

# Chapter 392-342 WAC

## STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—EDUCATIONAL SPECIFICATIONS AND SITE SELECTION

(Formerly chapter 180-26 WAC)

### WAC

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**WAC 392-342-005 Authority.** This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allocations 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. WSR 10-09-008, § 392-342-005, filed 4/8/10, effective 5/9/10; WSR 06-16-032, amended and recodified as § 392-342-005, filed 7/25/06, effective 8/25/06; WSR 98-19-140, § 180-26-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-26-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. WSR 83-21-065 (Order 10-83), § 180-26-005, filed 10/17/83.]

**WAC 392-342-010 Purpose.** The purpose of this chapter is to set forth the procedure for educational specification development and site selection.

[Statutory Authority: RCW 28A.525.020. WSR 06-16-032, recodified as § 392-342-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. WSR 83-21-065 (Order 10-83), § 180-26-010, filed 10/17/83.]

**WAC 392-342-012 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. WSR 06-16-032, amended and recodified as § 392-342-012, filed 7/25/06, effective 8/25/06; WSR 01-08-040, § 180-26-012, filed 3/30/01, effective 4/30/01.]

**WAC 392-342-015 Educational specifications.** Prior to commencing the design phase, the school district shall prepare educational specifications for the approved project. The educational specifications shall describe the educational

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activities that the proposed school facilities and grounds should support and the types of spaces and their relationships in order to accommodate program requirements.

This section shall not be applicable to the construction of interdistrict transportation cooperatives or the additions to existing facilities of less than fifteen thousand square feet, unless combined with modernization.

[Statutory Authority: RCW 28A.525.020. WSR 06-16-032, recodified as § 392-342-015, filed 7/25/06, effective 8/25/06; WSR 98-19-140, § 180-26-015, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. WSR 83-21-065 (Order 10-83), § 180-26-015, filed 10/17/83.]

**WAC 392-342-020 Site review and evaluation.** The superintendent of public instruction together with the school district shall conduct a review and evaluation of sites for new and existing state funding assisted projects. In selecting sites for schools, a district shall consider the following:

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

(2) The site is of sufficient size to meet the needs of the facility. The minimum acreage of the site should be five usable acres and one additional usable acre for each one hundred students or portion thereof of projected maximum enrollment plus an additional five usable acres if the school contains any grade above grade six. A district considering the use of a site that is less than the recommended minimum usable acreage should assure that:

(a) The health and safety of the students will not be in jeopardy;

(b) The internal spaces within the proposed facility will be adequate for the proposed educational program;

(c) The neighborhood in which the school facility is or will be situated will not be detrimentally impacted by lack of parking for students, employees, and the public; and

(d) The physical education and recreational program requirements will be met.

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

(4) A geotechnical engineer has conducted a limited subsurface investigation to gather basic information regarding potential foundation and subgrade performance.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-008, § 392-342-020, filed 4/8/10, effective 5/9/10; WSR 06-16-032, recodified as § 392-342-020, filed 7/25/06, effective 8/25/06; WSR 98-19-140, § 180-26-020, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). WSR 94-01-014, § 180-26-020, filed 12/3/93, effective 1/3/94; WSR 93-07-104, § 180-26-020, filed 3/23/93, effective 4/23/93.]

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Statutory Authority: RCW 28A.525.020 and 28A.525.164. WSR 91-12-057, § 180-26-020, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830. WSR 83-21-065 (Order 10-83), § 180-26-020, filed 10/17/83.]

**WAC 392-342-025 Racial imbalance prohibition—Definition and acceptance criteria.** The superintendent of public instruction shall not accept a site unless the applicant district provides assurances that its attendance policies for the proposed or modernized school facility will not create or aggravate racial imbalance within the boundaries of the applicant school district. For the purpose of this chapter, racial imbalance shall be defined as the situation that exists when minority enrollment (as defined by current federal categories) of a school plant facility is as follows:

(1) General rule. As a general rule—except for greater than fifty percent minority school districts—racial imbalance shall be defined as the situation that exists:

(a) When the combined minority enrollment of a school exceeds the district-wide combined minority percentage by twenty percentage points or more; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(2) Greater than fifty percent minority districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent. Racial imbalance in a greater than fifty percent minority, nonmultiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percentage points; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(3) Greater than fifty percent minority, multiracial districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent and consists of two or more minority group enrollments which are each greater than twenty percent. Racial imbalance in a greater than fifty percent minority, multiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percent percentage points; or

(b) When a school's enrollment of a single minority exceeds the combined district-wide minority percentage.

(4) Exclusions—This policy does not apply to:

(a) Public schools located on American Indian reservations; or

(b) School facilities which are the sole site within a school district for the conduct of a regular or special needs

program for students of the age(s) or grade level(s) served at the site; or

(c) Student enrollments in programs established and conducted to address extraordinary educational needs, such as bilingual orientation programs, where the assignment and enrollment of students are based solely upon their extraordinary educational needs, the enrollment of students in the program is limited to the duration of their extraordinary educational need, and adherence to the policy would defeat the educational purpose of the program.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-008, § 392-342-025, filed 4/8/10, effective 5/9/10; WSR 06-16-032, recodified as § 392-342-025, filed 7/25/06, effective 8/25/06; WSR 94-20-055, § 180-26-025, filed 9/30/94, effective 10/31/94. Statutory Authority: RCW 28A.47.830. WSR 84-11-046 (Order 5-84), § 180-26-025, filed 5/17/84; WSR 83-21-065 (Order 10-83), § 180-26-025, filed 10/17/83.]

**WAC 392-342-040 District authority to proceed.** Upon completion of the educational specifications and the site review by the superintendent of public instruction as provided for in WAC 392-342-020, the school district is authorized to proceed as follows:

(1) Commence with the design of the school facility in accordance with the district's educational specifications.

(2) Complete the energy conservation report pursuant to WAC 392-343-075.

(3) Complete a value engineering study and constructability review pursuant to WAC 392-343-080.

(4) Contract for building commissioning pursuant to WAC 392-343-080.

(5) Contract for construction management pursuant to WAC 392-343-102.

[Statutory Authority: RCW 28A.525.020. WSR 06-16-032, amended and recodified as § 392-342-040, filed 7/25/06, effective 8/25/06; WSR 99-24-046, § 180-26-040, filed 11/24/99, effective 12/25/99; WSR 98-19-140, § 180-26-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. WSR 85-24-047 (Order 24-85), § 180-26-040, filed 11/27/85; WSR 83-21-065 (Order 10-83), § 180-26-040, filed 10/17/83.]

**WAC 392-342-050 Option to request preliminary funding status prior to proceeding pursuant to WAC 392-342-040.** As used in chapters 392-342, 392-343, and 392-344 WAC, the term "preliminary funding status" shall mean the project shall be considered for approval pursuant to WAC 392-344-107 prior to projects without such preliminary funding status and shall be eligible for state funding assistance pursuant to the superintendent of public instruction rules pertaining to eligible square footage, construction cost allocation for the fiscal year funded, and priorities in effect at the time such status is granted. Any district may request the superintendent of public instruction to grant preliminary funding status for any project that obtained capital funds to provide the local share required for state funding assistance and has the authority to proceed pursuant to WAC 392-342-040. The superintendent of public instruction shall grant such approval if in the judgment of the superintendent of public instruction such project will receive approval pursuant to WAC 392-344-107 within one year.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-008, § 392-342-050, filed 4/8/10, effective 5/9/10; WSR 06-16-032, amended and recodified as § 392-342-050, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. WSR 01-19-042, § 180-26-050, filed 9/14/01,

effective 10/15/01. Statutory Authority: RCW 28A.47.830. WSR 85-24-047 (Order 24-85), § 180-26-050, filed 11/27/85.]

**WAC 392-342-057 The superintendent of public instruction project commitment at preliminary funded status.** When preliminary funding status for a project is requested and granted pursuant to WAC 392-342-050, the superintendent of public instruction commitment is limited to the eligibility of the project for state funding assistance, the eligible square footage, the construction cost allocation for the fiscal year funded and the priority standing of the project as determined pursuant to the state construction assistance rules in effect at that time. This commitment is effective only for the initial one-year period set forth at WAC 392-342-060. The superintendent of public instruction reserves the right to amend and/or repeal any rule(s) respecting state funding assistance in school facility construction. Such rule changes may be made regardless of the impact upon the eligibility of any project and/or the extent of eligibility of any project for state funding assistance.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-008, § 392-342-057, filed 4/8/10, effective 5/9/10; WSR 06-16-032, amended and recodified as § 392-342-057, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. WSR 01-19-042, § 180-26-057, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. WSR 98-19-140, § 180-26-057, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1991 c 14. WSR 91-20-151, § 180-26-057, filed 10/2/91, effective 11/2/91. Statutory Authority: RCW 28A.525.020. WSR 90-24-068, § 180-26-057, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 28A.47.830. WSR 86-04-065 (Order 1-86), § 180-26-057, filed 2/4/86.]

**WAC 392-342-060 Loss of preliminary funding status.** All districts granted preliminary funding status for a project pursuant to WAC 392-342-050 shall request approval to bid such project pursuant to WAC 392-344-107 within one year of receiving preliminary funding status or shall have such status withdrawn. A district with a project so withdrawn may reapply pursuant to WAC 392-342-050 for such status.

[Statutory Authority: RCW 28A.525.020. WSR 06-16-032, amended and recodified as § 392-342-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 28A.525.164. WSR 91-12-055, § 180-26-060, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.525.020. WSR 90-24-068, § 180-26-060, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 28A.47.830. WSR 85-24-047 (Order 24-85), § 180-26-060, filed 11/27/85.]

**WAC 392-342-200 Forms.** Forms applicable to the provisions of this chapter for school facilities shall be as follows:

(1) Applications for preliminary funding status pursuant to WAC 392-342-050 shall be designated as SPI Form D-5.

(2) Grants of preliminary funding status pursuant to WAC 392-342-050 shall be given to districts through SPI Form D-6.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-008, § 392-342-200, filed 4/8/10, effective 5/9/10; WSR 06-16-032, amended and recodified as § 392-342-200, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. WSR 85-24-047 (Order 24-85), § 180-26-200, filed 11/27/85.]