

# **SENATE BILL REPORT**

## **ESHB 1420**

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As of March 24, 2015

**Title:** An act relating to school siting and aiding school districts in reducing overall school construction costs.

**Brief Description:** Establishing a legislative task force on school siting.

**Sponsors:** House Committee on Local Government (originally sponsored by Representatives Wilcox, Springer, Magendanz, G. Hunt, Muri, Kirby, Takko, Kilduff and Hargrove).

**Brief History:** Passed House: 3/10/15, 82-16.

**Committee Activity:** Early Learning & K-12 Education: 3/23/15.

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### **SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION**

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**Staff:** Susan Mielke (786-7422)

**Background:** The Office of Superintendent of Public Instruction (OSPI) publishes a School Facilities Manual (Manual) that outlines the process for planning, design, construction, maintenance, and operation of school facilities. The Manual recommends examining the following when evaluating potential sites for a new school facility:

- site characteristics;
- legal requirements;
- location considerations;
- infrastructure considerations;
- site access; and
- health and safety.

The Manual lists the following as relevant legal requirements to be considered when evaluating a new school facility site.

**High-Performance Public Buildings Act.** This act requires state-funded school construction projects greater than 5000 square feet to incorporate high-performance features into their school design and construction using one of the following sustainable design protocols: the Washington Sustainable Schools Protocol (WSSP), LEED Silver, or LEED for Schools.

**State Environmental Policy Act (SEPA).** SEPA requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An

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environmental impact statement must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. A district's compliance with SEPA must be certified to OSPI.

**Growth Management Act (GMA).** GMA requires cities and counties to designate urban growth areas (UGAs) as limits of services such as water, sewer, and streets. If the district proposes to locate a school facility within a designated UGA, the district must ensure that the facilities are aligned with the local jurisdiction's comprehensive plan land use and capital facilities elements. Locating school facilities within the UGAs may be limited either directly through land use regulations or indirectly through restrictions on utilities. School facilities outside UGAs, that require water and/or sewer service, may need extraordinary measures such as service lines dedicated solely to, and paid for by, the district. School facilities not listed in the capital facilities element of the local comprehensive plan may not be approved.

**Local Codes.** The building, fire, and health codes of the local jurisdiction may impose design constraints on the use of a proposed site for a new school facility.

**Summary of Bill:** A legislative task force on school siting is created. The task force is intended to review school facility challenges created by enrollment increases and recent education reforms, including expansion of full-day kindergarten and smaller class sizes; and must review the issue of siting schools inside and outside of UGAs. The task force must balance the planning goals and requirements of GMA with the needs of school districts facing capacity issues and the infrastructure needs of local governments.

The 17 members of the task force must be appointed by July 1, 2015:

- two members appointed by the Speaker of the House of Representatives from each of the two largest caucuses;
- two members appointed by the President of the Senate from each of the two largest caucuses; and
- nine members who represent (1) environmental concerns related to school siting; (2) the building industry; (3) the Association of Washington Cities; (4) the Washington State Association of Counties; (5) two school districts located in urban areas that are currently experiencing difficulty finding suitable new school sites; (6) two school districts located in rural areas that are currently experiencing difficulty finding suitable new school sites; and (7) the Washington State Association of County and Regional Planning Directors.

The task force must meet at least three times. OSPI, Senate Committee Services, and the Office of Program Research must provide staff support to the task force. The affected school districts, counties, and cities must support the task force by providing local information as needed. Legislative members of the task force must be reimbursed for travel expenses. The expenses of the task force must be paid jointly by the Senate and the House of Representatives.

By December 1, 2015, the task force must provide a summary of its discussions and any recommendations to the appropriate committees of the Legislature.

**Appropriation:** None.

**Fiscal Note:** Requested on March 20, 2015.

**Committee/Commission/Task Force Created:** Yes.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Originally this bill moderated GMA to assist a couple of school districts that are experiencing enrollment increases and have had difficulty in siting a new school facility due to the rigidity of current law. But the bill has morphed into a study because there are dozens of school districts experiencing the same or similar difficulties and there needs to be a more comprehensive look at the complex issues and competing interests involved. Some of the districts have purchased land prior to GMA being enacted but it is only now that their student enrollment is increasing. A school district cannot just modify the local growth boundaries to fit their needs. School districts have a state constitutional obligation to educate students and a full-day kindergarten program or smaller class sizes should be available for all our students not just some. It takes 60 acres to build a new high school and it is difficult to find a parcel of land that size that meets the all the requirements imposed by current law.

OTHER: We were in opposition to the bill on the House side but have signed in as "other" for this modified version of the bill. Society is experiencing an obesity crisis and we need all sectors of society to contribute to stemming that tide, including the land use rules. The research shows that place matters in regards to health. The proper placement of school locations can be linked to student health. We need a health and wellness voice on this taskforce; and if that is not possible, then we request that the taskforce be directed to use health of students as a lens as they do their work.

**Persons Testifying:** PRO: Representative Wilcox, prime sponsor; Rick Schulte, Richland School District; Dan Steele, WA Assn. of School Administrators; Charlie Brown, Bethel School District; Deb Merle, WA State School Directors' Assn.

OTHER: Vic Colman, Childhood Obesity Prevention Coalition.

**Persons Signed in to Testify But Not Testifying:** No one.