

WASHINGTON STATE
OPPORTUNITY
SCHOLARSHIP

BOARD MEETING AGENDA
WEDNESDAY, JANUARY 4, 2023 | 3:00-3:30 P.M.
IN-PERSON OR REMOTE

To join virtually: Click on the Microsoft Teams link in the meeting invitation or dial in #: 1 (332) 249-0607 Phone Conference ID: 802 639 725#

To join in person: Washington State Opportunity Scholarship office; 1414 31st. Ave South, Ste. 302, Seattle, WA 98144 (call 877-899-5002 to be admitted to the building)

Meeting open to the public via conference line above.

I.	Meeting Called to Order		Brad Smith Board Chair	3:00pm
II.	2023 Legislative Priorities	[Tab A]	Kimber Connors Executive Director	3:00-3:20pm
	» Board Action: Approve 2023 legislative priorities		Jessica Monger External Affairs Director	
III.	Executive Session		Brad Smith Board Chair	3:20-3:30pm
	» RCW 42.30.110(1) to obtain advice from legal counsel			
IV.	Closing		Brad Smith Board Chair	3:30pm

Upcoming Board Meetings

Tuesday, March 28, 2023
Tuesday, June 20, 2023

Tab A

2023 Legislative Priorities

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.010, 28B.145.020, and 28B.145.040.

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

Sec. 1. RCW 28B.145.010 and 2022 c 211 § 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over 125,000.

(5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(6) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8)(a) "Eligible student" means a resident student who:

(i)(A) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree;

(B) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(C) Received his or her high school diploma or equivalent and has been accepted at an institution of higher education into a professional-technical certificate or degree program in an eligible education program; or

(D) Has been accepted at an institution of higher education into an eligible advanced degree program that leads to credentials in health professions;

(ii) Declares an intention to obtain a professional-technical certificate, professional-technical degree, baccalaureate degree, or an advanced degree; and

(iii) Has a family income at or below 125 percent of the state median family income at the time the student applies for an opportunity scholarship. For the advanced degree program, family income may be greater than 125 percent if the eligible student can demonstrate financial need through other factors such as a history of prior household income, income loss caused by entering the advanced degree program, level of student debt at application and annually thereafter, or other factors determined by the program.

(b) To remain eligible for scholarship funds under the opportunity scholarship program the student must meet satisfactory academic progress toward completion of an eligible program as determined by the office of student financial assistance in the Washington college grant program under chapter 28B.92 RCW.

(9) "Gift aid" means financial aid received from the federal Pell grant, the Washington college grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Private sources," "private funds," "private contributions," or "private sector contributions" means donations from private organizations, corporations, federally recognized Indian tribes, municipalities, counties, and other sources, but excludes state dollars.

(13) "Professional-technical certificate" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(14) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(15) "Program administrator" means ((a)) one or more private nonprofit corporation(s) registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(16) "Resident student" means a student meeting the requirements under RCW 28B.92.200(5)(c) as defined in the Washington college grant program.

(17) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter.

Sec 2. RCW 28B.145.020 and 2019 c 406 § 64 are each amended to read as follows:

(1) The opportunity scholarship board is created. The board consists of eleven members:

(a) Six members appointed by the governor. For three of the six appointments, the governor shall consider names from a list provided by the president of the senate and the speaker of the house of representatives; and

(b) Five foundation or business and industry representatives appointed by the governor from among the state's most productive industries such as aerospace, manufacturing, health care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may request, and the private sector donors shall provide, an additional list or lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the board shall elect one of the business and industry representatives to serve as chair.

(4) Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The board shall be staffed by ((a)) one or more program administrator, under contract with the board and the council. The board may cause one or more tax-exempt nonprofit corporation(s) to be created, organized, and operated exclusively to perform some or all of the program administrator duties under this act and the board and council may contract directly with any such nonprofit corporation.

(6) The purpose of the board is to provide oversight and guidance for the opportunity expansion program, the opportunity scholarship program, and the rural jobs program, in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs and eligible advanced degree programs for purposes of the opportunity scholarship program and rural jobs program. In determining eligible advanced degree programs, the board shall consider advanced degree programs that lead to credentials in health professions that include, but are not limited to, primary care, dental care, behavioral health, and public health. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program;

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high-technology research and development tax credit under RCW 82.32.800; and

(c) Whether the program should include a loan repayment or low-interest or no-interest loan component for the advanced degree portion of the program.

Sec. 3. RCW 28B.145.040 and 2019 c 406 § 66 are each amended to read as follows:

(1) The opportunity scholarship program is established.

(2) The purpose of this scholarship program is to provide scholarships that will help low and middle-income Washington residents earn professional-technical certificates, professional-technical degrees, baccalaureate degrees in high employer demand and other programs of study, and advanced degrees in health professions, and encourage them to remain in the state to work. The program must be designed for students starting professional-technical certificate or degree programs, students starting at two-year institutions of higher education and intending to transfer to four-year institutions of higher education, students starting at four-year institutions of higher education, and students enrolled in eligible advanced degree programs.

(3) The opportunity scholarship board shall determine which programs of study, including but not limited to high employer demand programs, are eligible for purposes of the opportunity scholarship. For eligible advanced degree programs, the board shall limit scholarships to eligible students enrolling in programs that lead to credentials in health professions.

(4)(a) The source of funds for the program shall be a combination of private grants and contributions and state matching funds. A state match may be earned under this section for private contributions made on or after June 6, 2011.

(b) The state match must be based on donations and pledges received as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. The purpose of this subsection (4)(b) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and ensuring the program is budgeted at maintenance level.

~~(c) A state match, up to a maximum of fifty million dollars shall be provided annually, shall be provided beginning the later of January 1, 2014, or January 1st next following the end of the fiscal year in which collections of state retail sales and use tax, state business and occupation tax, and state public utility tax exceed, by ten percent the amounts collected from these tax resources in the fiscal year that ended June 30, 2008, as determined by the department of revenue).~~

WASHINGTON STATE
OPPORTUNITY
SCHOLARSHIP

BOARD MEETING

01.04.2023

AGENDA

1. Welcome
2. 2023 Legislative Priorities
3. Executive Session
4. Closing

2023 LEGISLATIVE PRIORITIES

WASHINGTON STATE
OPPORTUNITY
SCHOLARSHIP

The Challenge

- **RFP 2022**
 - Contacted 8+ potential program administrators
 - Only 1 completed a bid
 - Complexities and work required discouraged bidders
- **Current Contract**
 - Renewal in summer 2024
 - Exit clause:
 - *With cause*: 90-days notice
 - *Without cause*: 240-days notice
 - Duplicate conditions for WSOS/501C

Recommendation:

Amend the statute to grant Board of Directors express authority to create and contract directly with a non-profit created for the purpose of administering the Opportunity Scholarship program.

WHAT THIS ACCOMPLISHES

- Gives authority to the Board to create a non-profit(s) with the express purpose of administering the Opportunity Scholarship program
 - *If granted: 1) Board/staff could create a non-profit without violating state ethics rules; but 2) after incorporation, the non-profit(s) must operate as an independent entity with a separate governing Board.*
- Grants the Board authority to contract directly with the created non-profit without going out for a public bid

WHAT THIS PRESERVES

- Makes no change to the description of program administrator duties
- Does not *require* the Board to create a non-profit(s); makes it an *option*
- Does not *require* the Board directly delegate the work to a created non-profit(s) - can still use an RFP process to select from other bidders; makes it an *option*

Risk Assessment

- **Risk:** Program administrator exercises 240-day exit or does not renew, and no one bids.
 - **Solution:** Board has ability to create its own non-profit and contract with it directly for program administration duties.
- **Risk:** WSOS-specific non-profit is created but disagreements exist leading to a desire to dissolve.
 - **Solution:** Board retains right to go to public bid for other administrators or create other non-profit(s) for the purpose of program administration.
- **Risk:** Possible violation of ethics laws for Board/staff to participate in creation of non-profit (conflict of interest).
 - **Solution:** No concern remains once authority is expressly granted to take such action.
- **Outstanding:**
 - Direct contracting question may be difficult for legislators
 - Need tax lawyer to confirm nature of private funds

Recommendation:

While bill is open, strike confusing language regarding state match process.

WHAT THIS ACCOMPLISHES

- Strikes reference to requiring a fiscal year lag from when private monies are granted and when state match is appropriated
 - *If granted: 1) Avoids differing interpretations of how the state match is calculated; and 2) expedites the receipt of state matching dollars.*

WHAT THIS PRESERVES

- Retains the state match for WSOS as a maintenance level funding item

REQUESTED BOARD ACTION

- Vote to approve proposed 2023 legislative priorities.

WASHINGTON STATE
OPPORTUNITY
SCHOLARSHIP

EXECUTIVE SESSION