
Capital Budget Committee

HB 3291

Brief Description: Enacting the community schools act of 2008.

Sponsors: Representatives Kelley, Santos, Pettigrew, Cody, Hudgins, Pedersen, Dickerson, Nelson, Quall, Kenney, Sullivan, McIntire, Green and Barlow.

Brief Summary of Bill

- Directs the Department of Community, Trade, and Economic Development (DCTED) to establish a competitive solicitation and ranking process and program to assist eligible entities in acquiring, constructing, rehabilitating, or improving facilities, including surplus schools, to be used for nonresidential coordinated services for children and families.
- Amends the Youth Recreational Facilities program within the DCTED to give priority consideration to projects that include cooperative partnerships or joint use agreements for facilities shared with public school districts, local governments, early learning providers, post-secondary institutions, and tribal governments.
- Directs the Office of the Superintendent of Public Instruction (OSPI) to provide a 10 percent enhancement to the area cost allowance for school districts requesting funding through the School Construction Assistance Program. The district must certify and provide documentation of a comprehensive plan for cooperative partnerships that include the joint use of school facilities for qualified services for the facility proposed for state assistance.

Hearing Date: 2/4/08

Staff: Susan Howson (786-7142).

Background:

Washington has traditionally provided capital funding to local governments and other entities through a variety of competitive grant programs. Examples of grant programs funded through the

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capital budget and administered by the DCTED include the Building for the Arts program, the Community Services Facilities program, and the Youth Recreational Facilities (YRF) program.

The YRF program was created by the Legislature in 2003 to provide grants to nonprofit, community-based organizations to defray up to 25 percent of the eligible capital costs for the acquisition, major construction or renovation of nonresidential projects that provide a youth recreation opportunity that is supported by a social service or educational component at the same location.

School districts are authorized and encouraged in statute to make full use of school district facilities by providing or permitting community education programs to be held in district facilities for the purpose of stimulating and meeting the full educational potential and needs of the district's residents of all ages. Such programs include those for prospective parents, foster parents, and adoptive parents on parenting skills, violence prevention, and child abuse prevention. School districts are also authorized to establish or allow for the establishment of nonprofit meal programs for the elderly and children in school facilities.

A public school district with student enrollment of less two thousand pupils is considered a second class school district. School boards of second class districts may provide for the free, comfortable and convenient use of school property for meetings, discussion, study, improvement and other community purposes, especially in matters pertaining to agriculture, household economies, home industries, good roads, and community vocations and industries.

A local school board is authorized to sell, lease, rent, or permit the occasional use of surplus school property. Proceeds from the sale, lease, rent or use must be deposited into the school district's debt service fund and/or capital projects fund, except that moneys expended for the maintenance, utility, and insurance costs associated with the lease or rental of such property must be deposited into the district's general fund. Sale proceeds may be used for costs associated with the sale of surplus school property.

The School Construction Assistance Grant Program was established in 1947 to assist local school districts with their school plant facilities. The State Board of Education was the authorizing agency for this program until a change in 2006 made state support for providing school facilities the sole responsibility of the Office of the Superintendent of Public Instruction (OSPI). The program provides funding for limited facility planning and matching funds for school construction and renovations.

School districts are eligible for a Study and Survey grant every six years. The Study and Survey is an overall analysis of the school district's facilities, educational programs and plans, student population projections, capital finance and operating capabilities, and identification of needs for new construction, modernization or replacement of facilities. A school district must complete a Study and Survey in order to be considered for state assistance through the School Construction Assistance Grant Program.

Three factors determine the amount of state assistance a district may receive through the School Construction Assistance Grant Program, including: (1) the square footage of instruction space for which the state will provide matching funds (eligible area); (2) the cost per square foot the state will match (area cost allowance); and (3) the matching ratio which relates to equalizing the state's

wealth by providing a greater percentage of state matching funds to economically disadvantaged districts.

Summary of Bill:

Legislative intent outlines several goals regarding improving the coordination, availability, and effectiveness of services for children and families; ensuring that children are ready to learn every day; enabling families to participate in the education of their children; and enabling more efficient use of federal, state, local, and private sector resources that serve children and families.

The DCTED is directed to establish and conduct a statewide competitive grant solicitation and evaluation process to assist eligible entities in acquiring, constructing, rehabilitating, or improving facilities, including surplus schools, to be used for nonresidential coordinated services for children and families. The DCTED must evaluate and rank applications in consultation with an independent advisory board using objective criteria and establish a tiered system to determine the amount of matching funds required from a grantee based on financial need, and taking into consideration community purpose and the ability of the applicant to obtain matching funds. The DCTED is required to submit a prioritized list annually to the Governor and the Legislature in the department's capital budget request beginning with the 2009-11 biennium. In recommending projects for funding, the DCTED may not set a monetary limit on funding requests or require that state funds be the last to be spent on a project.

Eligible entities that may apply for grant funds through the program include public school districts, local governments, nonprofit organizations, early learning providers, post-secondary institutions, and tribal governments.

Qualified services include, but are not limited to, early childhood education, remedial education and academic enrichment activities, programs that promote parental involvement, leadership, and education activities including family literacy, youth development programs, programs that assist students who have been truant, suspended or expelled, child care services, nutrition services, job training and career counseling services, community service opportunities, and primary health, dental care and mental health prevention and treatment services.

Applicants must submit a comprehensive plan to the DCTED that includes the following: (1) a list of partner entities and the qualified services to be provided through by each entity; (2) a memorandum of understanding between the applicant and its partner entities describing the role each entity will assume; (3) plans for joint utilization and maintenance of the facility, including liability considerations; (4) the student, family, and community population to be served by the project; (5) existing qualified services available at each school to be served and in the community involved; and (6) an examination of capital and operating funds that applicants intend to apply to the project and qualified services by fund source. Applicants must also demonstrate that the proposed project is ready to proceed, will make timely use of the funds, and that state funding will accomplish a discrete, usable phase of the project.

Any grant funds used for the acquisition of surplus school facilities must be used by the local school board disposing of such property for renovation, replacement, or new construction of school facilities within the district.

For grants authorized under the program, the DCTED may not sign contracts or obligate funds until the Legislature has approved a specific list of projects. The DCTED must also require that

capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that the facilities must be used for the express purposes of the grant. Grantees found to be out of compliance with the terms of the grant must repay to the State General Fund the principal amount plus interest calculated at the rate of interest on state bonds issued most closely to the date of the grant authorization.

The YRF program is amended to give priority consideration to projects that include cooperative partnerships or joint use agreements for facilities shared with public school districts, local governments, early learning providers, post-secondary institutions, and tribal governments.

As part of the Study and Survey process, school districts that apply for state assistance through the School Construction Assistance Program must include an inventory of school district facilities that are jointly used with other entities, or that could potentially be used for other community purposes. School districts must submit a long-range plan for future community use of school buildings.

The OSPI is directed to provide a 10 percent enhancement to the area cost allowance for school districts requesting funding through the School Construction Assistance Program if the district can certify and provide documentation that they have a comprehensive plan for cooperative partnerships that include the joint use of school facilities for qualified services for the facility being proposed for state assistance. The OSPI is directed to develop rules for implementation of this enhancement by September 1, 2008.

Appropriation: None.

Fiscal Note: Requested on 1/29/08.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.