

**WAC 392-347-042 Replacement option.** A district with space eligible for modernization pursuant to WAC 392-347-015 and 392-347-025 may elect to replace such space through new construction in lieu of modernization. In such case, the district shall apply for a new school facility in accordance with applicable rules and regulations pertaining to new school plant facilities and the local board shall certify that after the new construction is finally completed:

(1) The existing building or space to be replaced will not be used for district instructional purposes; and

(2) The existing building or space will be ineligible for any future state funding assistance.

Further, if the existing building or space is subsequently returned by the district to instructional purposes in whole or in part, the district shall become ineligible for any state funding assistance for a period of ten years from the date that the superintendent of public instruction sends written notice to members of the local board recognizing the return of the building in whole or in part to instructional purposes. Districts exercising this election shall be limited in state funding assistance to the provision of WAC 392-347-040. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state funding assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 392-347-015 (1)(c): Provided, That no new construction in lieu of modernization project may qualify for additional state funding assistance pursuant to WAC 392-343-115 unless the facility being replaced would have qualified pursuant to such section for additional state funding assistance as a modernization project.

(3) The superintendent of public instruction may waive the provisions of this section for a period it determines is appropriate to the particular situation. A waiver request must be submitted in writing to the superintendent of public instruction. The superintendent of public instruction shall review the waiver request and approve or deny the request. The waiver request shall include, but not be limited to, the following information:

(a) Description of the district's planning process;

(b) Rationale why the need for the waiver request was not anticipated;

(c) The requested length of time of the waiver;

(d) The availability of funding for proposed projects;

(e) List of specific projects and timelines;

(f) List of the specific student groups that will use the facility;

(g) Rationale why this is the best use of facilities and public funds;

(h) Assurance that the facility meets health and safety standards for occupancy.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-008, § 392-347-042, filed 4/8/10, effective 5/9/10; WSR 06-16-031, amended and recodified as § 392-347-042, filed 7/25/06, effective 8/25/06; WSR 01-14-019, § 180-33-042, filed 6/26/01, effective 7/27/01; WSR 98-19-138, § 180-33-042, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1993 sp.s. c 22 § 708(5). WSR 93-20-066, § 180-33-042, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 28A.47.830. WSR 85-09-060 (Order 8-85), § 180-33-042, filed 4/17/85.]