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**HOUSE BILL 1093**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Walsh and McEntire

Prefiled 12/29/22.

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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