

ESSB 5321 - H COMM AMD

By Committee on College & Workforce Development

NOT ADOPTED 04/07/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature enacted the college bound
4 scholarship program in 2007 to encourage all Washington students to
5 dream big by creating a guaranteed four-year tuition scholarship
6 program for students from low-income families. The legislature finds
7 the program has been successful in achieving this goal. A report by
8 the Washington state institute for public policy found that the
9 scholarship increases high school graduation rates, probability of
10 on-time college enrollment, college persistence, and college
11 graduation rates. However, more than one quarter of eligible students
12 are unable to access the scholarship by failing to sign the pledge
13 required by the program. The legislature finds that the pledge has
14 become an unintended barrier to entry, a problem made more acute as
15 students are receiving their education remotely during the COVID-19
16 pandemic and have less access to school teachers, counselors, and
17 peers. Therefore, the legislature intends with this act to remove the
18 pledge as an eligibility requirement while retaining the requirement
19 that students maintain a "C" average for direct admittance to a
20 public or private four-year higher education institution and avoid
21 serious interactions with the criminal justice system for four years.
22 In order to ensure that the legislature will fulfill its promise to
23 provide a scholarship upon graduation, the legislature intends by
24 this act to create a statutory contractual right for students who
25 fulfill scholarship requirements that vests when the student becomes
26 first eligible for the scholarship.

27 **Sec. 2.** RCW 28B.118.010 and 2019 c 406 s 44 and 2019 c 298 s 1
28 are each reenacted and amended to read as follows:

29 The office of student financial assistance shall design the
30 Washington college bound scholarship program in accordance with this

1 section and in alignment with the Washington college grant program in
2 chapter 28B.92 RCW unless otherwise provided in this section. The
3 right of an eligible student to receive a college bound scholarship
4 vests upon enrollment in the program that is earned by meeting the
5 requirements of this section as it exists at the time of the
6 student's enrollment under subsection (2) of this section.

7 (1) "Eligible students" are those students who:

8 (a) Qualify for free or reduced-price lunches or are enrolled at
9 schools using provision 2 of the national school lunch act or the
10 community eligibility provision under section 104(a) of the federal
11 health, hunger-free kids act of 2010.

12 (i) If a student qualifies in the seventh ~~(($\text{\textcircled{e}}$))~~, eighth, or
13 ninth grade, the student remains eligible even if the student does
14 not receive free or reduced-price lunches thereafter or if the
15 student is no longer enrolled at a school using provision 2 of the
16 national school lunch act or the community eligibility provision
17 under section 104(a) of the federal health, hunger-free kids act of
18 2010.

19 (ii) Beginning in the ~~((2019-20))~~ 2021-22 academic year, if a
20 student qualifies for free or reduced-price lunches in the ~~((ninth))~~
21 10th grade and was previously ineligible during the seventh ~~(($\text{\textcircled{e}}$))~~,
22 eighth, or ninth grade while he or she was a student in Washington,
23 the student is eligible for the college bound scholarship program;

24 (b) Are dependent pursuant to chapter 13.34 RCW and:

25 (i) In grade seven through twelve; or

26 (ii) Are between the ages of eighteen and twenty-one and have not
27 graduated from high school; or

28 (c) Were dependent pursuant to chapter 13.34 RCW and were adopted
29 between the ages of fourteen and eighteen with a negotiated adoption
30 agreement that includes continued eligibility for the Washington
31 state college bound scholarship program pursuant to RCW 74.13A.025.

32 ~~((Eligible students and the students' parents or guardians~~
33 ~~shall be notified of the student's eligibility for the Washington~~
34 ~~college bound scholarship program. Students and the students' parents~~
35 ~~or guardians shall also be notified of the requirements for award of~~
36 ~~the scholarship.~~

37 ~~(3)(a) To be eligible for a Washington college bound scholarship,~~
38 ~~a student eligible under subsection (1)(a)(i) of this section must~~
39 ~~sign a pledge during seventh or eighth grade or a student eligible~~
40 ~~under subsection (1)(a)(ii) of this section must sign a pledge during~~

1 ~~ninth grade. The pledge must include a commitment to graduate from~~
2 ~~high school with at least a C average and with no felony convictions.~~
3 ~~The pledge must be witnessed by a parent or guardian and forwarded to~~
4 ~~the office of student financial assistance by mail or electronically,~~
5 ~~as indicated on the pledge form.~~

6 ~~(b) (i) Beginning in the 2018-19 academic year, the office of~~
7 ~~student financial assistance shall make multiple attempts to secure~~
8 ~~the signature of the student's parent or guardian for the purpose of~~
9 ~~witnessing the pledge.~~

10 ~~(ii) If the signature of the student's parent or guardian is not~~
11 ~~obtained, the office of student financial assistance may partner with~~
12 ~~the school counselor or administrator to secure the parent's or~~
13 ~~guardian's signature to witness the pledge. The school counselor or~~
14 ~~administrator shall make multiple attempts via all phone numbers,~~
15 ~~email addresses, and mailing addresses on record to secure the~~
16 ~~parent's or guardian's signature. All attempts to contact the parent~~
17 ~~or guardian must be documented and maintained in the student's~~
18 ~~official file.~~

19 ~~(iii) If a parent's or guardian's signature is still not~~
20 ~~obtained, the school counselor or administrator shall indicate to the~~
21 ~~office of student financial assistance the nature of the unsuccessful~~
22 ~~efforts to contact the student's parent or guardian and the reasons~~
23 ~~the signature is not available. Then the school counselor or~~
24 ~~administrator may witness the pledge unless the parent or guardian~~
25 ~~has indicated that he or she does not wish for the student to~~
26 ~~participate in the program.~~

27 ~~(c) A) (a) Every eligible student ((eligible under subsection~~
28 ~~(1)(b) of this section)) shall be automatically enrolled by the~~
29 ~~office of student financial assistance, with no action necessary by~~
30 ~~the student ((or the)), student's family, ((and the enrollment form~~
31 ~~must be forwarded by the department of social and health services to~~
32 ~~the office of student financial assistance by mail or electronically,~~
33 ~~as indicated on the form)) or student's guardians.~~

34 ~~(b) Eligible students and the students' parents or guardians~~
35 ~~shall be notified of the student's enrollment in the Washington~~
36 ~~college bound scholarship program and the requirements for award of~~
37 ~~the scholarship by the office of student financial assistance. To the~~
38 ~~maximum extent practicable, an eligible student must acknowledge~~
39 ~~enrollment in the college bound scholarship program and receipt of~~
40 ~~the requirements for award of the scholarship.~~

1 (c) The office of the superintendent of public instruction and
2 the department of children, youth, and families must provide the
3 office of student financial assistance with a list of eligible
4 students when requested. The office of student financial assistance
5 must determine the most effective methods, including timing and
6 frequency, to notify eligible students of enrollment in the
7 Washington college bound scholarship program. The office of student
8 financial assistance must take reasonable steps to ensure that
9 eligible students acknowledge enrollment in the college bound
10 scholarship program and receipt of the requirements for award of the
11 scholarship. The office of student financial assistance shall also
12 make available to every school district information, brochures, and
13 posters to increase awareness and to enable school districts to
14 notify eligible students directly or through school teachers,
15 counselors, or school activities.

16 ~~((4) (a) Scholarships shall be awarded to))~~ (3) Except as
17 provided in subsection (4) of this section, an eligible student~~((s~~
18 ~~graduating from public high schools, approved private high schools~~
19 ~~under chapter 28A.195 RCW, or who received home-based instruction~~
20 ~~under chapter 28A.200 RCW.~~

21 ~~(b) (i) To receive the Washington college bound scholarship, a~~
22 ~~student must graduate with at least a "C" average))~~ must:

23 (a) Graduate from a public high school ~~((or))~~ under RCW
24 28A.150.010, an approved private high school under chapter 28A.195
25 RCW in Washington, or have received home-based instruction under
26 chapter 28A.200 RCW ~~((, must have))~~ and:

27 (i) For direct admittance to a public or private four-year
28 institution of higher education, graduate with at least a "C"
29 average; or

30 (ii) Enroll directly into a community or technical college with
31 the opportunity to transfer to a public or private four-year
32 institution of higher education;

33 (b) Have no felony convictions ~~((, and must be));~~

34 (c) Be a resident student as defined in RCW 28B.15.012(2) (a)
35 through (e) ~~((A));~~ and

36 (d) Have a family income that does not exceed 65 percent of the
37 state median family income at the time of high school graduation.

38 (4) (a) An eligible student who ~~((is eligible to receive the~~
39 ~~Washington college bound scholarship because the student))~~ is a
40 resident student under RCW 28B.15.012(2) (e) must also provide the

1 institution, as defined in RCW 28B.15.012, an affidavit indicating
2 that the individual will file an application to become a permanent
3 resident at the earliest opportunity the individual is eligible to do
4 so and a willingness to engage in any other activities necessary to
5 acquire citizenship, including but not limited to citizenship or
6 civics review courses.

7 ~~((ii))~~ (b) For eligible ~~((children))~~ students as defined in
8 subsection (1)(b) and (c) of this section, ~~((to receive the
9 Washington college bound scholarship,))~~ a student ~~((must have
10 received))~~ may also meet the requirement in subsection (3)(a) of this
11 section by receiving a high school equivalency certificate as
12 provided in RCW 28B.50.536 ~~((or have graduated with at least a "C"
13 average from a public high school or an approved private high school
14 under chapter 28A.195 RCW in Washington or have received home-based
15 instruction under chapter 28A.200 RCW, must have no felony
16 convictions, and must be a resident student as defined in RCW
17 28B.15.012(2) (a) through (e))~~).

18 (c) For a student who does not meet the "C" average requirement,
19 and who completes fewer than two quarters in the running start
20 program, under chapter 28A.600 RCW, the student's first quarter of
21 running start course grades must be excluded from the student's
22 overall grade point average for purposes of determining ~~((their
23 eligibility to receive the scholarship))~~ if the requirement in
24 subsection (3)(a) of this section is met.

25 ~~(5) ((A student's family income will be assessed upon graduation
26 before awarding the scholarship. If at graduation from high school
27 the student's family income does not exceed sixty-five percent of the
28 state median family income, scholarship award amounts shall be as
29 provided in this section.~~

30 ~~(6))~~ (a) For students attending two or four-year institutions of
31 higher education as defined in RCW 28B.10.016, the value of the award
32 shall be (i) the difference between the student's tuition and
33 required fees, less the value of any state-funded grant, scholarship,
34 or waiver assistance the student receives; (ii) plus five hundred
35 dollars for books and materials.

36 (b) For students attending private four-year institutions of
37 higher education in Washington, the award amount shall be the
38 representative average of awards granted to students in public
39 research universities in Washington or the representative average of

1 awards granted to students in public research universities in
2 Washington in the 2014-15 academic year, whichever is greater.

3 (c) For students attending private vocational schools in
4 Washington, the award amount shall be the representative average of
5 awards granted to students in public community and technical colleges
6 in Washington or the representative average of awards granted to
7 students in public community and technical colleges in Washington in
8 the 2014-15 academic year, whichever is greater.

9 ~~((7) Recipients))~~ (6) Eligible students must enroll no later
10 than the fall term, as defined by the institution of higher
11 education, one academic year following high school graduation.
12 Eligible students may receive no more than four full-time years'
13 worth of scholarship awards within a five-year period.

14 ~~((8))~~ (7) Institutions of higher education shall award the
15 student all need-based and merit-based financial aid for which the
16 student would otherwise qualify. The Washington college bound
17 scholarship is intended to replace unmet need, loans, and, at the
18 student's option, work-study award before any other grants or
19 scholarships are reduced.

20 ~~((9))~~ (8) The first scholarships shall be awarded to students
21 graduating in 2012.

22 (9) For eligible students who are divested of a college bound
23 scholarship because they are unable to meet the requirement in
24 subsection (3)(d) of this section, those students with a family
25 income of less than 100 percent of the state median family income are
26 entitled to a stipend of \$500 for books, materials, and other
27 scholastic expenses annually, renewable for no more than four full-
28 time years.

29 (10) The eligible student has a property right in the award, but
30 the state of Washington retains legal ownership of tuition units
31 awarded as scholarships under this chapter until the tuition units
32 are redeemed. These tuition units shall remain separately held from
33 any tuition units owned under chapter 28B.95 RCW by a Washington
34 college bound scholarship recipient.

35 (11) The scholarship award must be used within five years of
36 receipt. Any unused scholarship tuition units revert to the
37 Washington college bound scholarship account.

38 (12) Should the recipient terminate his or her enrollment for any
39 reason during the academic year, the unused portion of the

1 scholarship tuition units shall revert to the Washington college
2 bound scholarship account.

3 **Sec. 3.** RCW 28B.118.040 and 2019 c 298 s 2 are each amended to
4 read as follows:

5 The office of student financial assistance shall:

6 (1) With the assistance of the office of the superintendent of
7 public instruction, implement and administer the Washington college
8 bound scholarship program;

9 (2) Develop ~~((and distribute, to all schools with students
10 enrolled in grades seven through nine, a pledge form that can be
11 completed and returned electronically or by mail by the student or
12 the school to the office of student financial assistance))~~ effective
13 methods to notify eligible students of their enrollment in the
14 Washington college bound scholarship program and the requirements of
15 RCW 28B.118.010;

16 (3) Develop and implement a ~~((student application, selection, and
17 notification))~~ process for ~~((scholarships))~~ verifying eligibility,
18 which includes working with other state agencies, law enforcement, or
19 the court system to verify that eligible students do not have felony
20 convictions;

21 (4) Annually in March, with the assistance of the office of the
22 superintendent of public instruction, distribute to ~~((tenth))~~ 11th
23 grade ~~((college bound scholarship))~~ eligible students and their
24 families: (a) Notification that, to qualify for the scholarship, a
25 student's family income may not exceed sixty-five percent of the
26 state median family income at graduation from high school; (b) the
27 current year's value for sixty-five percent of the state median
28 family income; and (c) a statement that a student should consult
29 their school counselor if their family makes, or is projected to
30 make, more than this value before the student graduates;

31 (5) Develop comprehensive social media outreach with grade-level
32 specific information designed to keep students on track to graduate
33 and leverage current tools such as the high school and beyond plan
34 required by the state board of education and the ready set grad
35 website maintained by the student achievement council;

36 (6) Track scholarship recipients to ensure continued eligibility
37 and determine student compliance for awarding of scholarships;

1 (7) Within existing resources, collaborate with college access
2 providers and K-12, postsecondary, and youth-serving organizations to
3 map and coordinate mentoring and advising resources across the state;

4 (8) Subject to appropriation, deposit funds into the state
5 educational trust fund;

6 (9) Purchase tuition units under the advanced college tuition
7 payment program in chapter 28B.95 RCW to be owned and held in trust
8 by the office of student financial assistance, for the purpose of
9 scholarship awards as provided for in this section; and

10 (10) Distribute scholarship funds, in the form of tuition units
11 purchased under the advanced college tuition payment program in
12 chapter 28B.95 RCW or through direct payments from the state
13 educational trust fund, to institutions of higher education on behalf
14 of scholarship recipients identified by the office, as long as
15 recipients maintain satisfactory academic progress.

16 **Sec. 4.** RCW 28B.118.090 and 2019 c 406 s 45 and 2019 c 298 s 3
17 are each reenacted and amended to read as follows:

18 (1) Beginning January 1, 2015, and at a minimum every year
19 thereafter, the student achievement council and all institutions of
20 higher education eligible to participate in the college bound
21 scholarship program shall ensure data needed to analyze and evaluate
22 the effectiveness of the college bound scholarship program is
23 promptly transmitted to the education data center created in RCW
24 43.41.400 so that it is available and easily accessible. The data to
25 be reported should include but not be limited to:

26 (a) The number of enrolled students (~~((who sign up))~~) for the
27 college bound scholarship program in seventh, eighth, ~~((or))~~ ninth,
28 or 10th grade;

29 (b) The number of college bound scholarship students who graduate
30 from high school;

31 (c) The number of college bound scholarship students who enroll
32 in postsecondary education;

33 (d) Persistence and completion rates of college bound scholarship
34 recipients disaggregated by institutions of higher education;

35 (e) College bound scholarship recipient grade point averages;

36 (f) The number of college bound scholarship recipients who did
37 not remain eligible and reasons for ineligibility;

38 (g) College bound scholarship program costs; and

39 (h) Impacts to the Washington college grant program.

1 (2) Beginning May 12, 2015, and at a minimum every December 1st
2 thereafter, the student achievement council shall submit student unit
3 record data for the college bound scholarship program applicants and
4 recipients to the education data center.

5 NEW SECTION. **Sec. 5.** This act does not affect any existing
6 right acquired or liability or obligation incurred under the sections
7 amended or repealed or under any rule or order adopted under those
8 sections, nor does it affect any proceeding instituted under those
9 sections.

10 NEW SECTION. **Sec. 6.** The legislature intends this act to be
11 curative, remedial, and retroactively apply to seventh grade students
12 beginning with the 2019-20 school year.

13 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of
15 the state government and its existing public institutions, and takes
16 effect immediately."

17 Correct the title.

EFFECT: The striking amendment makes the following changes:

(1) Expands eligibility for the College Bound Scholarship (CBS) program to all qualifying 9th graders and to 10th graders who were previously ineligible for the CBS program in the 7th, 8th, or 9th grade as a Washington student, but become eligible for free or reduced price lunch in the 10th grade.

(2) Expands eligibility and automatic enrollment in the CBS program to all 7th, 8th, and 9th graders who are enrolled at schools using provision 2 of the National School Lunch Act or the community eligibility provision under section 104(a) of the Federal Health, Hunger-Free Kids Act of 2010.

(3) Adds that students who are divested of their CBS award because their family income exceeded 65 percent of the state median family income at graduation, are still entitled to a \$500 stipend to use on books, materials, and other scholastic expenses as long as their family income does not exceed 100 percent of the state median family income at graduation.

(4) Requires the student to graduate with at least a "C" average grade point average for direct admittance to a public or private four-year institution of higher education or provides the option to enroll directly in a community or technical college with the opportunity to transfer to a four-year institution.

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