
SENATE BILL 6451

State of Washington

63rd Legislature

2014 Regular Session

By Senators Pedersen, Frockt, Kohl-Welles, Chase, Litzow, Hasegawa, Nelson, McCoy, Hobbs, and McAuliffe

Read first time 01/27/14. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the school construction assistance program;
2 amending RCW 28A.525.162 and 28A.525.166; and providing an effective
3 date.

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

5 **Sec. 1.** RCW 28A.525.162 and 2013 2nd sp.s. c 18 s 513 are each
6 amended to read as follows:

7 (1) Funds appropriated to the superintendent of public instruction
8 from the common school construction fund shall be allotted by the
9 superintendent of public instruction in accordance with this chapter.

10 (2) No allotment shall be made to a school district until such
11 district has provided local funds equal to or greater than the
12 difference between the total approved project cost and the amount of
13 state funding assistance to the district for financing the project
14 computed pursuant to RCW 28A.525.166, with the following exceptions:

15 (a) The superintendent of public instruction may waive the local
16 requirement for state funding assistance for districts which have
17 provided funds for school building construction purposes through the
18 authorization of bonds or through the authorization of excess tax

1 levies or both in an amount equivalent to two and one-half percent of
2 the value of its taxable property, as defined in RCW 39.36.015.

3 (b) No such local funds shall be required as a condition to the
4 allotment of funds from the state for the purpose of making major or
5 minor structural changes to existing school facilities in order to
6 bring such facilities into compliance with the barrier free access
7 requirements of section 504 of the federal rehabilitation act of 1973
8 (29 U.S.C. Sec. 706) and rules implementing the act.

9 (3) For the purpose of computing the state funding assistance
10 percentage under RCW 28A.525.166 when a school district is granted
11 authority to enter into contracts, adjusted valuation per pupil shall
12 be calculated using headcount student enrollments from the most recent
13 October enrollment reports submitted by districts to the superintendent
14 of public instruction, adjusted as follows:

15 (a) In the case of projects for which local bonds were approved
16 after May 11, 1989:

17 (i) For districts which have been designated as serving high school
18 districts under RCW 28A.540.110, students residing in the nonhigh
19 district so designating shall be excluded from the enrollment count if
20 the student is enrolled in any grade level not offered by the nonhigh
21 district;

22 (ii) The enrollment of nonhigh school districts shall be increased
23 by the number of students residing within the district who are enrolled
24 in a serving high school district so designated by the nonhigh school
25 district under RCW 28A.540.110, including only students who are
26 enrolled in grade levels not offered by the nonhigh school district;
27 and

28 (iii) The number of preschool students with disabilities included
29 in the enrollment count shall be multiplied by one-half;

30 (b) In the case of construction or modernization of high school
31 facilities in districts serving students from nonhigh school districts,
32 the adjusted valuation per pupil shall be computed using the combined
33 adjusted valuations and enrollments of each district, each weighted by
34 the percentage of the district's resident high school students served
35 by the high school district;

36 (c) The number of kindergarten students included in the enrollment
37 count shall be counted as one headcount student; and

1 (d) The number of students residing outside the school district who
2 are enrolled in alternative learning experience courses under RCW
3 28A.232.010 shall be excluded from the total.

4 (4) In lieu of the exclusion in subsection (3)(d) of this section,
5 a district may submit an alternative calculation for excluding students
6 enrolled in alternative learning experience courses. The alternative
7 calculation must show the student headcount use of district classroom
8 facilities on a regular basis for a regular duration by out-of-district
9 alternative learning experience students subtracted by the headcount of
10 in-district alternative learning experience students not using district
11 classroom facilities on a regular basis for a reasonable duration. The
12 alternative calculation must be submitted in a form approved by the
13 office of the superintendent of public instruction. The office of the
14 superintendent of public instruction must develop rules to define
15 "regular basis" and "reasonable duration."

16 (5) The superintendent of public instruction, considering policy
17 recommendations from the school facilities citizen advisory panel,
18 shall prescribe such rules as are necessary to equate insofar as
19 possible the efforts made by school districts to provide capital funds
20 by the means aforesaid.

21 (6) For the purposes of this section, "preschool students with
22 disabilities" means children of preschool age who have developmental
23 disabilities who are entitled to services under RCW 28A.155.010 through
24 28A.155.100 and are not included in the kindergarten enrollment count
25 of the district.

26 (7)(a) School districts with student headcount enrollments of more
27 than forty-five thousand shall be divided by geographic areas within
28 the school district when calculating eligible space for state funding
29 assistance. School districts shall not have more than four geographic
30 areas.

31 (b) The office of the superintendent of public instruction shall
32 create rules for the implementation of (a) of this subsection.

33 **Sec. 2.** RCW 28A.525.166 and 2013 2nd sp.s. c 18 s 514 are each
34 amended to read as follows:

35 Allocations to school districts of state funds provided by RCW
36 28A.525.162 through 28A.525.180 shall be made by the superintendent of

1 public instruction and the amount of state funding assistance to a
 2 school district in financing a school plant project shall be determined
 3 in the following manner:

4 (1) The boards of directors of the districts shall determine the
 5 total cost of the proposed project, which cost may include the cost of
 6 acquiring and preparing the site, the cost of constructing the building
 7 or of acquiring a building and preparing the same for school use, the
 8 cost of necessary equipment, taxes chargeable to the project, necessary
 9 architects' fees, and a reasonable amount for contingencies and for
 10 other necessary incidental expenses: PROVIDED, That the total cost of
 11 the project shall be subject to review and approval by the
 12 superintendent.

13 (2) The state funding assistance percentage for a school district
 14 shall be computed by the following formula:

15 The ratio of the school district's adjusted valuation per pupil
 16 divided by the ratio of the total state adjusted valuation per pupil
 17 shall be subtracted from three, and then the result of the foregoing
 18 shall be divided by three plus (the ratio of the school district's
 19 adjusted valuation per pupil divided by the ratio of the total state
 20 adjusted valuation per pupil).

21		District adjusted	Total state	
22		3-valuation	÷ adjusted valuation	
23	Computed	per pupil	per pupil	State
24	State =	-----		= - % Funding
25	Ratio	District adjusted	Total state	Assistance
26		3+valuation	÷ adjusted valuation	
27		per pupil	per pupil	

28 PROVIDED, That in the event the state funding assistance percentage to
 29 any school district based on the above formula is less than ((~~twenty~~)
 30 thirty percent and such school district is otherwise eligible for state
 31 funding assistance under RCW 28A.525.162 through 28A.525.180, the
 32 superintendent may establish for such district a state funding
 33 assistance percentage not in excess of ((~~twenty~~) thirty percent of the
 34 approved cost of the project, if the superintendent finds that such
 35 additional assistance is necessary to provide minimum facilities for
 36 housing the pupils of the district.

37 (3) In addition to the computed state funding assistance percentage
 38 developed in subsection (2) of this section, a school district shall be

1 entitled to additional percentage points determined by the average
2 percentage of growth for the past three years. One percent shall be
3 added to the computed state funding assistance percentage for each
4 percent of growth, with a maximum of twenty percent.

5 (4) In computing the state funding assistance percentage in
6 subsection (2) of this section and adjusting the percentage under
7 subsection (3) of this section, students residing outside the school
8 district who are enrolled in alternative learning experience courses
9 under RCW 28A.232.010 shall be excluded from the count of total pupils.
10 In lieu of the exclusion in this subsection, a district may submit an
11 alternative calculation for excluding students enrolled in alternative
12 learning experience courses. The alternative calculation must show the
13 student headcount use of district classroom facilities on a regular
14 basis for a reasonable duration by out-of-district alternative learning
15 experience students subtracted by the headcount of in-district
16 alternative learning experience students not using district classroom
17 facilities on a regular basis for a reasonable duration. The
18 alternative calculation must be submitted in a form approved by the
19 office of the superintendent of public instruction. The office of the
20 superintendent of public instruction must develop rules to define
21 "regular basis" and "reasonable duration."

22 (5) The approved cost of the project determined in the manner
23 prescribed in this section multiplied by the state funding assistance
24 percentage derived as provided for in this section shall be the amount
25 of state funding assistance to the district for the financing of the
26 project: PROVIDED, That need therefor has been established to the
27 satisfaction of the superintendent: PROVIDED, FURTHER, That additional
28 state funding assistance may be allowed if it is found by the
29 superintendent, considering policy recommendations from the school
30 facilities citizen advisory panel that such assistance is necessary in
31 order to meet (a) a school housing emergency resulting from the
32 destruction of a school building by fire, the condemnation of a school
33 building by properly constituted authorities, a sudden excessive and
34 clearly foreseeable future increase in school population, or other
35 conditions similarly emergent in nature; or (b) a special school
36 housing burden resulting from projects of statewide significance or
37 imposed by virtue of the admission of nonresident students into
38 educational programs established, maintained and operated in conformity

1 with the requirements of law; or (c) a deficiency in the capital funds
2 of the district resulting from financing, subsequent to April 1, 1969,
3 and without benefit of the state funding assistance provided by prior
4 state assistance programs, the construction of a needed school building
5 project or projects approved in conformity with the requirements of
6 such programs, after having first applied for and been denied state
7 funding assistance because of the inadequacy of state funds available
8 for the purpose, or (d) a condition created by the fact that an
9 excessive number of students live in state owned housing, or (e) a need
10 for the construction of a school building to provide for improved
11 school district organization or racial balance, or (f) conditions
12 similar to those defined under (a), (b), (c), (d), and (e) of this
13 subsection, creating a like emergency.

14 (6) The omnibus appropriations act shall identify the state
15 construction cost allowance for school districts. The minimum
16 construction cost allowance shall be calculated based on a three-year
17 rolling average of actual new public K-12 school construction costs per
18 square foot.

19 (7) The minimum state student space allocations shall be provided
20 as follows:

21 (a) One hundred ten square feet for students in kindergarten
22 through grade six;

23 (b) One hundred twenty-four square feet for students in grades
24 seven through eight;

25 (c) One hundred forty square feet for students in grades nine
26 through twelve; and

27 (d) One hundred forty-seven square feet for students with
28 disabilities in any grade.

29 NEW SECTION. Sec. 3. This act takes effect July 1, 2014.

--- END ---