

FORMATTING NOTE:

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

* * *

INITIATIVE 173

AN ACT Relating to education; and adding a new chapter to Title 28A RCW.

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

NEW SECTION. Sec. 1. PURPOSE. (1) The people of Washington, desiring to improve the education of children, adopt this chapter to:

- (a) Enable parents to determine which schools best meet their children's needs;
- (b) Empower parents to send their children to such schools;
- (c) Establish academic accountability based on historical national standards;
- (d) Reduce bureaucracy so that more educational dollars reach the classroom;
- (e) Provide greater opportunities for teachers;
- (f) Mobilize the private sector to help accommodate our burgeoning school-age population; and
- (g) Encourage the development of independent and charter schools.

(2) Therefore, eligible persons are hereby empowered to choose any school for their education

which meets the requirements of the Washington State Constitution, as provided in this chapter.

NEW SECTION. Sec. 2. SHORT TITLE. Chapter . . . , Laws of 1996 (this act) shall be known as The Choice in Education Act.

NEW SECTION. Sec. 3. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Voucher" or "scholarship voucher" is a payment to a child through his or her parent for pursuing the occupation of full-time student.

(2) "Child" or "Student" means a person eligible to attend kindergarten or grades one through twelve.

(3) "Eligible person" means a full time student otherwise qualified who is attending any school for their education which complies with the requirements of the Washington State Constitution.

(4) "Voucher-redeeming school" means any school located within Washington that meets the requirements of this chapter and is not in violation of the requirements of the Washington State Constitution. No school may be compelled to become a voucher-redeeming school. No school that meets the requirements of this chapter may be prevented from becoming a voucher-redeeming school.

(5) "State and local government spending" includes, but is not limited to,

spending funded from all revenue sources, including the general fund, federal funds, local property taxes, lottery funds, and local miscellaneous income such as developer fees, but excluding bond proceeds and charitable donations.

Notwithstanding the inclusion of federal funds in the calculation of state and local government spending, federal funds shall constitute no part of any scholarship voucher provided under this section.

(6) "Independent school" is a "private" school which is regulated by chapter 28A.195 RCW.

(7) "Charter school" is a state voucher-redeeming school. It is governed by the terms and conditions of the contract between the charter school and the school district in which it is located. In addition, charter schools are subject to the laws governing independent schools under chapter 28A.195 RCW, and the laws of this chapter.

(8) "State school" means the public schools or common schools referred to in Article IX of the state Constitution and Title 28A RCW.

NEW SECTION. Sec. 4. SCHOLARSHIP VOUCHERS--EMPOWERMENT OF PARENTS. (1) The state shall annually pay a scholarship voucher to every eligible person. Vouchers may be redeemed at any voucher-redeeming school.

(2) The scholarship voucher for each eligible person shall be not less than fifty-five percent of the state and local government spending allocated for each annual average full-time equivalent student under RCW 28A.150.260 and applicable state and local rules during the preceding fiscal year, excluding expenditures on scholarship vouchers granted pursuant to this section and excluding any unfunded pension liability associated with the state school system.

(3) Scholarship vouchers shall be of equal value for every child in any given grade. The legislature may award supplemental funds for reasonable transportation needs for low-income children and special needs attributable to disability. Nothing in this section prevents the use in any school of supplemental assistance from any source, public or private.

(4) Scholarship vouchers provided under this chapter are payment through parents that is earned by children for attending school. Vouchers are not payment for services rendered by the school in which the student is enrolled. Scholarship vouchers are not taxable income. The student shall be free to choose any voucher-redeeming school, and such selection shall not constitute a decision or act of the state or any of its subdivisions.

(5) A scholarship voucher accepted by a voucher-redeeming school, shall be accepted for one hundred percent of the cost of tuition, registration, or any other fees charged the voucher holding student for basic education in grades kindergarten through six. In grades seven through nine the voucher shall be accepted for not less than ninety percent of the total cost of basic education for the voucher holder. In grades 10 through 12 the voucher shall be accepted for not less than eighty percent of the total cost of basic education for the voucher holder.

(6) Beginning with the school year immediately following the effective date of this act, scholarships shall be made available to every otherwise eligible child born on or after September 1, 1989.

(7) Each voucher-redeeming school must choose and administer tests reflecting historical national standards for the purpose of measuring individual academic achievement. Such tests shall be designed and scored by independent parties. Each school's composite results for each grade level shall be released annually to the public the last week of March by legal publication in a county newspaper of record. Individual results shall be released only to the school and the child's parent.

(8) Each voucher-redeeming school must make public by legal publication in a county newspaper of record the last week of March, its budget and the results of an annual independent audit prepared in accordance with generally accepted auditing standards. The audit shall include, but not be limited to: A statement of

school mission, enrollment statistics, expenditures per student, budget report in an easily understandable form, student attendance rate, dropout rate, and condition and needs of the school building.

(9) Each teacher in a voucher-redeeming school must hold a college degree in the subject area taught or in education, or pass a subject area competency examination reflecting national standards. Such examination shall be designed and scored by independent parties. Teachers qualified by examination shall be supervised by a state-certificated teacher. This subsection will not prevent the use of classroom teaching assistants.

(10) Governing boards of school districts shall establish a mechanism to survey and publish not later than the March 31 of each year, the location and number of unused classrooms in buildings owned by the district. When a classroom has been unused for six consecutive months the district shall make that classroom available for lease to any voucher-redeeming school under the following terms and conditions: (a) the term of the lease shall be for not less than three years, (b) the voucher-redeeming school will pay a rental amount equal to the reasonable cost for maintaining, insuring, heating, lighting. Janitorial cost will not be included in the rental calculation. Capital costs including original cost of land, building and equipment or replacement cost shall not be considered in determining reasonable rent. Nothing in this section shall prohibit a district from publishing the availability of unused classroom space at any time. If a rental amount cannot be agreed upon, either party may submit the issue to binding arbitration before an arbitrator appointed by the presiding judge of the superior court of the county in which the school is located. The parties will pay their own fees and costs of arbitration.

(11) Disputes between voucher-redeeming schools and the superintendent of public instruction concerning the issuance or renewal of a license to operate a school shall be submitted to arbitration in accordance with this subsection (10) of this section.

NEW SECTION. Sec. 5. EMPOWERMENT OF SCHOOLS--REDEMPTION OF VOUCHERS. An independent school may become a voucher-redeeming school by filing with the State Board of Education a statement indicating satisfaction of the legal requirements that apply to independent schools and the requirements of this section.

(1) No school that discriminates on the basis of race, ethnicity, color, disability, economic status or national origin may redeem scholarships.

(2) To the extent permitted by the laws of the state of Washington and the laws of the United States, the state shall prevent from redeeming vouchers any school that advocates unlawful behavior, is not in compliance with the state or federal constitution, teaches bigotry toward any person or group on the basis of race, ethnicity, color, national origin, religion, or gender, or deliberately provides false or misleading information respecting the school.

(3) No school with fewer than twenty-five students may redeem scholarship vouchers, unless the legislature provides otherwise.

(4) It is the legislative intent of this chapter that independent schools, regardless of size, be accorded maximum flexibility to educate students and be free of unnecessary, burdensome or onerous regulation. Any regulation pertaining to health, safety or land use imposed by the state or any county, city, district or other subdivision of the state, shall be established under the criterion that the regulation: (a) Is essential to assure the health, safety or education of students, or as to any land use regulation, that the governmental body has a compelling interest in issuing or enacting it; (b) does not unduly burden or impede independent schools or the parents of students therein; and (c) will not harass, injure or suppress independent schools.

(5) Notwithstanding subsection (4) of this section, the legislature may (a) enact civil and criminal penalties for schools and persons who engage in fraudulent conduct in connection with the solicitation of students or the redemption of scholarships, and (b) restrict or prohibit individuals convicted of (i) any

felony, (ii) any offense involving lewd or lascivious conduct, or (iii) any offense involving molestation or other abuse of a child, from owning, contracting with, or being employed by any school, whether state or independent.

(6) Any school, state or independent, may establish a code of conduct and discipline and enforce it with sanctions, including dismissal. A student who is deriving no substantial academic benefit or is responsible for serious or habitual misconduct related to the school may be dismissed.

(7) After the parent designates the enrolling school, the state shall disburse the student's scholarship funds in equal monthly amounts, directly to the school for credit to the student's account. Monthly disbursements shall occur within 30 days of receipt of the school's statement of current enrollment.

(8) Expenditures for vouchers issued under this chapter and savings resulting from the implementation of this chapter shall count toward the minimum funding requirements for basic education established by law. Students enrolled in voucher-redeeming schools shall not be counted toward enrollment in state schools and community colleges for purposes of state funding of education.

NEW SECTION. Sec. 6. EMPOWERMENT OF TEACHERS--CONVERSION OF SCHOOLS TO CHARTER SCHOOLS. Within one year after the effective date of this act, the legislature shall establish an expeditious process by which state schools may become state voucher-redeeming charter schools.

(1) Except as otherwise required by law, the Washington State Constitution and the Constitution of the United States, charter schools shall operate under laws and rules no more restrictive than those applicable to independent schools regulated by chapter 28A.195 RCW and this chapter.

(2) Employees of such schools shall be permitted to continue and transfer their pension and health care programs on the same terms as other similarly situated participants employed by their school district as long as they remain in the employ of any such school.

NEW SECTION. Sec. 7. STATE SCHOOL CHOICE. Governing boards of school districts shall establish a mechanism consistent with federal law to allocate enrollment capacity based primarily on student choice. Any state school that chooses not to redeem scholarship vouchers shall, after district enrollment assignments based primarily on student choice are complete, open its remaining enrollment capacity to children regardless of residence. For fiscal purposes, children shall be deemed residents of the school district in which they are enrolled.

NEW SECTION. Sec. 8. IMPLEMENTATION. No later than May 31, 1997, the legislature shall enact legislation which implements this chapter and bring this title into compliance with the purposes and provisions of this chapter. The legislature shall enact legislation which clearly defines the meaning of "sectarian control or influence" for the purposes of this chapter. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between this act and any other provision of law, the provisions of this act shall govern.

NEW SECTION. Sec. 9. HOME-BASED EDUCATION. Nothing in this chapter affects the laws and rules in existence on the effective date of this section pertaining to home-based instruction, including chapter 28A.200 RCW.

NEW SECTION. Sec. 10. LIMITATION OF ACTIONS. Any action or proceeding contesting the validity of (1) this chapter, (2) any provision of this chapter, or (3) the adoption of this chapter, shall be commenced within six months from the date of the election at which this chapter is approved; otherwise this chapter and all of its provisions shall be held valid, legal, and incontestable. However, this limitation shall not of itself preclude an action or proceeding to challenge the

application of this chapter or any of its provisions to a particular person or circumstance.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Captions as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 13. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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