

# Chapter 392-346 WAC

## STATE FUNDING ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—INTERDISTRICT TRANSPORTATION COOPERATIVES

(Formerly chapter 180-32 WAC)

### WAC

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**WAC 392-346-005 Authority.** This chapter is adopted pursuant to RCW 28A.525.020 which authorizes the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state funding assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-005, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-005, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-32-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-005, filed 10/17/83.]

**WAC 392-346-010 Purpose.** The purpose of this chapter is to set forth provisions applicable prior to a district's application for state funding assistance in the construction of interdistrict transportation cooperative facilities. Except as otherwise noted in this chapter, the rules and regulations which apply to state funding assistance in financing school facilities set forth below shall apply to the construction of interdistrict transportation cooperatives:

(1) State funding assistance: WAC 392-343-040, 392-343-060, and 392-343-070 through 392-343-125.

(2) Procedural regulations: WAC 392-344-055 through 392-344-170.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-010, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-010, filed 10/17/83.]

(4/14/10)

**WAC 392-346-012 Waiver of rules to facilitate alternative public works contracting procedures.** The provisions of this chapter may be deemed waived in accordance with WAC 392-341-012.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-012, filed 7/25/06, effective 8/25/06; 01-08-040, § 180-32-012, filed 3/30/01, effective 4/30/01.]

**WAC 392-346-015 Interdistrict transportation cooperative members—Definition.** As used in this chapter:

(1) "Participating member" means a district in a cooperative which anticipates making full use of all the services offered by the cooperative and provides its agreed share of local funds required by the superintendent of public instruction. A participating member must be a member of the cooperative for at least ten years.

(2) "Contract member" means a district which contracts to use the services of the cooperative as outlined in the initial agreement for at least three years. At a minimum, contracts for service shall include lubrication, oil and filter changes on a regular basis.

(3) "Applicant district" means the school district in which the proposed interdistrict transportation cooperative facility is to be located or in which the facility proposed for modernization is located. It shall be the responsibility of said applicant district to submit the application for financial plan approval.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-015, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-015, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-015, filed 10/17/83.]

**WAC 392-346-020 Interdistrict transportation cooperative—Cooperative plan subject to the superintendent of public instruction approval.** Any financial plan for construction of an interdistrict transportation cooperative utilizing state funding assistance in the financing of the proposed project, shall require approval by the superintendent of public instruction prior to implementing the provisions of such plan. The superintendent of public instruction approval is only required for projects utilizing state funding assistance.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-020, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-020, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-020, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-020, filed 10/17/83.]

**WAC 392-346-025 Application provisions.** For projects utilizing state funding assistance, the host school district shall submit a written application to the superintendent of

public instruction which shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the facility is to be located or, in the event of modernization, in which jurisdiction the facility is located (host district);

(b) Designate such board of directors as the legal applicant; and

(c) A copy of the official record of the board of directors of each participating school district indicating that the resolution has been formally adopted.

(2) Copy of contract(s) between districts prepared in accordance with chapter 392-345 WAC.

(3) A written description of services to be offered in the proposed interdistrict transportation cooperative, including number of districts involved and whether or not cooperating members are participating districts or contract districts; the number of buses from each participating and contract district to be serviced, and number of bus miles traveled per year for each participating and contract district.

(4) A description of the proposed project including square footage and the estimated cost of construction including professional services, sales tax, site costs, and site development.

(5) An area map indicating location of the facility in relationship to the participating and contract school districts.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-025, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-025, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-025, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-025, filed 10/17/83.]

**WAC 392-346-030 Interdistrict agreements.** Interdistrict agreements between participating and contract districts shall contain and set forth descriptions of the following elements:

(1) Financial terms by each cooperating district shall participate in the cost of construction or modernization and operation of the facility.

(2) The district administering the facility and the program or services to be offered therein and specific services to be utilized by each participating school district.

(3) Duration of the interdistrict cooperation agreement.

(4) Procedures for dissolution of cooperative operation of the facility including but not limited to the following:

(a) Ownership of all capital equipment and facilities;

(b) Distribution of assets or the payments to be made to the participating districts; and

(c) Minimum period of operation prior to dissolution consideration and approval by the superintendent of public instruction in accordance with chapter 392-345 WAC.

[Statutory Authority: RCW 28A.525.020. 06-16-031, amended and recodified as § 392-346-030, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-030, filed 10/17/83.]

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**WAC 392-346-035 Approval—The superintendent of public instruction.** Approval by the superintendent of public instruction of services to be offered in the proposed interdistrict transportation cooperative and the proposed district administration of such program or services shall be a prerequisite for approval by the superintendent of public instruction of an interdistrict cooperative financial plan for construction of new facilities or modernization of existing facilities when state funding assistance is provided.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-035, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-035, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-035, filed 10/17/83.]

**WAC 392-346-040 Dissolution provisions.** (1) Procedures for the dissolution of the operation of interdistrict cooperatives under an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of the superintendent of public instruction approval of the financial plan for the construction of such school facilities when such facilities were constructed with state funding assistance: Provided, That a request for dissolution prior to the expiration of ten years may be approved when in the judgment of the superintendent of public instruction there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the superintendent of public instruction for review and written approval prior to proceeding with dissolution action.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-040, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-040, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-040, filed 10/17/83.]

**WAC 392-346-045 Interdistrict transportation cooperative—Types.** Except as otherwise noted, the amount of the final allocation of state funding assistance in the construction of an approved interdistrict transportation cooperative facility shall be based on the number of buses in actual service and the number of buses for which the cooperative has contracted from other districts at the time of application and in accordance with the following cooperative types and square footage allowances:

Type	Number of Buses	Square Footage	
		Minimum	Maximum
One	96 or more	21,000	Negotiable
Two	46-95	15,000	20,999
Three	0-45	10,000	14,999

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-045, filed 4/14/10, effective 5/15/10; 06-16-031, recodified as § 392-346-045, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-045, filed 10/17/83.]

**WAC 392-346-050 Site review and evaluation.** The superintendent of public instruction together with the proposing district(s) shall conduct an on-site review and evaluation of sites for new and existing state funding assistance projects. In selecting sites, the district(s) should assure that:

(4/14/10)

(1) The property upon which the facility is or will be located is free and clear of all encumbrances that would detrimentally interfere with the construction and operation or useful life of the facility.

(2) The site is of sufficient size to meet the needs of the facility.

(3) A geotechnical engineer has conducted a limited sub-surface investigation to gather basic information regarding potential foundation and subgrade performance.

(4) The site accessibility is convenient and efficient for participating and contract school districts with the least amount of disturbance to the area in which it is located.

(5) The site topography is conducive to desired site development.

(6) A site review or predesign conference has been conducted with all local code agencies in order to determine design constraints.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-050, filed 4/14/10, effective 5/15/10; 06-16-031, recodified as § 392-346-050, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-050, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-050, filed 10/17/83.]

**WAC 392-346-060 Design team—Architect/engineering services.** Architect/engineering service fees for state funding assistance purposes shall be determined pursuant to WAC 392-343-070.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-060, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-060, filed 10/17/83.]

**WAC 392-346-065 Support level—Furniture and equipment allowances.** An allowance for furniture and equipment purchases shall be added to the total construction costs of a project determined eligible for state funding assistance. The equipment allowance shall be determined by multiplying the approved square foot area of the project by the construction cost allocation of state support for the fiscal year funded and that product multiplied by seven percent.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-065, filed 4/14/10, effective 5/15/10; 06-16-031, recodified as § 392-346-065, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-32-065, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-065, filed 10/17/83.]

**WAC 392-346-070 Interdistrict transportation cooperatives—State funding assistance.** In the financing of an approved interdistrict transportation cooperative, the superintendent of public instruction shall provide ninety percent of the total approved project cost determined eligible for state funding assistance.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-070, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-070, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-070, filed 10/17/83.]