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**SENATE BILL 5949**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senators Finkbeiner, Johnson, Oke and Winsley

Read first time 02/17/1999. Referred to Committee on Education.

1 AN ACT Relating to academic choice in education scholarship  
2 program; adding a new chapter to Title 28A RCW; and providing for  
3 submission of this act to a vote of the people.

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

5 NEW SECTION. **Sec. 1.** The superintendent of public instruction  
6 shall establish an academic choice in education scholarship program to  
7 be initially piloted in the five school districts with the largest  
8 student populations in grades kindergarten through twelve.

9 NEW SECTION. **Sec. 2.** (1) "Eligible private school" means an  
10 approved private school located within an eligible school district  
11 that: (a) Complies with chapter 28A.195 RCW; (b) complies with all the  
12 health and safety laws and rules that apply to public schools; (c) is  
13 free from sectarian control or influence; (d) voluntarily participates  
14 in the academic choice in education scholarship program; and (e) agrees  
15 to comply with the requirements of the academic choice in education  
16 scholarship program.

17 (2) "Eligible school district" means any of the five school  
18 districts in the state of Washington with the largest total student

1 populations in public and private schools in grades kindergarten  
2 through twelve.

3 (3) "Eligible student" means a student in grades kindergarten  
4 through twelve who: (a) Resides in one of the eligible school  
5 districts; (b) qualifies for free or reduced-priced meal programs under  
6 RCW 28A.235.140; and (c) during the previous school year was either (i)  
7 enrolled in the eligible school district; (ii) attending an eligible  
8 private school as an eligible student admitted through the scholarship  
9 program; or (iii) not enrolled in school.

10 (4) "Education-related expenses" means expenses necessarily  
11 incurred by an eligible student to participate fully in any required or  
12 optional academic curriculum offered by the eligible private school.

13 (5) "Scholarship program" means the academic choice in education  
14 scholarship program.

15 (6) "Superintendent" means the superintendent of public instruction  
16 of the state of Washington.

17 NEW SECTION. **Sec. 3.** (1) The scholarship program shall be a pilot  
18 program and shall begin in the 1999-2000 school year.

19 (2) The superintendent shall design the scholarship program to meet  
20 the following requirements:

21 (a) Up to seven percent of an eligible school district's student  
22 population in grades kindergarten through twelve may participate in the  
23 scholarship program during the 1999-2000 school year. Beginning in the  
24 2000-01 school year and thereafter, up to fifteen percent of an  
25 eligible school district's student population may participate in the  
26 scholarship program.

27 (b) Up to sixty-five percent of an eligible private school's  
28 enrollment may consist of eligible students attending the private  
29 school under the scholarship program.

30 (c) By May 1st of each year, an eligible private school must notify  
31 the superintendent of its intent to participate in the scholarship  
32 program the following school year. The notice must specify the maximum  
33 number of eligible students the private school will accept under the  
34 scholarship program. An eligible private school must also notify the  
35 superintendent when the private school accepts an applicant, when the  
36 eligible private school has reached its sixty-five percent maximum  
37 enrollment, and if any of the accepted eligible students drop out or  
38 are expelled during the school year.

1 (d) Any eligible student or the eligible student's parents or legal  
2 guardian may submit an application to an eligible private school that  
3 the student wishes to attend the following school year. The  
4 superintendent shall provide the application forms to the eligible  
5 school districts, which shall make the forms available to applicants.  
6 The applicant must submit the application no later than a date  
7 established by the superintendent. Within sixty days of receiving the  
8 application, the eligible private school shall notify the applicant in  
9 writing whether the school has accepted the applicant. Eligible  
10 private schools must accept applications on a random basis except that  
11 the eligible private school may give preference in accepting  
12 applications to siblings of eligible students accepted on a random  
13 basis.

14 (e) If the eligible private school rejects an eligible student  
15 because the school has insufficient space available, the eligible  
16 student may transfer his or her application to another participating  
17 eligible private school that has available space.

18 (f) Upon receipt from the eligible private school of proof of the  
19 student's enrollment in the school, the superintendent shall pay to the  
20 school a total of three thousand five hundred dollars for purposes of  
21 payment of tuition and education-related expenses. To participate in  
22 the scholarship program, an eligible private school must agree to  
23 accept the three thousand five hundred dollar payment as payment for  
24 the entire cost of the student's tuition and education-related expenses  
25 at the school for the school year. The superintendent shall pay fifty  
26 percent of the total amount in September and fifty percent in May.  
27 Nothing in this subsection (2)(f) prohibits the eligible private school  
28 from accepting donations or grants.

29 (g) For administrative purposes, the superintendent may make the  
30 check payable to the eligible private school on behalf of an enrolled  
31 eligible student. If more than one eligible student is enrolled in an  
32 eligible private school, the superintendent may consolidate payments  
33 made to the school on behalf of those students.

34 (h) The eligible school district shall provide transportation for  
35 students attending an eligible private school and shall receive state  
36 funding for the operating costs of transporting those students.

37 (i) The superintendent shall adopt rules to implement the pilot  
38 project and allocate funding.

1        NEW SECTION.    **Sec. 4.**    The superintendent shall:

2        (1) Adjust the annual payments to the eligible school districts to  
3 reflect the payments to eligible school districts to transport the  
4 accepted students to the private schools;

5        (2) Develop a process, in cooperation with the eligible school  
6 districts, to notify students and parents annually of students who  
7 reside in eligible school districts about the scholarship program and  
8 the participating eligible private schools;

9        (3) Develop a process, in cooperation with the eligible school  
10 districts and the participating eligible private schools, to inform the  
11 superintendent, the participating private school, and the students and  
12 parents in the eligible school district, when the eligible school  
13 districts and the participating private schools have reached their  
14 maximum enrollments for the upcoming school year;

15        (4) Monitor the scholarship program as provided in section 5 of  
16 this act; and

17        (5) No later than December 1, 2002, recommend to the appropriate  
18 committees of the legislature whether to expand, modify, or discontinue  
19 the scholarship program.

20        NEW SECTION.    **Sec. 5.**    (1) Each eligible private school  
21 participating in the scholarship program shall meet at least one of the  
22 following standards:

23        (a) At least seventy percent of the students in the scholarship  
24 program advance one grade level each year;

25        (b) The private school's average attendance rate for the students  
26 in the scholarship program is at least ninety percent as measured by a  
27 standard established by the superintendent;

28        (c) At least eighty percent of the students in the scholarship  
29 program demonstrate significant academic progress as measured by the  
30 private school; and

31        (d) At least seventy percent of the students in the scholarship  
32 program meet parent involvement criteria established by the private  
33 school.

34        (2) The superintendent shall monitor the performance of the  
35 students attending the participating eligible private schools. If the  
36 superintendent determines in any school year that a participating  
37 eligible private school is not meeting at least one of the standards

1 under subsection (1) of this section, that private school may not  
2 participate in the scholarship program in the following school year.

3 NEW SECTION. **Sec. 6.** This chapter may be known and cited as the  
4 academic choice in education scholarship program act.

5 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute  
6 a new chapter in Title 28A RCW.

7 NEW SECTION. **Sec. 8.** The secretary of state shall submit this act  
8 to the people for their adoption and ratification, or rejection, at the  
9 next general election to be held in this state, in accordance with  
10 Article II, section 1 of the state Constitution and the laws adopted to  
11 facilitate its operation.

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