

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

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

Section 1. New section. (1) The people recognize that:

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

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

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

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

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

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

(2) Therefore, the people intend to establish a more equitable funding program that empowers families to make choices while providing greater educational equity, enrichment, and achievement. This program will use a system of scholarship moneys to assure a uniform quality education for all of Washington’s elementary and secondary students.

Section 2. New section. A new section is added to chapter 28A.150 RCW to read as follows:

(1) The family empowerment scholarship program is established. The goal of the program is to empower families to choose an educational environment and program that will prepare their students for postsecondary education, gainful employment or entrepreneurship, and a successful future,

regardless of the parents' income level or zip code, by providing funding that includes only those minimum state controls necessary to ensure the proper administration of the program.

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

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

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

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

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

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

- (A) Curricula and other materials necessary to provide home-based instruction;
- (B) Tuition, fees, or both at a private school;
- (C) Textbooks required by a private school;
- (D) Tutoring and other services with a direct nexus to academics;
- (E) Computer hardware or other technological devices;
- (F) Tuition, fees, or both for a private online learning program;
- (G) Fees for nationally standardized norm-referenced achievement tests, advanced placement examinations, and any examinations related to college or university admission;
- (H) Uniforms required to attend a private school; and
- (I) Costs for annual standardized testing or the academic progress assessment required under RCW 28A.200.010 for participating students receiving home-based instruction.

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

- (A) Transportation of the participating student; or
- (B) Consumable educational supplies, including paper, and pens or markers; and
- (c) Withdraw from or not enroll in the public school the participating student attends or is eligible to attend, and release the public school and, if applicable, the school district, from all obligations to provide an education or education services to the participating student.

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

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

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

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

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

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

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

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

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

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

(b) “Council” means the student achievement council created under chapter 28B.77 RCW.

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

(d) “Home-based instruction” has the same meaning as in RCW 28A.225.010.

(e) “Parent” means a parent, guardian, or other person or entity having legal custody of a child.

(f) “Participating student” means a student whose parent has submitted a signed agreement to the council and been awarded scholarship funds.

(g) “Private school” means a school approved under chapter 28A.195 RCW.

(h) “Program” means the family empowerment scholarship program.

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

Section 3. New section. A new section is added to chapter 28B.77 RCW to read as follows:

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

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

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

(b) Review and prioritize applications;

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

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

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

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

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

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

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

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

(c) “Participating student” has the same meaning as in section 2 of this act.

Section 4. RCW 83.100.230 and 2021 c 199 s 105 are each amended to read as follows:

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

Section 5. Severability. If any provision or clause of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without an invalid provision or application, and to this end the provisions of this Act are severable.

--- END ---