
HOUSE BILL 2780

State of Washington

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2014 Regular Session

By Representatives Pollet, Carlyle, Walkinshaw, Tarleton, Farrell, Pettigrew, Kagi, Appleton, Fitzgibbon, and Bergquist

Read first time 02/07/14. Referred to Committee on Capital Budget.

1 AN ACT Relating to the school construction assistance program;
2 amending RCW 28A.525.162 and 28A.525.166; creating a new section; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 28A.525.162 and 2013 2nd sp.s. c 18 s 513 are each
6 amended to read as follows:

7 (1) Funds appropriated to the superintendent of public instruction
8 from the common school construction fund shall be allotted by the
9 superintendent of public instruction in accordance with this chapter.

10 (2) No allotment shall be made to a school district until such
11 district has provided local funds equal to or greater than the
12 difference between the total approved project cost and the amount of
13 state funding assistance to the district for financing the project
14 computed pursuant to RCW 28A.525.166, with the following exceptions:

15 (a) The superintendent of public instruction may waive the local
16 requirement for state funding assistance for districts which have
17 provided funds for school building construction purposes through the
18 authorization of bonds or through the authorization of excess tax

1 levies or both in an amount equivalent to two and one-half percent of
2 the value of its taxable property, as defined in RCW 39.36.015.

3 (b) No such local funds shall be required as a condition to the
4 allotment of funds from the state for the purpose of making major or
5 minor structural changes to existing school facilities in order to
6 bring such facilities into compliance with the barrier free access
7 requirements of section 504 of the federal rehabilitation act of 1973
8 (29 U.S.C. Sec. 706) and rules implementing the act.

9 (3) For the purpose of computing the state funding assistance
10 percentage under RCW 28A.525.166 when a school district is granted
11 authority to enter into contracts, adjusted valuation per pupil shall
12 be calculated using headcount student enrollments from the most recent
13 October enrollment reports submitted by districts to the superintendent
14 of public instruction, adjusted as follows:

15 (a) In the case of projects for which local bonds were approved
16 after May 11, 1989:

17 (i) For districts which have been designated as serving high school
18 districts under RCW 28A.540.110, students residing in the nonhigh
19 district so designating shall be excluded from the enrollment count if
20 the student is enrolled in any grade level not offered by the nonhigh
21 district;

22 (ii) The enrollment of nonhigh school districts shall be increased
23 by the number of students residing within the district who are enrolled
24 in a serving high school district so designated by the nonhigh school
25 district under RCW 28A.540.110, including only students who are
26 enrolled in grade levels not offered by the nonhigh school district;
27 and

28 (iii) The number of preschool students with disabilities included
29 in the enrollment count shall be multiplied by one-half;

30 (b) In the case of construction or modernization of high school
31 facilities in districts serving students from nonhigh school districts,
32 the adjusted valuation per pupil shall be computed using the combined
33 adjusted valuations and enrollments of each district, each weighted by
34 the percentage of the district's resident high school students served
35 by the high school district;

36 (c) The number of kindergarten students included in the enrollment
37 count shall be counted as one headcount student; and

1 (d) The number of students residing outside the school district who
2 are enrolled in alternative learning experience courses under RCW
3 28A.232.010 shall be excluded from the total.

4 (4) In lieu of the exclusion in subsection (3)(d) of this section,
5 a district may submit an alternative calculation for excluding students
6 enrolled in alternative learning experience courses. The alternative
7 calculation must show the student headcount use of district classroom
8 facilities on a regular basis for a regular duration by out-of-district
9 alternative learning experience students subtracted by the headcount of
10 in-district alternative learning experience students not using district
11 classroom facilities on a regular basis for a reasonable duration. The
12 alternative calculation must be submitted in a form approved by the
13 office of the superintendent of public instruction. The office of the
14 superintendent of public instruction must develop rules to define
15 "regular basis" and "reasonable duration."

16 (5) The superintendent of public instruction, considering policy
17 recommendations from the school facilities citizen advisory panel,
18 shall prescribe such rules as are necessary to equate insofar as
19 possible the efforts made by school districts to provide capital funds
20 by the means aforesaid.

21 (6) For the purposes of this section, "preschool students with
22 disabilities" means children of preschool age who have developmental
23 disabilities who are entitled to services under RCW 28A.155.010 through
24 28A.155.100 and are not included in the kindergarten enrollment count
25 of the district.

26 (7)(a) School districts with student headcount enrollments of more
27 than forty-eight thousand, or with one or more geographic areas in
28 which enrollment growth in the prior five years, projected in the next
29 seven years, or a combination thereof, has resulted in, or will result
30 in, growth in enrollment which will exceed the student capacity of more
31 than four schools by greater than ten percent, may be divided by
32 geographic areas within the school district when calculating eligible
33 space for state funding assistance. School districts shall not have
34 more than four geographic areas.

35 (b) The office of the superintendent of public instruction shall
36 create rules for the implementation of (a) of this subsection.

1 **Sec. 2.** RCW 28A.525.166 and 2013 2nd sp.s. c 18 s 514 are each
2 amended to read as follows:

3 Allocations to school districts of state funds provided by RCW
4 28A.525.162 through 28A.525.180 shall be made by the superintendent of
5 public instruction and the amount of state funding assistance to a
6 school district in financing a school plant project shall be determined
7 in the following manner:

8 (1) The boards of directors of the districts shall determine the
9 total cost of the proposed project, which cost may include the cost of
10 acquiring and preparing the site, the cost of constructing the building
11 or of acquiring a building and preparing the same for school use, the
12 cost of necessary equipment, taxes chargeable to the project, necessary
13 architects' fees, and a reasonable amount for contingencies and for
14 other necessary incidental expenses: PROVIDED, That the total cost of
15 the project shall be subject to review and approval by the
16 superintendent.

17 (2) The state funding assistance percentage for a school district
18 shall be computed by the following formula:

19 The ratio of the school district's adjusted valuation per pupil
20 divided by the ratio of the total state adjusted valuation per pupil
21 shall be subtracted from three, and then the result of the foregoing
22 shall be divided by three plus (the ratio of the school district's
23 adjusted valuation per pupil divided by the ratio of the total state
24 adjusted valuation per pupil).

		District adjusted	Total state	
		3-valuation	÷ adjusted valuation	
	Computed	per pupil	per pupil	State
	State =	_____		= - % Funding
	Ratio	District adjusted	Total state	Assistance
		3+valuation	÷ adjusted valuation	
		per pupil	per pupil	

32 PROVIDED, That in the event the state funding assistance percentage to
33 any school district based on the above formula is less than (~~twenty~~)
34 thirty percent and such school district is otherwise eligible for state
35 funding assistance under RCW 28A.525.162 through 28A.525.180, the
36 superintendent may establish for such district a state funding
37 assistance percentage not in excess of (~~twenty~~) thirty percent of the

1 approved cost of the project, if the superintendent finds that such
2 additional assistance is necessary to provide minimum facilities for
3 housing the pupils of the district.

4 (3) In addition to the computed state funding assistance percentage
5 developed in subsection (2) of this section, a school district shall be
6 entitled to additional percentage points determined by the average
7 percentage of growth for the past three years. One percent shall be
8 added to the computed state funding assistance percentage for each
9 percent of growth, with a maximum of twenty percent.

10 (4) In computing the state funding assistance percentage in
11 subsection (2) of this section and adjusting the percentage under
12 subsection (3) of this section, students residing outside the school
13 district who are enrolled in alternative learning experience courses
14 under RCW 28A.232.010 shall be excluded from the count of total pupils.
15 In lieu of the exclusion in this subsection, a district may submit an
16 alternative calculation for excluding students enrolled in alternative
17 learning experience courses. The alternative calculation must show the
18 student headcount use of district classroom facilities on a regular
19 basis for a reasonable duration by out-of-district alternative learning
20 experience students subtracted by the headcount of in-district
21 alternative learning experience students not using district classroom
22 facilities on a regular basis for a reasonable duration. The
23 alternative calculation must be submitted in a form approved by the
24 office of the superintendent of public instruction. The office of the
25 superintendent of public instruction must develop rules to define
26 "regular basis" and "reasonable duration."

27 (5) The approved cost of the project determined in the manner
28 prescribed in this section multiplied by the state funding assistance
29 percentage derived as provided for in this section shall be the amount
30 of state funding assistance to the district for the financing of the
31 project: PROVIDED, That need therefor has been established to the
32 satisfaction of the superintendent: PROVIDED, FURTHER, That additional
33 state funding assistance may be allowed if it is found by the
34 superintendent, considering policy recommendations from the school
35 facilities citizen advisory panel that such assistance is necessary in
36 order to meet (a) a school housing emergency resulting from the
37 destruction of a school building by fire, the condemnation of a school
38 building by properly constituted authorities, a sudden excessive and

1 clearly foreseeable future increase in school population, (~~(or)~~) other
2 conditions similarly emergent in nature, or a combination of increases
3 in student enrollment in the prior five-year period and projected
4 enrollments over the next seven years which has resulted in, or will
5 result in, four or more schools in the geographic area or entire
6 district exceeding capacity; or (b) a special school housing burden
7 resulting from projects of statewide significance or imposed by virtue
8 of the admission of nonresident students into educational programs
9 established, maintained and operated in conformity with the
10 requirements of law; or (c) a deficiency in the capital funds of the
11 district resulting from financing, subsequent to April 1, 1969, and
12 without benefit of the state funding assistance provided by prior state
13 assistance programs, the construction of a needed school building
14 project or projects approved in conformity with the requirements of
15 such programs, after having first applied for and been denied state
16 funding assistance because of the inadequacy of state funds available
17 for the purpose, or (d) a condition created by the fact that an
18 excessive number of students live in state owned housing, or (e) a need
19 for the construction of a school building to provide for improved
20 school district organization or racial balance, or (f) conditions
21 similar to those defined under (a), (b), (c), (d), and (e) of this
22 subsection, creating a like emergency.

23 (6) The omnibus appropriations act shall identify the state
24 construction cost allowance for school districts. The minimum
25 construction cost allowance shall be calculated based on a three-year
26 rolling average of actual new public K-12 school construction and
27 renovation costs per square foot, when the purpose of the renovations
28 are to increase capacity due to significant increases in enrollment
29 which have resulted in the schools in a geographic subarea of a
30 district exceeding capacity, or to meet class size reduction and full-
31 day kindergarten goals established by the legislature pursuant to
32 chapter 236, Laws of 2010 (Substitute House Bill No. 2776) and as
33 ordered by the supreme court of Washington in *McCleary v. State*, No.
34 84362-7 (Wash. Jan. 9, 2014).

35 (7) The minimum state student space allocations shall be provided
36 as follows:

37 (a) One hundred ten square feet for students in kindergarten
38 through grade six;

1 (b) One hundred twenty-four square feet for students in grades
2 seven through eight;

3 (c) One hundred forty square feet for students in grades nine
4 through twelve; and

5 (d) One hundred forty-seven square feet for students with
6 disabilities in any grade.

7 NEW SECTION. **Sec. 3.** The overcrowded schools and class size
8 reduction fund is created in the state treasury. Moneys in the fund
9 may be spent only after appropriation. Expenditures from the fund may
10 only be used for grants to provide needed construction assistance to
11 support statewide implementation of full-day kindergarten and early
12 elementary class size reduction in districts, or a geographic portion
13 of a district pursuant to RCW 28A.525.162, where a combination of
14 increases in student enrollment in the prior five-year period and
15 projected enrollments over the next seven years which has resulted in,
16 or will result in, four or more schools in the geographic area or
17 entire district exceeding capacity of the school buildings.

18 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2014.

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