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**SENATE BILL 5680**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Schoesler

1 AN ACT Relating to seismic safety in Washington public schools;  
2 amending RCW 28A.525.159 and 28A.525.320; adding a new section to  
3 chapter 28A.630 RCW; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.630  
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this  
8 specific purpose, the office of the superintendent of public  
9 instruction must, in consultation with the state board of education,  
10 contract with a third party to develop a seismic risk assessment that  
11 includes seismic safety surveys of public facilities that are subject  
12 to high seismic risk as a consequence of high earthquake hazard and  
13 soils that amplify that hazard. The seismic safety surveys must be  
14 conducted for the following types of public facilities:

15 (a) Public school facilities located west of the crest of the  
16 Cascade mountains that were not surveyed in either phase one of the  
17 school seismic safety project completed in June 2019 or phase two of  
18 the school seismic safety project completed in June 2021;

19 (b) Fire stations located within a one-mile radius of a facility  
20 described in (a) of this subsection.

1 (2) The third-party contractor selected by the office of the  
2 superintendent of public instruction must coordinate and maximize  
3 survey efforts made under subsection (1) of this section whenever  
4 possible.

5 (3) The seismic needs assessment of the facilities specified in  
6 subsection (1)(a) of this section must include, at a minimum, the  
7 following:

8 (a) An on-site assessment, under the supervision of licensed  
9 geologists, of the seismic site class of the soils at the facilities;

10 (b) An on-site inspection of the facility buildings, including  
11 structural systems using structural plans where available, condition,  
12 maintenance, and nonstructural seismic hazards following standardized  
13 methods by licensed structural engineers;

14 (c) An estimate of costs to retrofit a prioritized subset of the  
15 facilities specified in subsection (1)(a) of this section to life  
16 safety standards as defined by the American society of civil  
17 engineers; and

18 (d) An estimate of costs to retrofit a prioritized subset of  
19 facilities specified in subsection (1)(b) of this section to  
20 immediate occupancy standards as defined by the American society of  
21 civil engineers.

22 (4) The third-party contractor must collect and submit survey  
23 data to the superintendent of public instruction in a format  
24 compatible with the inventory and condition of schools database.

25 (5) The office of the superintendent of public instruction must  
26 share that data with the school districts where the surveys were  
27 conducted, the schools where the surveys were conducted, the  
28 governor, and the appropriate legislative committees no later than  
29 July 1, 2027.

30 (6) The office of the superintendent of public instruction must  
31 provide technical assistance to the school facilities to incorporate  
32 survey information into their school safety plans.

33 (7) This section expires January 1, 2028.

34 **Sec. 2.** RCW 28A.525.159 and 2020 c 299 s 1 are each amended to  
35 read as follows:

36 (1) School construction assistance program grants for small  
37 school districts and state-tribal education compact schools must be  
38 determined in accordance with this section.

1 (2) Eligibility. School districts and state-tribal education  
2 compact schools with enrollments that are less than or equal to one  
3 thousand students are eligible for small school district  
4 modernization grants. The advisory committee specified in subsection  
5 (4)(a) of this section may recommend amendments to the eligibility  
6 threshold as they learn more about the characteristics of school  
7 districts and state-tribal education compact schools that are unable  
8 to modernize their aging school facilities. Districts with incomplete  
9 information in the inventory and condition of schools data system are  
10 not eligible to apply for construction grants but may apply for  
11 planning grants.

12 (3) The office of the superintendent of public instruction must  
13 assist eligible school districts and state-tribal education compact  
14 schools that are interested in applying for a small school district  
15 modernization grant under this section by providing technical  
16 assistance and planning grants within appropriations for this  
17 purpose, including planning grants that address the remediation of  
18 seismic safety risks for buildings that do not meet the qualifying  
19 criteria for school seismic planning grants under RCW 28A.525.320.  
20 Districts and state-tribal education compact schools seeking planning  
21 grants must provide a brief statement of the school condition, its  
22 deficiencies, student enrollment, student achievement measures, and  
23 financial limitations of the district or state-tribal education  
24 compact school. If applications for planning grants exceed funds  
25 available, the office of the superintendent of public instruction may  
26 prioritize the recipients of planning grants in order to help  
27 districts and state-tribal education compact schools with the most  
28 serious apparent building deficiencies, and the most limited  
29 financial capacity.

30 (4) Prioritized construction grants and advisory committee.

31 (a) The superintendent of public instruction must propose a list  
32 of prioritized grants to the governor by September 1st of even-  
33 numbered years. The superintendent of public instruction must appoint  
34 an advisory committee to prioritize applications from small school  
35 districts and state-tribal education compact schools. Committee  
36 members must have experience in financing, managing, repairing, and  
37 improving school facilities in small school districts or state-tribal  
38 education compact schools but must not be involved in a small school  
39 district modernization program grant request for the biennium under  
40 consideration. The office of the superintendent of public instruction

1 must provide administrative and staff support to the (~~{advisory}~~)  
2 advisory committee. The office of the superintendent of public  
3 instruction in consultation with the advisory committee must design a  
4 grant application process with specific criteria for prioritizing  
5 grant requests.

6 (b) The advisory committee created in (a) of this subsection must  
7 evaluate final applications from eligible school districts and state-  
8 tribal education compact schools. The advisory committee must submit  
9 a prioritized list of grants to the superintendent of public  
10 instruction. The list must prioritize applications to achieve the  
11 greatest improvement of school facilities, in the districts and  
12 state-tribal education compact schools with the most limited  
13 financial capacity, for projects that are likely to improve student  
14 health, safety, and academic performance for the largest number of  
15 students for the amount of state grant support. The list must also  
16 prioritize applications for remediation projects that address seismic  
17 safety risks for buildings that do not meet the qualifying criteria  
18 for school seismic safety and planning grants under RCW 28A.525.320.  
19 The advisory committee must develop specific criteria to achieve the  
20 prioritization. The submitted prioritized list must describe the  
21 project, the proposed state funding level, and the estimated total  
22 project cost including other funding and in-kind resources. The list  
23 must also indicate student achievement measures that will be used to  
24 evaluate the benefits of the project. The superintendent of public  
25 instruction and the governor may determine the level of funding in  
26 their omnibus capital appropriations act requests to support small  
27 school district modernization grants, but their funding requests must  
28 follow the prioritized list prepared by the advisory committee unless  
29 new information determines that a specific project is no longer  
30 viable as proposed.

31 (5) Coordination with the school construction assistance program.

32 (a) The full administrative and procedural process of school  
33 construction assistance program funding under RCW 28A.525.162 through  
34 28A.525.180 may be streamlined by the office of the superintendent of  
35 public instruction in order to coordinate eligible school  
36 construction assistance program funding with the small school  
37 district modernization grants. Such coordination must ensure that  
38 total state funding from both grants does not exceed total project  
39 costs minus available local resources.

1 (b) Projects seeking small school district modernization grants  
2 must meet the requirements for a school construction assistance  
3 program grant except for the following: (i) The estimated cost of the  
4 project may be less than forty percent of the estimated replacement  
5 value of the facility, and (ii) local funding assistance percentage  
6 requirements of the school construction assistance program do not  
7 apply. However, available district and state-tribal education compact  
8 school resources are considered in prioritizing small school district  
9 modernization grants.

10 (6) Disbursement of grant funds and reporting requirements. The  
11 office of the superintendent of public instruction must award grants  
12 to school districts and state-tribal education compact schools. The  
13 grant must not be awarded until the district or state-tribal  
14 education compact school has identified available local and other  
15 resources sufficient to complete the approved project considering the  
16 amount of the state grant. The grant must specify reporting  
17 requirements from the district or state-tribal education compact  
18 school, which must include updating all pertinent information in the  
19 inventory and condition of schools data system and submitting a final  
20 project report as specified by the office of the superintendent of  
21 public instruction in consultation with the school facilities  
22 (~~citizens~~[citizen]) citizen advisory panel specified in RCW  
23 28A.525.025.

24 **Sec. 3.** RCW 28A.525.320 and 2022 c 113 s 2 are each amended to  
25 read as follows:

26 (1) School seismic safety grants and school seismic planning  
27 grants must be awarded and determined in accordance with this  
28 section.

29 (2) ELIGIBILITY. A school district or state tribal education  
30 compact school is eligible to receive a school seismic safety grant  
31 for remediation of seismic or tsunami hazards in qualifying buildings  
32 that meet the following criteria:

33 (a) The building is located within a high seismic hazard area as  
34 defined in subsection (3) of this section; and

35 (b) The building was constructed before 1998 and has not received  
36 a seismic retrofit to 2005 seismic standards.

37 (3) DEFINITIONS. For the purposes of this section:

38 (a) "High seismic hazard area" means:

1 (i) Any location identified by the United States geological  
2 survey national seismic hazard map with a two percent probability of  
3 exceedance in 50 years and a national earthquake hazards reduction  
4 program site class D that are 0.3 peak horizontal acceleration or  
5 greater peak ground acceleration areas; or

6 (ii) Any area located within a Washington tsunami design zone map  
7 or, where a Washington tsunami design zone map is not available, an  
8 American society of civil engineers tsunami design zone map, that  
9 requires structures in risk category three or four to be designed for  
10 tsunamis.

11 (b) "Remediation" means solutions that mitigate or eliminate site  
12 specific seismic or tsunami hazards, including deployment of  
13 earthquake early warning systems, and may include building relocation  
14 or vertical evacuation towers if related to a tsunami hazard.

15 (c) "Total project cost" means direct and associated indirect  
16 costs for the remediation solution as approved by the advisory  
17 committee. Associated indirect costs can include site acquisition and  
18 development costs for approved building relocations. The combined  
19 direct and associated indirect costs cannot exceed the equivalent  
20 combined direct and associated indirect costs for building projects  
21 participating in the school construction assistance program for that  
22 same year.

23 (4) ADVISORY COMMITTEE. (a) The superintendent of public  
24 instruction must appoint an advisory committee to evaluate and  
25 prioritize grant applications from school districts and state-tribal  
26 education compact schools. Advisory committee members must have  
27 experience in financing, managing, or planning seismic remediation  
28 projects at school facilities but must not be involved in a school  
29 seismic safety grant request for the biennium under consideration.  
30 The office of the superintendent of public instruction must provide  
31 administrative and staff support to the advisory committee and  
32 consult with the advisory committee to design a grant application  
33 process with specific criteria for prioritizing grant requests.

34 (b) The advisory committee must submit a prioritized list of  
35 grants to the superintendent of public instruction. The list must  
36 prioritize applications to achieve the greatest improvement of school  
37 facilities, in the school districts and state-tribal education  
38 compact schools with the most limited financial capacity, for  
39 projects that are likely to improve student health, safety, and  
40 academic performance for the largest number of students for the

1 amount of state grant support. The advisory committee must also  
2 consider the efficiency and viability of each project, and may  
3 prioritize small-scale remediation projects that, cumulatively, will  
4 reduce risk for the largest number of buildings and school districts.

5 (5) REQUIRED GRANT LIST. (a) The superintendent of public  
6 instruction must propose a list of prioritized school seismic safety  
7 grants to the governor by September 1st of each year, beginning  
8 September 1, 2022. This list must include:

9 (i) A description of the proposed project;

10 (ii) The proposed school seismic safety grant amount, equal to at  
11 least two-thirds of the estimated total project cost;

12 (iii) The anticipated school construction assistance program  
13 amount;

14 (iv) The anticipated local share of project cost; and

15 (v) The estimated total project cost.

16 (b) The superintendent of public instruction and the governor may  
17 determine the level of funding in their omnibus capital  
18 appropriations act requests to support grants under this section, but  
19 their funding requests must follow the prioritized list prepared by  
20 the advisory committee unless new information determines that a  
21 specific project is no longer viable as proposed.

22 (6) SCHOOL CONSTRUCTION ASSISTANCE PROGRAM AND SMALL SCHOOL  
23 DISTRICT MODERNIZATION GRANT PROGRAM. (a) The full administrative and  
24 procedural process of school construction assistance program funding  
25 under RCW 28A.525.162 through 28A.525.180 and the small school  
26 district modernization grant program funding under RCW 28A.525.159  
27 may be streamlined by the office of the superintendent of public  
28 instruction in order to coordinate eligible school construction  
29 assistance program funding and small school district modernization  
30 grant program funding with the school seismic safety grants. Such  
31 coordination must ensure that total state funding from all three  
32 grants does not exceed total project costs minus available local  
33 resources.

34 (b) Projects seeking school seismic safety grants must meet the  
35 requirements for a school construction assistance program grant  
36 except for the following: (i) The estimated cost of the project may  
37 be less than 40 percent of the estimated replacement value of the  
38 facility; and (ii) local funding assistance percentage requirements  
39 of the school construction assistance program do not apply. However,  
40 available school district and state-tribal education compact school

1 resources are considered in prioritizing school seismic safety  
2 grants.

3 (7) DISBURSEMENT OF FUNDS. The superintendent of public  
4 instruction must award state and federal grants under this section to  
5 eligible school districts and state tribal education compact schools  
6 in an amount equal to at least two-thirds of the total project cost.  
7 The grant must not be awarded until the school district or state-  
8 tribal education compact school has identified available local and  
9 other resources sufficient to complete the approved project  
10 considering the amount of the state grant. The grant must specify  
11 reporting requirements from the school district or state-tribal  
12 education compact school, which must include updating all pertinent  
13 information in the inventory and condition of schools data system and  
14 submitting a final project report as specified by the office of the  
15 superintendent of public instruction in consultation with the school  
16 facilities citizens advisory panel specified in RCW 28A.525.025.

17 (8) PLANNING GRANTS. Subject to the availability of amounts  
18 appropriated for this specific purpose, the office of the  
19 superintendent of public instruction must assist eligible school  
20 districts and state-tribal education compact schools that are  
21 interested in applying for a school seismic safety grant under this  
22 section by providing technical assistance and planning grants. School  
23 districts and state-tribal education compact schools seeking planning  
24 grants under this section must provide a brief statement describing  
25 existing school conditions, building system and site deficiencies,  
26 current and five-year projected student headcount enrollment, student  
27 achievement measures, financial constraints, and any information  
28 required by the advisory committee established in subsection (4) of  
29 this section. If applications for planning grants exceed funds  
30 available, the office of the superintendent of public instruction may  
31 prioritize planning grant requests with primary consideration given  
32 to school district financial capacity and facility conditions.

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