
HOUSE BILL 1615

State of Washington

68th Legislature

2023 Regular Session

By Representatives Eslick, Corry, Graham, Walen, Barkis, Volz, Dent, Couture, and Low

1 AN ACT Relating to creating the students first program which
2 establishes education savings accounts for students in need of
3 support; adding a new section to chapter 28B.77 RCW; adding a new
4 chapter to Title 28A RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The state Constitution makes clear
7 that it is the paramount duty of the state to make ample provision
8 for the education of all children residing within its borders,
9 without distinction or preference on account of race, color, caste,
10 or sex. The legislature finds the state does not provide for the
11 education of children outside of the public school system. The
12 legislature recognizes that the state has fallen short on its mandate
13 to all children in this state.

14 (2) The legislature also recognizes the power entrusted to
15 parents to know what is best for their children. Parents can choose
16 to place their student in a common school, charter public school, or
17 private school or provide home-based instruction. However, not all
18 parents have access to every option for their student. Public charter
19 schools are limited in number and space, while home school and
20 private school options require a large investment from families. The

1 legislature intends to put students first and empower families by
2 decreasing these barriers.

3 (3) While the legislature has spent years increasing funding to
4 the public school system, the legislature finds many students have
5 been left behind. National test scores have been trending down over
6 the last decade and, after extensive school closures, state test
7 scores are down to the lowest they have been since administration of
8 the smarter balanced assessment began. Over 62 percent of
9 Washington's students did not meet grade level standards in math and
10 about half did not meet grade level standards in English.

11 (4) The legislature further finds the effects from the school
12 closures disproportionately impacted students with the most need,
13 specifically those from underrepresented communities. Students with
14 disabilities who were eligible for special education services were
15 delayed in getting their needed supports for too long. Since the
16 2018-19 school year, there has been an over four percent increase in
17 private school students and over 49 percent increase in students
18 receiving home-based instruction. The legislature finds that families
19 are not satisfied with the education their students are receiving.

20 (5) Therefore, the legislature intends to allow the money
21 invested in students to indeed follow the student by establishing the
22 students first program. The legislature intends to fund education
23 savings accounts for students with priority given to students
24 eligible for special education services, low-income students, and
25 students in failing schools. Parents who apply for the students first
26 program on behalf of their students must agree to only use the funds
27 for education-related expenses. The legislature intends to make the
28 funds accessible with the use of a debit card managed by the state
29 with oversight capability. Students eligible for special education
30 services will qualify for additional support. This program will
31 empower parents to do what is best for their student regardless of
32 income level or zip code, while also meeting the state's moral and
33 constitutional obligation to put students first.

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

37 (1) "Account" means a Washington education savings account
38 accessible by the parent of a participating student.

1 (2) "Agreement" means written agreement between the council and
2 the parent of an eligible student that establishes the obligations of
3 the parent and the council.

4 (3) "Award" means the amount of money deposited by the state into
5 a participating student's account.

6 (4) "Council" means the student achievement council created under
7 chapter 28B.77 RCW.

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

11 (6) "Home-based instruction" has the meaning provided in RCW
12 28A.225.010.

13 (7) "Parent" means a parent, guardian, or other person or entity
14 having legal custody of an eligible or participating student.

15 (8) "Participating student" means an eligible student whose
16 parent has submitted a signed agreement to the council.

17 (9) "Private school" means a school approved under chapter
18 28A.195 RCW.

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

20 (11) "Qualified expenses" means the following expenses related to
21 the education of a participating student for which money in an
22 account may be used:

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

24 (b) Textbooks required by a private school;

25 (c) Tutoring and other services with a direct nexus to academics;

26 (d) Curricula and other materials necessary to provide home-based
27 instruction;

28 (e) Tuition, fees, or both for a private online learning program;

29 (f) Fees for nationally standardized norm-referenced achievement
30 tests, advanced placement examinations, and any examinations related
31 to college or university admission;

32 (g) Uniforms required to attend a private school;

33 (h) Costs for annual standardized testing or the academic
34 progress assessment required under RCW 28A.200.010 for participating
35 students receiving home-based instruction;

36 (i) Educational services and related therapies, services, and
37 supports, including assistive technology devices and services;

38 (j) Expenses associated with participating in classes or
39 extracurricular activities, including athletics, at a public school;

40 (k) Postsecondary education and workforce program costs;

1 (l) Computer hardware and technological devices primarily used
2 for an educational purpose, which may include calculators, personal
3 computers, laptops, tablet devices, microscopes, telescopes, and
4 printers. The following technological devices are not qualified
5 expenses: Entertainment and other primarily noneducational devices,
6 for example, televisions, telephones, video game consoles and
7 accessories, and home theater and audio equipment;

8 (m) Expenses related to transporting a participating student to
9 and from educational activities and services, and related therapies
10 and services; and

11 (n) Other consumable educational supplies.

12 (12) "Student with a disability" means an eligible student who
13 has been evaluated and determined to need special education and
14 related services under the federal individuals with disabilities
15 education act, 20 U.S.C. Sec. 1400 et seq.

16 (13) "Students first program" means the students first education
17 savings account program.

18 NEW SECTION. **Sec. 3.** (1) The students first education savings
19 account program is established to provide awards for the education of
20 eligible students. The council shall administer the students first
21 program as required by this section.

22 (2) The council shall annually provide awards to up to 94,100
23 participating students, with priority to eligible students who
24 either:

25 (a) Have a disability;

26 (b) Are in households at or below 300 percent of federal poverty
27 level;

28 (c) Are enrolled in public schools identified as challenged
29 schools in need of improvement under RCW 28A.657.020; or

30 (d) Are an eligible student who is the sibling of a participating
31 student.

32 (3) (a) For a participating student who is not a student with a
33 disability, the award provided under this section must be the total
34 of:

35 (i) The estimated total statewide allocation generated by the
36 distribution formula under RCW 28A.150.260 (4) (a), (5), (6), and (8)
37 and the allocation under RCW 28A.150.415, divided by the statewide
38 full-time equivalent enrollment in common schools; and

1 (ii) The statewide allocation for pupil transportation services
2 to and from school in accordance with RCW 28A.160.150 through
3 28A.160.180 divided by the statewide full-time equivalent enrollment
4 in common schools.

5 (b) For a participating student with a disability, the award
6 provided under this section must be the total of:

7 (i) The award provided under subsection (a) of this section; and

8 (ii) The excess cost amount equal to (a)(i) of this subsection
9 multiplied by the special education cost multiplier under RCW
10 28A.150.390(2)(b)(i)(B)(I).

11 (c) The council shall consult with the office of the
12 superintendent of public instruction when calculating the award
13 amounts.

14 (4) The parent of a participating student must be able to access
15 the money in their participating student's account using a debit
16 card.

17 (5) The council may contract for the management of the accounts.
18 The manager of the accounts must comply with generally accepted
19 accounting principles and may charge reasonable fees for the
20 management of accounts.

21 (6) The council must establish a process to receive comments from
22 parents about the students first program, including the management of
23 accounts.

24 (7) The students first program and all accounts are subject to
25 audit by the state auditor's office and by an independent public
26 accounting firm retained by the council for this purpose.

27 NEW SECTION. **Sec. 4.** (1) To apply for the students first
28 program, the parent of an eligible student must submit an application
29 to the council in the manner and by the deadline set by the council.

30 (2) To participate in the students first program, the parent of
31 an eligible student must enter into a written agreement with the
32 council that obligates the parent to:

33 (a) Withdraw from or not enroll in the public school the
34 participating student attends or is eligible to attend, and release
35 the public school and, if applicable, the school district, from all
36 obligations to provide an education or education services to the
37 participating student;

1 (b) Enroll the participating student in a private school or
2 adhere to the home-based instruction requirements of RCW 28A.225.010
3 and 28A.200.010;

4 (c) Use the award and any interest that may accrue in the account
5 only for qualified expenses of the participating student; and

6 (d) Maintain documentation of all expenses paid using the account
7 and provide the documentation to the council upon request.

8 (3) The parent of a participating student may terminate the
9 agreement entered into under this section by notifying the council in
10 the manner specified by the council.

11 (4) An agreement entered into under this section terminates
12 automatically if the participating student is no longer an eligible
13 student. Any money remaining in an account that is terminated under
14 this subsection reverts to the council for future deposit into
15 accounts.

16 NEW SECTION. **Sec. 5.** (1) Parents and private schools that
17 accept awards from the students first program are not agents of the
18 state or federal government and must be given maximum freedom to
19 provide for the educational needs of participating students without
20 governmental control.

21 (2) Private schools must not be required to alter their creed,
22 practices, admissions policies, or curricula in order to admit
23 participating students whose parents pay tuition or fees using
24 students first program awards.

25 (3) Nothing in this section may be construed to expand the
26 regulatory authority of the state, the council, the state board of
27 education, the office of the superintendent of public instruction, or
28 any of their officers, to impose any additional regulations on
29 private schools beyond those necessary to enforce the requirements of
30 the students first program.

31 NEW SECTION. **Sec. 6.** Annually by November 1st, and in
32 accordance with RCW 43.01.036, the council shall report to the
33 appropriate committees of the legislature with the following students
34 first program and account information from the prior school year:

35 (1) The number of participating students disaggregated by grade
36 level, gender, race, and ethnicity as described in RCW
37 28A.300.042(1), resident school district, and prioritization
38 category, if any;

1 (2) The amount of awards distributed to accounts;

2 (3) The number of students first program applications received,
3 approved, and denied, including the justification for the denied
4 applications;

5 (4) The number of applications processed within 30 days of
6 receipt and the number of administratively incomplete applications;

7 (5) A summary of any comments from parents about the students
8 first program received by the council or any entity contracted to
9 manage the accounts, and a summary of how the council is responding
10 to these comments; and

11 (6) Information on any entity contracted to manage the accounts.

12 NEW SECTION. **Sec. 7.** The students first program account is
13 created in the custody of the state treasurer. The account shall
14 consist of funds appropriated by the legislature and money from
15 accounts terminated under section 6 of this act. The council shall
16 deposit into the students first program account all moneys received
17 for the students first education savings account program established
18 under section 3 of this act. Expenditures from the students first
19 program account may be used only for depositing students first
20 program awards into the students first program accounts of
21 participating students as required under section 3 of this act, and
22 for students first program administration, including any contract for
23 management of students first program accounts, as permitted by
24 section 3 of this act. Only the director of council or the director's
25 designee may authorize expenditures from the students first program
26 account. The students first program account is subject to allotment
27 procedures under chapter 43.88 RCW, but an appropriation is not
28 required for expenditures.

29 NEW SECTION. **Sec. 8.** The council shall adopt rules under
30 chapter 34.05 RCW for the administration of the students first
31 program.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 28B.77
33 RCW to read as follows:

34 The council shall administer the students first education savings
35 account program established under section 3 of this act.

1 NEW SECTION. **Sec. 10.** Sections 2 through 8 of this act
2 constitute a new chapter in Title 28A RCW.

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