **Sec. 5.** Beginning in the 2025-26 academic year,
31 each community or technical college must designate a staff member to
32 provide student support and coordinate wraparound services for
33 recipients to reduce or help to reduce barriers that threaten
34 completion of eligible degree or certificate programs. Support and
35 wraparound services under this section may be provided no longer than
36 the recipient receives benefits under the guarantee.

1 NEW SECTION. **Sec. 6.** The amount of \$300,000,000 from the
2 Washington advanced college tuition payment program account in
3 chapter 28B.95 RCW must be used for the following purposes under the
4 Washington 13 free guarantee. Funding may only be allocated if the
5 actuarial funded status remains at or above 120 percent. Funding must
6 be used by the office solely for providing recipients with family
7 incomes at or between 65 to 140 percent of the state median family
8 income with:

9 (1) Grant awards. The value of a grant award will be the
10 difference between the recipient's tuition fees as defined in RCW
11 28B.15.020 and services and activities fees as defined in RCW
12 28B.15.041, less the value of any state-funded grant including the
13 college bound scholarship program established in chapter 28B.118 RCW
14 and the Washington college grant created in RCW 28B.92.200,
15 scholarship, gift aid, or waiver assistance the recipient receives,
16 for up to 45 credits to be earned within two academic years; and

17 (2) \$500 cost of attendance stipends for books and other related
18 higher education expenses divided evenly over one academic years'
19 worth of quarters or semesters, regardless of full-time or part-time
20 enrollment status. Receipt of the stipend may not result in a
21 reduction of gift aid.

22 NEW SECTION. **Sec. 7.** The caseload forecast council shall
23 estimate the anticipated caseload of the guarantee and submit this
24 forecast as required in RCW 43.88C.020.

25 NEW SECTION. **Sec. 8.** The office and the board may adopt, and
26 revise as necessary, rules to implement this chapter.

27 NEW SECTION. **Sec. 9.** (1) The student achievement council, in
28 collaboration with the state board for community and technical
29 colleges, shall conduct a study on the sustainability of the
30 guarantee to include at a minimum: Any increase in enrollments at
31 community or technical colleges; any decreases in enrollments
32 elsewhere at institutions of higher education; changes in recipient
33 persistence, completion, and time-to-degree rates in eligible degree
34 or certificate programs. The study must include an analysis on the
35 demand for student services, such as advising and student success
36 courses, recommendations to improve student services and outcomes,
37 and the financial impact of the guarantee on recipients. The student

1 achievement council shall report its findings to the relevant
2 committees of the legislature, pursuant to RCW 43.01.036, by October
3 1, 2027.

4 (2) This section expires July 1, 2028.

5 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.230
6 RCW to read as follows:

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

17 **Sec. 11.** RCW 28A.230.212 and 2023 c 271 s 3 are each amended to
18 read as follows:

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

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

30 (b) For each student who has not earned a score of level 3 or 4
31 on the middle school mathematics assessment identified in RCW
32 28A.655.070 by ninth grade, the high school and beyond plan must be
33 updated to ensure that the student takes a mathematics course in both
34 ninth and 10th grades. These courses may include career and technical
35 education equivalencies in mathematics adopted pursuant to RCW
36 28A.230.097.

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

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

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

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

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

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

35 (b) School districts must annually provide students in grades
36 eight through 12 and their parents or legal guardians with
37 comprehensive information about the graduation pathway options
38 offered by the district and are strongly encouraged to begin
39 providing this information beginning in sixth grade. School districts
40 must provide this information in a manner that conforms with the

1 school district's language access policy and procedures as required
2 under chapter 28A.183 RCW.

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

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

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

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

15 (c) An academic plan for course taking that:

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

18 (ii) Satisfies state and local graduation requirements;

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

21 (iv) Identifies available advanced course sequences per the
22 school district's academic acceleration policy, as described in RCW
23 28A.320.195, that include dual credit courses or other programs and
24 are aligned with the student's postsecondary goals;

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

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

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

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

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

1 (i) (~~The~~) Beginning in the ninth grade and each academic year
2 thereafter, the college bound scholarship program established in
3 chapter 28B.118 RCW, the Washington college grant created in RCW
4 28B.92.200, the Washington 13 free guarantee created in section 3 of
5 this act, and other scholarship opportunities;

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

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

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

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

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

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

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

33 **Sec. 12.** RCW 43.88C.010 and 2023 c 420 s 4, 2023 c 345 s 1, and
34 2023 c 244 s 1 are each reenacted and amended to read as follows:

35 (1) The caseload forecast council is hereby created. The council
36 shall consist of two individuals appointed by the governor and four
37 individuals, one of whom is appointed by the chairperson of each of
38 the two largest political caucuses in the senate and house of
39 representatives. The chair of the council shall be selected from

1 among the four caucus appointees. The council may select such other
2 officers as the members deem necessary.

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

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

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

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

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

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

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

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

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

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

9 (e) The number of children who are eligible, as defined in RCW
10 43.216.505, to participate in, and the number of children actually
11 served by, the early childhood education and assistance program; and

12 ((-e-)) (f) Beginning with the first official forecast after July
13 23, 2023, the number of people eligible for the working families' tax
14 credit under RCW 82.08.0206. The total number of people eligible for
15 the working families' tax credit should include:

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

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

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

19 and

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

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

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

32 (10) Beginning with the official forecast submitted in November
33 2022 and subject to the availability of amounts appropriated for this
34 specific purpose, the caseload forecast council shall forecast the
35 number of individuals who are assessed as eligible for and have
36 requested supported living services, a service through the core
37 waiver, an individual and family services waiver, and the basic plus
38 waiver administered by the developmental disabilities administration
39 as a courtesy. The caseload forecast council shall be presented with

1 the service request list as defined in RCW 71A.10.020 to aid in
2 development of this information.

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

8 (12) The caseload forecast council shall forecast youth
9 participating in the extended foster care program pursuant to RCW
10 74.13.031 separately from other children who are residing in foster
11 care and who are under eighteen years of age.

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

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

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

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

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

30 NEW SECTION. **Sec. 13.** Sections 2 through 9 of this act
31 constitute a new chapter in Title 28B RCW.

32 NEW SECTION. **Sec. 14.** This act may be known and cited as the
33 Washington 13 free guarantee act.

34 NEW SECTION. **Sec. 15.** This act takes effect only after receipt
35 of written notification from the internal revenue service that the
36 provisions of this act, if implemented, would not result in
37 disqualification of Washington's qualified tuition plan under section

1 529 of the internal revenue code. The office of student financial
2 assistance must provide written notice of the effective date of this
3 section to affected parties, the chief clerk of the house of
4 representatives, the secretary of the senate, the office of the code
5 reviser, and others as deemed appropriate by the office.

--- **END** ---