Chapter 392-343 WAC

STATE FUNDING ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—BASIC STATE SUPPORT

(Formerly chapter 180-27 WAC)

WAC

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WAC 392-343-005 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 allotments 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 plant 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. 10-09-008, § 392-343-005, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-005, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-005, filed 10/17/83.]

WAC 392-343-010 Purpose. The purpose of this chapter is to set forth provisions applicable to state funding assistance in the construction of school facilities, including the superintendent of public instruction approval criteria. The limitations set forth represent the level of state funding assistance within moneys available and are not to be interpreted as maximum criteria to meet the educational requirements of all school districts, the determination of such criteria being the prerogative of respective school districts.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-010, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-010, filed 10/17/83.]

WAC 392-343-012 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. 06-16-032, amended and recodified as § 392-343-012, filed 7/25/06, effective 8/25/06; 01-08-040, § 180-27-012, filed 3/30/01, effective 4/30/01.]

WAC 392-343-015 State board policy. (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

(a) To equate insofar as possible the efforts by districts to provide capital moneys;

(b) To equalize insofar as possible the educational opportunities for the students of the state;

(c) To establish a level of state funding assistance for the construction and modernization of school facilities consistent with moneys available; and

(d) To recognize that districts may have reasons to remove district facilities from current inventories and provide consistent statewide policies for removal.

(2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter 28A.540 RCW.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-015, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-015, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-015, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-015, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-015, filed 12/19/89, effective 12/19/89. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-015, filed 10/17/83.]

WAC 392-343-016 Rules determining eligibility and timing of state funding assistance. The eligibility for and the amount of state funding assistance shall be determined as outlined in WAC 392-343-020. The prioritization and timing for receipt of state funding assistance for eligible projects shall be determined by WAC 392-343-500.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-016, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-016, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-016, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-016, filed 8/3/92, effective 9/3/92.]

WAC 392-343-017 Definition—School facilities. As used in this chapter, the term "school facilities" means school plant facilities, school plant projects, school buildings, and common school facilities placed on a permanent foundation.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-017, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-017, filed 12/19/89, effective 12/19/89.]

WAC 392-343-018 Definition—Portable facility. As used in this chapter, "portable facility" means any factory-built structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation when connected to the required utilities. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-018, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-059, § 180-27-018, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-018, filed 12/19/89, effective 12/19/89.]

WAC 392-343-019 Definition—Instructional space. As used in this chapter, the term "instructional space" means the gross amount of square footage calculated in accordance with the *American Institute of Architects, Document D101, The Architectural Area and Volume of Buildings*, latest edition, for a school facility utilized by a school district for the purpose of instructing students: Provided, That the following areas shall not be included in any calculation of instructional space:

(1) Exterior covered walkways, cantilevered or supported.

(2) Exterior porches including loading platforms.

(3) Areas located above instructional spaces which are either vacant or primarily housing mechanical and/or electrical equipment.

(4) Space used by central administrative personnel.

(5) Stadia and grandstands.

(6) Bus garages.

(7) Free-standing warehouse space specifically designed for that purpose.

(8) Portable facilities.

(9) Other square footage not otherwise available or related to direct instruction or instructional support of the education program in the district.

(10) The portion(s) of any space(s) constructed from grants made as a gift to a school district by a private entity or a public entity which:

(a) Is dedicated by the written terms of the grant to joint use by the school district for educational purposes and by the general public for community activities for the useful life of the space(s); and

(b) The school district board of directors has accepted the gift in accordance with the joint use terms of the grant: Provided, That this exception does not apply to space(s) jointly financed by two or more school districts.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-019, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-019, filed 9/23/98, effective 10/24/98; 95-20-090, § 180-27-019, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.525.020 and 28A.525.055. 95-08-032, § 180-27-019, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-019, filed 12/19/89, effective 12/19/89.]

WAC 392-343-020 Related factors and formula for determining amount of state funding assistance. (1) The amount of state funding assistance to a school district to provide school facilities shall be determined on the basis of component factors, as hereinafter set forth in this chapter, relating to:

(a) The number of unhoused students;

(b) Space allocations;

(c) Reduction of the number of operating schools as per chapter 392-347 WAC;

(d) Construction cost allocation for the fiscal year funded;

(e) Allowances for furniture and equipment purchases;

(f) The amount of insurance, federal, or other nontax source local moneys applied to a school facilities project;

(g) Certain specified costs which must be financed directly by the school district; and

(h) The amount of fees for professional services.

(2) State funding assistance for an approved project shall be derived by multiplying the state funding assistance percentage determined pursuant to RCW 28A.525.166 by the following:

(a) The eligible construction cost which shall be calculated by multiplying the approved square foot area of the

project as set forth in WAC 392-343-035 by the construction cost allocation as set forth in WAC 392-343-060;

(b) The cost of preparing educational specifications as set forth in WAC 392-343-065;

(c) The cost of architectural and engineering services as set forth in WAC 392-343-070;

(d) The cost of preparing and reviewing the energy conservation report as set forth in WAC 392-343-075;

(e) The cost of a value engineering study, a constructability review, and building commissioning as set forth in WAC 392-343-080;

(f) The construction cost savings—sharing incentive as set forth in WAC 392-343-085;

(g) The cost of furniture and equipment as set forth in WAC 392-343-095;

(h) The cost of special inspections and testing as set forth in WAC 392-343-100; and

(i) The cost of construction management as set forth in WAC 392-343-102.

Any cost in excess of the maximum allowable shall be financed entirely by the school district.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-020, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-020, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-020, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 99-24-127, § 180-27-020, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-020, filed 11/24/92, effective 12/25/92. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-020, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-020, filed 10/17/83.]

WAC 392-343-023 Emerging high school district eligibility. If a new secondary program is being established in a nonhigh district pursuant to chapter 392-348 WAC, the district shall make application and be eligible for state funding assistance of new construction for school facilities to serve the projected high school enrollment.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-023, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-023, filed 12/19/89, effective 12/19/89.]

WAC 392-343-025 State funding assistance percentage—General. (1) The state funding assistance percentage for which a school district is eligible, if otherwise qualified under prevailing statutory provisions and rules and regulations of the superintendent of public instruction, shall be determined in accordance with the state funding assistance percentage formula set forth in RCW 28A.525.166.

(2) In the event the state funding assistance percentage to any school district computed in accordance with RCW 28A.525.166(2) is less than twenty percent and such school district otherwise is eligible for state funding assistance under statutory provisions and the superintendent of public instruction regulations, the percentage for such district shall be twenty percent of the state allowable costs of the project.

(3) In addition to the computed state funding assistance percentage as stated above, a school district as provided in RCW 28A.525.166(3), shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed state funding assistance percentage for each average percent of student growth for the past three years, with a maximum addition of twenty percent. In no case shall the state funding assistance exceed one hundred percent of the maximum allowable cost of the project.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-025, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-025, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-025, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-025, filed 10/17/83.]

WAC 392-343-030 Applicable state funding assistance percentage for project. Pursuant to provisions of RCW 28A.525.168, the state funding assistance percentage used for the allocation of state moneys shall be the highest amount prevailing at the time of:

(1) Passage of bonds and/or levies by the voters of the school district to provide the local share required for state funding assistance;

(2) The superintendent of public instruction project approval; or

(3) Superintendent of public instruction approval to bid.

In the event that a district is otherwise eligible to receive approval to bid one or more projects but a lack of state funding assistance precludes the issuance of such approval(s), the district shall retain the higher state funding assistance percentage as provided for in this section for such approval(s). This provision shall apply to all projects having received project approval by the state board of education after September 1, 1997, or by the superintendent of public instruction after June 6, 2006.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-030, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-030, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-030, filed 12/1/99, effective 1/1/00; 98-19-143, § 180-27-030, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-030, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-030, filed 10/17/83.]

WAC 392-343-032 Growth impact fees and mitigation payments. Notwithstanding the financial requirements of WAC 392-343-030, districts may use growth impact fees as provided for in RCW 82.02.020, 82.02.050 through 82.02.100, 58.17.060 and 58.17.110 and mitigation payments as provided for in RCW 43.21C.060 of the State Environmental Policy Act to assist in capital construction projects. The impact fees and payments collected pursuant to the above cited statutes may be used by the district to provide the local funding share required for state funding assistance and may not be substituted for the amount of state funding assistance that would otherwise be provided for school capital projects.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-032, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-032, filed 7/25/06, effective 8/25/06; 00-04-007, § 180-27-032, filed 1/20/00, effective 2/20/00. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-01-030, § 180-27-032, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-056, § 180-27-032, filed 6/5/91, effective 7/6/91.]

WAC 392-343-035 Space allocations. (1) State funding assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of students with developmental disabil-

ities shall be based on a space allocation per enrolled student and for state funding assistance purposes shall be computed in accordance with the following table:

Grade or Area	Through June 30, 2006 Maximum Space Allocation Per Student	Beginning July 1, 2006 Maximum Space Allocation Per Student
Grades kindergarten through six	80 square feet	90 square feet
Grades seven and eight	110 square feet	117 square feet
Grades nine through twelve	120 square feet	130 square feet
Classrooms for students with developmental disabilities	140 square feet	144 square feet

For purposes of this subsection, students with developmental disabilities shall be counted as one student for each such student assigned to a specially designated self-contained classroom for students with developmental disabilities for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

(2) State funding assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Space Allocation Per One-Half Enrolled Student
Skill Centers	140 square feet

(3) Space allocation for state funding assistance purposes for districts with senior or four-year high schools with fewer than four hundred students shall be computed in accordance with the following formula:

Number of Headcount Student-Grades 9-12	Maximum Space Allocation Per Facility
0-100	37,000 square feet
101-200	42,000 square feet
201-300	48,000 square feet
301-or more	52,000 square feet

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-035, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-035, filed 7/25/06, effective 8/25/06; 05-19-108, § 180-27-035, filed 9/20/05, effective 10/21/05; 01-19-044, § 180-27-035, filed 9/14/01, effective 10/15/01; 98-19-143, § 180-27-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 84-11-047 (Order 6-84), § 180-27-035, filed 5/17/84; 83-21-066 (Order 11-83), § 180-27-035, filed 10/17/83.]

WAC 392-343-040 Square foot area analysis. The square foot area analysis, when submitted for review by the superintendent of public instruction shall be calculated in accordance with the American Institute of Architects, Document D101, *The Architectural Area and Volume of Buildings*, latest edition, except for the following areas which shall not be counted:

(1) Exterior covered walkways, cantilevered or supported;

(2) Exterior porches, including loading platforms; and

(3) Spaces above occupied areas which are either vacant or primarily housing mechanical and/or electrical equipment.

The analysis shall be reported on a form prepared by the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-040, filed 7/25/06, effective 8/25/06; 95-20-089, § 180-27-040, filed 10/4/95, effective 11/4/95. Statutory Authority: RCW 28A.47.830. 84-11-047 (Order 6-84), § 180-27-040, filed 5/17/84; 83-21-066 (Order 11-83), § 180-27-040, filed 10/17/83.]

WAC 392-343-045 Space allocations—Enrollment projection provisions. In planning for construction of all school facilities, a school district shall estimate capacity needs on the basis of the following:

(1) A three or five-year cohort survival enrollment projection for growth districts, whichever is greater;

(2) A three or five-year cohort survival enrollment projection for a declining district, whichever is lesser;

(3) Actual enrollment of preschool students with developmental disabilities; and

(4) Supplemental information regarding district growth factors which may include but not be limited to the following types of information:

(a) County live birth rates;

(b) New housing starts;

(c) Utility/telephone hookups; and

(d) Economic/industrial expansion.

For the purpose of this section, kindergarten students and students with developmental disabilities shall be counted as provided under WAC 392-343-035 and all other grade one through twelve students shall be counted as October count day full-time equivalent students as reported to the superintendent of public instruction: Provided, That a school district which has or has had an annual average full-time equivalent enrollment of over five hundred, and which applied for and received additional state basic education allocation moneys based upon an enrollment increase after the first of the month enrollment count, may use the average of the two highest monthly full-time equivalent enrollment counts during the school year.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-045, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-045, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-045, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-045, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-045, filed 10/17/83.]

WAC 392-343-050 Space allocations—Computing building capacity. The net total area of a school facility eligible for state funding assistance shall be calculated as follows:

(1) The capacity of existing buildings within the district based on the school district's assigned grade spans shall be computed in accordance with the tables set forth in WAC 392-343-035 and the square foot area analysis set forth in WAC 392-343-040.

(2) The number of students projected at each grade span shall be multiplied by appropriate numbers of square feet as

set forth in WAC 392-343-035. (Note: The area generated at each grade level determines district eligibility, if any.)

(3) The amount of housing the district is eligible to construct at each grade span is determined by subtracting the area computed in subsection (2) of this section from the existing housing capacity at each grade span in the school district. Using this formula, over housing at the secondary grade level, grades nine through twelve, or elementary grade level, kindergarten through eight, will not negatively affect unhoused eligibility at the elementary grade level or secondary grade level respectively.

(4) Appropriate grade assignment is a local determination.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-050, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-050, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-050, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-04-031, § 180-27-050, filed 1/30/90, effective 3/2/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-050, filed 10/17/83.]

WAC 392-343-053 State moneys for studies and surveys. State planning grant for school district studies and surveys conducted pursuant to chapter 392-341 WAC shall be available even though the superintendent of public instruction deems it necessary to order a priority approval process pursuant to WAC 392-343-054. At the beginning of each biennium, the superintendent of public instruction shall estimate the amount of money necessary for allocation to districts for studies and surveys and not make such money available for any other purpose. In the event the estimated amount proves to be insufficient, the superintendent shall set aside additional money.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-053, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-053, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-04-008 (Order 2-85), § 180-27-053, filed 1/25/85.]

WAC 392-343-054 Implementation of priority approval process. In the event the superintendent of public instruction determines that projected revenues, as calculated by the ceiling established in WAC 392-343-056(2), are insufficient to meet school construction needs of school districts for the ensuing state fiscal year, the superintendent of public instruction shall by order implement a priority approval process on final approval of additional school construction projects pursuant to WAC 392-344-107. Such priority approval process shall remain in effect until the order is rescinded by the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-054, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-054, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 85-04-008 (Order 2-85), § 180-27-054, filed 1/25/85.]

WAC 392-343-056 Funding during the period of a priority approval process order by the superintendent of public instruction. During the period of a priority approval process imposed by order of the superintendent of public instruction school construction projects shall receive final approval pursuant to WAC 392-344-107 as follows:

(1) On or after July 1 following the superintendent of public instruction order for the implementation of a priority approval process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 392-344-107 as per the applicable priority list in WAC 392-343-500. Only school construction projects with the superintendent of public instruction approval under WAC 392-341-045 and secured capital funds to provide the local share required for state funding assistance by January 31 of the previous state fiscal year and eligible for final approval pursuant to WAC 392-344-107 by June 30 of the previous state fiscal year shall be placed on the priority list.

(2) Each fiscal year the superintendent of public instruction shall give final approval to school construction projects on the priority list pursuant to WAC 392-344-107 based on the level and conditions of legislative appropriations. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the superintendent of public instruction does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without final approval and, therefore, without secured funding status pursuant to WAC 392-344-107 shall be combined with new school construction projects that have secured capital funds to provide the local share required for state funding assistance by January 31 of the state fiscal year and that are eligible, pursuant to WAC 392-344-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-056, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-056, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-056, filed 12/1/99, effective 1/1/00; 98-23-033, § 180-27-056, filed 11/10/98, effective 12/11/98; 98-19-143, § 180-27-056, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-056, filed 8/3/92, effective 9/3/92. Statutory Authority: RCW 28A.47.830. 85-04-008 (Order 2-85), § 180-27-056, filed 1/25/85.]

WAC 392-343-05605 Additional funding during a period of a priority approval process. Notwithstanding the provisions of WAC 392-343-056, if within any state fiscal year, that is the second year of a biennium, there is funding authority and revenue in excess of what is required for the priority list established pursuant to WAC 392-343-056, then there may be a subsequent priority list established in the same state fiscal year for the purpose of funding or encumbering funding only for those projects for which preliminary funded status had been granted prior to July 1 of that state fiscal year. The priority order shall be as per WAC 392-343-500 through 392-343-535.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-05605, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.200. 95-16-076, § 180-27-05605, filed 7/28/95, effective 8/28/95. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-05605, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.525.020. 90-24-068, § 180-27-05605, filed 12/5/90, effective 1/5/91.]

WAC 392-343-05607 Funding for specifically appropriated projects during a period of a priority approval process. Notwithstanding the provisions of WAC 392-343-056, if the State Capital Appropriations Act for any biennium makes a special, specific appropriation for a particular project or priority category, such projects, or projects within the priority category, shall be exempt from the time lines established by WAC 392-343-056 and may receive final approval pursuant to WAC 392-344-107 at any time, provided that the requirements of chapter 392-344 WAC have been complied with.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-05607, filed 7/25/06, effective 8/25/06; 90-24-068, § 180-27-05607, filed 12/5/90, effective 1/5/91.]

WAC 392-343-057 State funding assistance—Deferred payment. In the event state funding assistance is not sufficient for a school district project, a school district may proceed at its own financial risk. At such time state funding assistance becomes available, reimbursement may be made for the project provided the provisions of chapter 392-344 WAC have been complied with.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-057, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-057, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-057, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.060, 28A.47.802 and 28A.47.830. 89-22-007, § 180-27-057, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-057, filed 10/17/83.]

WAC 392-343-059 Application of priority system to projects with and without preliminary funding status. All projects with preliminary funding status pursuant to WAC 392-342-050 shall be approved pursuant to WAC 392-344-107 prior to projects without such status.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-059, filed 7/25/06, effective 8/25/06; 90-24-068, § 180-27-059, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-059, filed 11/27/85.]

WAC 392-343-060 Determining the construction cost allocation. (1) The construction cost allocation for state funding assistance shall apply to the cost of construction of the total facility and grounds, including state sales and use taxes generally levied throughout the state of Washington and excluding those local option sales and use taxes levied by political subdivisions.

(2) The construction cost allocation used in calculating state funding assistance for construction of school facilities shall be determined by the superintendent of public instruction using the prior year's construction cost allocation, plus a construction inflation factor.

(3) The superintendent of public instruction's office shall work with appropriate parties to develop a method for determining the annual construction inflation factor.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-060, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-060, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-143, § 180-27-060, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-060, filed 11/27/85; 84-11-047 (Order 6-84), § 180-27-060, filed 5/17/84; 83-21-066 (Order 11-83), § 180-27-060, filed 10/17/83.]

WAC 392-343-063 Annual review of actual construction costs of school projects. The superintendent of public instruction on an annual basis shall review actual construction costs of school projects for consideration and possible action.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-063, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-063, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-063, filed 11/27/85.]

WAC 392-343-065 Educational specifications. (1) Only school facility projects which are complete new facilities or modernization projects pursuant to chapter 392-347 WAC are eligible for state funding assistance in the preparation of education specifications.

(2) The construction of interdistrict transportation cooperatives, or additions of less than fifteen thousand square feet to existing facilities, unless combined with modernization, are not eligible.

(3) The amount of state funding assistance for which a district is eligible for the preparation of educational specifications shall be the state funding assistance percentage multiplied by the greater of the following:

(a) One quarter of one percent of the construction cost allocation multiplied by the square foot area for the fiscal year funded; or

(b) Ten thousand dollars.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-065, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-065, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-065, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-065, filed 10/17/83.]

WAC 392-343-070 Architectural and engineering services. School districts shall select their architectural and engineering consultants in accordance with chapter 39.80 RCW. As required by RCW 39.80.050, the district shall negotiate a contract with the most qualified consultants at a price which the school district determines is fair and reasonable. In making its determination, the district shall take into account the estimated value of the services to be rendered based upon the scope and complexity of the project.

The state maximum allowable cost for architecture and engineering services shall be based on the latest edition of the *American Institute of Architects Handbook of Professional Practice* and calculated by the percentage(s) in relation to the square foot area of construction as calculated in WAC 392-343-040 and project type, as set forth below:

(1) **New construction projects:**

Architectural and Engineering Team Fee Funding Assistance Limitations

Square Feet of Construction			Percent of Construction Cost
0	-	3,699	10.0
3,700	-	7,349	9.0
7,350	-	10,999	8.75
11,000	-	14,649	8.5

Square Feet of Construction			Percent of Construction Cost
14,650	-	18,299	8.25
18,300	-	25,699	8.0
25,700	-	36,699	7.75
36,700	-	54,999	7.5
55,000	-	73,399	7.25
73,400	-	100,999	7.0
101,000	-	128,449	6.75
128,450	-	155,999	6.5
156,000	-	183,499	6.25
183,500		& above	6.0

(2) **Modernization projects:**

For modernization projects, the limits of state funding assistance shall be one and one-half times the amount calculated for new construction.

(3) **Combination projects:**

For those projects which include a combination of new construction and modernization, the limits of state participation shall be prorated as set forth in subsection (1) and (2) of this section.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-070, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-070, filed 7/25/06, effective 8/25/06; 01-09-011, § 180-27-070, filed 4/6/01, effective 5/7/01; 98-19-143, § 180-27-070, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 93-13-026, § 180-27-070, filed 6/10/93, effective 7/11/93. Statutory Authority: RCW 28A.47.830. 84-07-036 (Order 1-84), § 180-27-070, filed 3/20/84; 83-21-066 (Order 11-83), § 180-27-070, filed 10/17/83.]

WAC 392-343-075 Energy conservation report. In compliance with the provisions of chapter 39.35 RCW, school districts constructing school facilities shall complete an energy conservation report for any new construction or for additions to and modernization of existing school facilities which will be reviewed by the Washington state department of general administration. One copy of the energy conservation report, approved by the district board of directors, shall be filed with the superintendent of public instruction. The amount of state funding assistance for which a district is eligible for the preparation of the energy conservation report shall be the state funding assistance percentage multiplied by ten thousand dollars. The amount of state funding assistance for which a district is eligible shall be the state funding assistance percentage multiplied by the fee charged.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-075, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-075, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-075, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-075, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-075, filed 10/17/83.]

WAC 392-343-080 Value engineering studies, constructability reviews, and building commissioning—Requirements and definition. At the appropriate time in the design process for a school facility approved by the superintendent of public instruction, the district shall prepare a value engineering study, complete a constructability review, and perform building commissioning for all projects greater than fifty thousand square feet. Value engineering studies and constructability reviews shall be optional for projects larger than fifteen thousand square feet but less than fifty thousand square feet. Any project which includes fifteen thousand square feet or less shall be exempt from this requirement. For projects subject to chapter 39.35D RCW, building commissioning must be performed for all projects over five thousand square feet. For the purpose of this section, a value engineering study is defined as a cost control technique which is based on the use of a systematic, creative analysis of the functions of the facility with the objective of identifying unnecessary high costs or functions and/or identifying cost savings that may result in high maintenance and operation costs. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 392-344-065. A constructability review is defined as a cost control technique which is based on the review of project documents by mechanical, electrical, structural, construction, and design professionals prior to a request for bids. The purpose of a constructability review is to identify potential claim or problem areas and deficiencies that may occur as a result of errors, ambiguities, omissions, discrepancies, and conflicts in design documents. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 392-344-066. Building commissioning is defined as the process of verifying that the installation and performance of selected building systems meet or exceed the specified design criteria and therefore satisfy the design intent. Building commissioning shall include a physical inspection, functional performance testing, listing of noted deficiencies, and a final commissioning report. Building commissioning shall be performed by a professional agent or authority not contractually or otherwise financially associated with the project design team or contractor. A district shall be eligible for state funding assistance for a value engineering study, a constructability review, and building commissioning for each qualifying project.

(1) The maximum amount of state funding assistance for value engineering studies and constructability reviews of the study package shall be the state funding assistance percentage multiplied by the greater of the following:

(a) Two-fifths of one percent of the construction cost allocation multiplied by the square foot area for the fiscal year funded; or

(b) Twenty thousand dollars.

(2) The maximum amount of state funding assistance for building commissioning shall be:

(a) Seven thousand five hundred dollars for projects larger than five thousand square feet but less than ten thousand square feet;

(b) Ten thousand dollars for projects ten thousand square feet but less than fifteen thousand square feet;

(c) The larger of the following for projects fifteen thousand square feet and above:

(i) Two-fifths of one percent of the construction cost allocation multiplied by the square foot area for the fiscal year funded; or

(ii) Twenty thousand dollars.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-080, filed 4/8/10, effective 5/9/10; 08-09-023, § 392-343-080, filed 4/8/08, effective 5/9/08; 06-16-032, amended and recodified as § 392-343-080, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-080, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 99-24-127, § 180-27-080, filed 12/1/99,

effective 1/1/00; 98-19-143, § 180-27-080, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-080, filed 10/17/83.]

WAC 392-343-085 Construction cost savings—Sharing incentive. The purpose of this section is to set forth provisions designed to further enhance cost effectiveness in the construction of exclusively new school facilities.

(1) Districts become eligible for a cost saving incentive equal to sixty percent of the state share of the construction cost savings if the cost of new construction at bid is less than the state maximum allowable construction cost as set forth in WAC 392-343-020 (2)(a).

(2) The state funding assistance fee for basic architectural and engineering services shall not be reduced if the project is bid and is awarded below the state maximum allowable costs for architectural and engineering services (WAC 392-343-070) or the cost contracted for between the school district and architect/engineer, whichever is less.

(3) Any project attached to or adjacent to or otherwise designed to operate in conjunction with an existing facility and which contains additional area equal to or less than fifty percent of the area in the existing facility shall be classified as an addition and shall not be eligible for the cost saving incentive option authorized in this section.

(4) Districts shall not be eligible for a cost-saving incentive where the entire project, or any part of the project, qualifies for state funding assistance under chapter 392-347 WAC.

(5) Receipt of a portion of the state share of construction cost savings shall not reduce the district's future eligibility and entitlement to state funding assistance in providing school facilities and shall not result in the district receiving more than one hundred percent of the cost of construction.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-085, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-085, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-085, filed 11/27/85; 83-21-066 (Order 11-83), § 180-27-085, filed 10/17/83.]

WAC 392-343-095 Support level—Furniture and equipment allowances. (1) State funding assistance allowance for furniture and equipment purchases shall be added to total construction cost of an approved school facilities project. The amount of state funding assistance for which a district is eligible shall be the eligible square foot area of the project multiplied by the construction cost allocation for the fiscal year funded and that product multiplied by:

(a) Two percent for elementary schools;

(b) Three percent for middle and junior high schools;

(c) Four percent for high schools;

(d) Five percent for facilities for students with developmental disabilities;

(e) Five percent for interdistrict cooperative occupational skill centers; and

(f) Seven percent for interdistrict transportation cooperatives.

(2) For those projects where the eligible square footage is allocated to grade spans which do not conform to those listed above, the equipment allowance shall be allocated based on eligibility as established in WAC 392-343-035.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-095, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-095, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-095, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-143, § 180-27-095, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-095, filed 10/17/83.]

WAC 392-343-100 Special inspections and testing. All special inspections and testing to be performed by independent sources as specified in the construction documents shall be allowed for state funding assistance in addition to the construction costs subject to the approval of the superintendent of public instruction. For the purposes of this section, special inspections shall be those special inspections required under the State Building Code.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-100, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-100, filed 7/25/06, effective 8/25/06; 04-23-009, § 180-27-100, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-100, filed 10/17/83.]

WAC 392-343-102 Construction management. Prior to commencing with project design the district shall employ or contract personnel to perform professional construction management. Construction management shall be required for all projects greater than fifty thousand square feet and is optional for projects fifty thousand square feet or less. For the purpose of this section construction management is defined as the process of professional management applied to a construction program for the purpose of controlling time, cost, and quality.

The construction manager shall have appropriate and demonstrable experience in the management of construction projects including procurement, contract administration, scheduling, budgets, quality assurance, information management, and health and safety.

The amount of state funding assistance for which a district shall be eligible for construction management shall be the state funding assistance percentage multiplied by two and one-half percent of the construction cost allocation multiplied by the square foot area for the fiscal year funded.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-102, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-102, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-102, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 00-09-045, § 180-27-102, filed 4/14/00, effective 5/15/00; 99-24-127, § 180-27-102, filed 12/1/99, effective 1/1/00.]

WAC 392-343-105 Insurance. All school facilities shall be insured. Should a district need to replace or repair a school facility destroyed or damaged, it will be the district's financial responsibility to replace or repair the number of square feet destroyed or damaged.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-105, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-105, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 86-04-067 (Order 3-86), § 180-27-105, filed 2/4/86; 83-21-066 (Order 11-83), § 180-27-105, filed 10/17/83.]

WAC 392-343-110 Support level—Federal moneys. A school district determined to be eligible for moneys made available by acts of congress for school facility construction, including but not limited to Public Law 815 moneys, shall complete the following steps:

(1) Make application for such moneys, which requirement shall be prerequisite for a preliminary or provisional allocation of state funding assistance;

(2) Furnish evidence of the availability of such federal moneys, which requirement shall be a prerequisite for a final allocation of state moneys: Provided, That nothing in this section shall restrict a school district from receipt of federal moneys otherwise provided for specific purposes in accordance with the conditions imposed by the federal government incumbent upon the recipient school district; and

(3) Include the number of square feet in school facilities constructed with federal moneys and used for instructional purposes in the district's inventory which will decrease district eligibility for state funding assistance by an equal number.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-110, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-110, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-110, filed 10/17/83.]

WAC 392-343-115 Support level—Additional state funding assistance. State funding assistance in addition to the amount determined pursuant to WAC 392-343-020 may be allowed for the purposes and in accordance with the requirements set forth in this section: Provided, That in no case shall the state funding assistance exceed one hundred percent of the amount calculated for state funding assistance purposes: In each of the following exceptions, either at the time the project is approved pursuant to WAC 392-341-040 or at any time prior to receiving secured funding status pursuant to WAC 392-344-107, written school district application for additional state funding assistance and the superintendent of public instruction approval is required:

(1) A school facility subject to abatement and an order to vacate.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the superintendent of public instruction determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the superintendent of public instruction shall provide state funding assistance for the remaining cost of the building to a level not exceeding the construction cost allocation for the fiscal year funded: Provided, That at any time thereafter when the superintendent of public instruction finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state funding assistance which might otherwise be provided to such district.

(2) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 392-345 WAC, the superintendent of public instruction shall allocate at seventy-five percent of the total approved project cost determined eligible for state funding assistance purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided; or

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities.

(3) School housing emergency.

A school district found by the superintendent of public instruction to have a school housing emergency requiring an allocation of state funding assistance in excess of the amount allocable under the statutory formula may be considered for an additional allocation of state funding assistance: Provided, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and the superintendent of public instruction fiscal requirements for state funding assistance in providing school facilities.

The total amount of state funding assistance allocated shall be the total approved project cost determined eligible for state funding assistance purposes multiplied by the districts' regular state funding assistance percentage as calculated pursuant to RCW 28A.525.166 plus twenty percent and not to exceed ninety percent in total: Provided further, That at any time thereafter when the superintendent of public instruction finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(4) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the superintendent of public instruction shall provide state funding assistance based on the total approved cost of the project at seventy-five percent.

(5) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 392-342-025 shall receive state funding assistance under this subsection in the amount of an additional ten percentage points above the state funding assistance percentage as calculated pursuant to RCW 28A.525.116 (b) and (c) which will not exceed a total of ninety percent of the total approved cost of construction: Provided, school construction projects for racial balance that meet the following conditions shall be provided state funding assistance at seventy-five percent of the construction cost allocation for the fiscal year funded under the provisions of this subsection as they existed prior to the amendment of this subsection in 1993:

(a) Voter approved local funds were authorized before December 31, 1992;

(b) The superintendent of public instruction approved a comprehensive desegregation plan with specific construction and modernization projects under additional state funding

assistance criterion in effect at that time, which will be identified on or before September 15, 1993; and

(c) The superintendent of public instruction confirms at the time of project approval pursuant to WAC 392-341-040 the continued existence of racial balance needs.

In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility: Provided, That the particular school facility shall remain racially balanced for a period of at least five years after the date of actual building occupancy: Provided further, That if the superintendent of public instruction finds that the school facility does not remain racially balanced for five years then the amount of additional state funding assistance provided pursuant to this subsection shall be recovered by deducting an amount equal to all of the additional allocation from any future state funding assistance which might otherwise be provided to such district.

(6) Any project that has received approval for additional state funding assistance under provisions of this section as they existed prior to the amendment of this section in 1993 shall retain authorization for additional state funding assistance under the provisions in effect at the time of such approval.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-115, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-115, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-115, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-143, § 180-27-115, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 28A.525.166(4). 93-20-067, § 180-27-115, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-059, § 180-27-115, filed 6/5/91, effective 7/6/91. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-115, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-115, filed 12/19/89, effective 12/19/89. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-115, filed 11/27/85; 83-21-066 (Order 11-83), § 180-27-115, filed 10/17/83.]

WAC 392-343-120 Costs to be financed entirely with school district funds. The cost of the following areas, facilities, and items shall not be eligible for state funding assistance:

(1) The cost of area in excess of the space allocations as set forth in WAC 392-343-035;

(2) Acquisition cost of site;

(3) Maintenance and operation;

(4) Alterations, repair, and demolitions, except alterations necessary to connect new construction to an existing building;

(5) Central administration buildings;

(6) Stadia/grandstands;

(7) Costs incidental to advertising for bids, site surveys, soil testing for site purchase, and costs other than those connected directly with the construction of facilities;

(8) Bus garages, except interdistrict cooperatives;

(9) Sales and/or use taxes levied by local governmental agencies other than those sales and/or use taxes levied by the state of Washington;

(10) All costs in excess of state allocations established by the superintendent of public instruction for state funding assistance in financing school construction; and/or

(11) All costs associated with the purchase, installation, and relocation of portable classrooms.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-120, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-120, filed 7/25/06, effective 8/25/06; 04-23-009, § 180-27-120, filed 11/4/04, effective 12/5/04; 98-19-143, § 180-27-120, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-120, filed 10/17/83.]

WAC 392-343-125 Unforeseen costs. The superintendent of public instruction shall not provide additional state funding assistance for unforeseen circumstances related to the construction project after the filing of construction contract(s) with the superintendent of public instruction except those required by change to the state building code as set forth in chapter 19.27 RCW.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-125, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-125, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-125, filed 10/17/83.]

WAC 392-343-405 Instructional space inventory of school facilities—Eligibility. For purposes of determining district eligibility for state funding assistance for the new construction of school facilities, except for the new construction of school facilities for which an acceptable Form D-3 project request was on file with the superintendent of public instruction and local funds were secured prior to March 31, 1989, the superintendent of public instruction shall establish and maintain an instructional space inventory of all school facilities within the state of Washington. Such listing shall consist of the following:

(1) Facility name;

(2) Location (address);

(3) Gross square footage;

(4) Gross square footage of available instructional space (if different than subsection (3) of this section);

(5) Date of construction, additions, and/or modernizations; and

(6) Grade spans served in the facility.

School facilities that are surplus and under lease per the provision of RCW 28A.335.040 are considered to be available for instructional activities and shall be included in the instructional space inventory.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-405, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-405, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-405, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-405, filed 12/19/89, effective 12/19/89.]

WAC 392-343-410 Removal from instructional space inventory—Demolition. A school facility shall be removed from the superintendent of public instruction active instructional space inventory five years after it has been demolished under the following conditions:

(1) The facility is at least forty years old.

(2) The facility is determined to be surplus to the needs of the district by the local school board.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-410, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-410, filed 12/19/89, effective 12/19/89.]

WAC 392-343-415 Removal from instructional space inventory—Sale or long-term lease of building. A school facility shall be removed from the superintendent of public instruction's instructional space inventory five years after it has been sold or long-term leased under the following conditions:

(1) The facility is determined to be surplus to the needs of the district by the local school board.

(2) The sale or lease is in compliance with the requirements of chapter 28A.335 RCW.

For purposes of this section a long-term lease is defined as having a term of no less than forty years.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-415, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-415, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-415, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-415, filed 12/19/89, effective 12/19/89.]

WAC 392-343-420 Removal from instructional space inventory—Conversion. Instructional space shall be removed from the superintendent of public instruction's instructional space inventory sixty months after it has been converted from instructional use under the following conditions:

(1) The facility is determined to be surplus to the needs of the district by the local school board; and

(2) The school facility is not needed for instructional use by a neighboring district.

[Statutory Authority: RCW 28A.525.020. 06-16-032, recodified as § 392-343-420, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-420, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-420, filed 12/19/89, effective 12/19/89.]

WAC 392-343-425 Removal from instructional space inventory—Replacement. A school facility shall be removed from the superintendent of public instruction's instructional space inventory after it has been replaced with a school facility accepted by the school district board of directors on a square footage basis through one of the following actions:

(1) The replacement school facility is wholly financed with local funds; or

(2) The replacement school facility is constructed with state funding assistance authorized under the authority of chapter 392-347 WAC.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-425, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-425, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-425, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-04-031, § 180-27-425, filed 1/30/90, effective 3/2/90.]

WAC 392-343-500 State funding assistance—Priorities after June 30, 1992. The priority system for the funding of school construction projects after June 30, 1992, shall be as follows: For all new construction and modernization projects for school districts, there will be a unique priority score determined by the elements and formulas contained in WAC 392-343-505 through 392-343-520. The total score shall be used to rank all projects that have secured local funding and state board of education approval after January 26, 1991, or the superintendent of public instruction approval after June 6, 2006, and are otherwise eligible for state funding assistance. The elements are divided into three groups:

(1) Common elements;

(2) New construction for growth elements; and

(3) Modernization or new-in-lieu of modernization elements.

In the case of a combined project (i.e., new construction for growth and modernization), the respective scores in each group will be prorated on the basis of each group's related gross square footage in the total project.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-500, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-500, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-500, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-500, filed 8/3/92, effective 9/3/92.]

WAC 392-343-505 State funding assistance—Common priority elements. The four priority elements that are common to all projects are as follows:

(1) Type of space - Ten possible points. In this element the net assignable square feet (NASF) of a project are identified by planned space inventory category. Category One is space used for scheduled instruction and libraries (classrooms, laboratories, PE teaching space, libraries, and learning resource centers). Category Two is space used in support of instruction (assembly, student services, office space, and classroom/lab service and support). Category Three space is cafeteria/food service, spectator seating, covered play areas, and general support space. The formula for determining points prorates the NASF with weightings of ten for Category One, seven for Category Two, and four for Category Three as shown below.

NASF of Category One	X	10 points = X
NASF of Category Two	X	7 points = X
NASF of Category Three	X	4 points = X

Then: The sum of X divided by the sum of NASF equals points.

(2) Local priority - Five points. For this element, five maximum points are awarded to the district's first priority project. Each priority from there has one point deducted from it, to a minimum of zero points awarded.

(3) Joint funding - Five possible points. A binding agreement between the school district and another governmental entity for the joint financing of new construction or modernization of space which is not otherwise eligible for state funding assistance.

	Required Joint Funding 25% of total project cost
Total Project Cost Up to $1,000,000	
Between $1,000,000 and $2,000,000	$275,000

	Required Joint Funding 25% of total project cost
Total Project Cost Up to $1,000,000	
Between $2,000,000 and $3,000,000	$300,000
Between $3,000,000 and $4,000,000	$325,000
Between $4,000,000 and $5,000,000	$350,000
Between $5,000,000 and $6,000,000	$375,000
Between $6,000,000 and $7,000,000	$400,000
Between $7,000,000 and $8,000,000	$425,000
Between $8,000,000 and $9,000,000	$450,000
Between $9,000,000 and $10,000,000	$475,000
$10,000,000 and over	$500,000

(4) Modified calendar or schedule - Five possible points. For this element, up to five points utilizing the table below will be awarded to a project in a district which has adopted a modified school calendar or schedule that enables more students to use school buildings each year over what current state capacity standards at WAC 392-343-035 recognize for state funding assistance purposes. The modified calendar or schedule shall utilize either extended school day or additional days for instruction in the year. The enrollment percentage shall be calculated on the same grade span groupings as for eligibility in WAC 392-343-050. For the purpose of this subsection, the enrollment shall include all students enrolled at the facility as opposed to only those students in attendance.

Enrollment Percentage Increase Over Capacity	Priority Points
20 to above	5
16 to 19.9	4
12 to 15.9	3
8 to 11.9	2
4 to 7.9	1
Below 4	0

The scores for this group of elements will be determined after district compliance with the requirements of WAC 392-344-107.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-505, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-505, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-505, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1993 [1992] c 233 § 24 (8)(e). 93-04-019, § 180-27-505, filed 1/26/93, effective 2/26/93. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-505, filed 8/3/92, effective 9/3/92.]

WAC 392-343-510 State funding assistance—New construction for growth priority factors. The three factors that are related to new construction for growth are as follows:

(1) Projected percent unhoused - Fifty-five possible points. The district percent unhoused five years in the future is based on the projection of enrollment per WAC 392-343-045 for two grade categories, including preschool special education, compared to the formula capacity of existing space based on WAC 392-343-035 as computed per WAC 392-343-050.

If the projected district percent unhoused for the applicable grade category is equal to or greater than forty percent, full points are awarded. If the projected district percent unhoused is less than five percent but greater than zero percent, then a minimum of fifteen points are awarded. If the projected percent unhoused is between five percent and forty percent, then the forty remaining points (55-15) are proportionately awarded.

(2) Mid-range projection - Five possible points. This factor is to recognize the degree of immediacy of a district's capacity problem. The district's point score in subsection (1) of this section is first multiplied by .091 to reflect the relationship between the fifty-five possible points in subsection (1) of this section and the five points in this subsection. This produces the maximum points a project can be awarded in this factor. The actual points are determined by the relationship between the district's unhoused percentage three years in the future divided by the unhoused percentage five years in the future. For example, if a district received 43.57 points in subsection (1) of this section due to a projected thirty percent unhoused condition and its three-year projection is that it will be twenty-four percent unhoused, it will receive 3.17 points (i.e., ((42.57 x .091) x (24 percent/30 percent)) = 3.17).

(3) Number of years unhoused - Five possible points. This factor is to recognize the duration of an unhoused problem. One point is awarded for each year the district has had an unhoused condition in the applicable grade category during the past five years, up to the five points maximum.

The scores shall be determined at the time of project approval per WAC 392-341-045. These scores shall be carried for a period of twenty-four months, at which time new scores shall be determined utilizing the then most current enrollment projections and facts. A district may request a redetermination of scores at any time.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-510, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-510, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-510, filed 8/3/92, effective 9/3/92.]

WAC 392-343-515 Modernization or new-in-lieu of modernization priority elements. The three priority elements that are related to modernization or new-in-lieu projects are as follows:

(1) Health & safety - Twenty possible points. A maximum of sixteen points are awarded based on the evaluation contained in the Building Condition Evaluation Form (BCEF) (WAC 392-343-535) and are awarded as follows:

> 15 - 19 percent = 16 points, 20 - 24 percent = 15 points, 25 - 29 percent = 14 points, etc., until 95 percent at which no points are awarded.

The health and safety condition points are combined with an additional:

> Two points if school does not meet seismic code requirements.
> Two points if school is not asbestos free.

(2) Condition of building - Thirty possible points. The score is based on the Building Condition Evaluation Form (WAC 392-343-535) analysis for all categories other than access for persons with developmental disabilities. If the building condition score is thirty-one or less, then the maximum thirty points are awarded to the project. If the condition score is ninety-one or more, then no points are awarded. If the condition score is from thirty-two to ninety, the condition score is subtracted from ninety-one and multiplied by fifty percent to determine the points. In cases where projects affect

multiple buildings, the BCEF score is weighted by the proportion of gross square feet (GSF) affected.

(3) Cost/benefit factor - Ten minus points possible. If the proposed project is a modernization and the BCEF score is less than forty, one point is deducted for each point the BCEF score is less than forty up to a total possible deduction of ten points.

If the proposed project is a new-in-lieu of modernization and the BCEF score is greater than sixty, one point is deducted for each point the BCEF score is higher than sixty to a total possible deduction of ten points.

The scores shall be determined at the time of project approval per WAC 392-341-045. These scores shall be carried until the district requests a redetermination.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-515, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-515, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-515, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-515, filed 8/3/92, effective 9/3/92.]

WAC 392-343-525 State funding assistance—Priorities for co-ops. For cooperative projects approved by the superintendent of public instruction under the authority of chapters 392-345 and 392-346 WAC, the following priority scores shall be assigned with similar projects ranked in order of date of approval with the earliest date ranked highest:

Type of Interdistrict Cooperative Facility	Priority Score
Vocational Skill Centers	25
Transportation Centers	10
Other Cooperative Facilities	20

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-525, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-525, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.-020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-525, filed 8/3/92, effective 9/3/92.]

WAC 392-343-530 Type of school space—Determination. In order to determine the inventory space category of net assignable square feet for priority scoring purposes in WAC 392-343-505, the category use for which the space is designated by the district shall be the assigned category. When inventory space has been designated and scheduled for multiple purposes, the category for priority scoring purposes shall be the primary scheduled use.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-530, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-530, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.-020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-530, filed 8/3/92, effective 9/3/92.]

WAC 392-343-535 Existing building condition—Evaluation. Building condition and health and safety evaluations for purposes of determining priority scores and completing building inventories shall be conducted and reported to the superintendent of public instruction, utilizing an evaluation model and reporting forms for building type, history, equipage, condition, health and safety factors, and portables on site that shall be adopted and subject to revision from time to time by the superintendent of public instruction. The information provided by the district on these forms shall be subject to review by the staff or agents of the superintendent of public instruction, or to audit by the state auditor. Compliance with this requirement for all schools in a district is a requirement for the receipt of any state construction funding assistance for projects approved after January 26, 1991.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-535, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-535, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.-020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-535, filed 8/3/92, effective 9/3/92.]

WAC 392-343-600 Emergency repair grant applications—Definitions—"Emergency repair," "imminent health and safety hazards," and "local funding." As used in WAC 392-343-605 through 392-343-615:

(1) The term "emergency repair" means a repair to a school building necessitated by causes specified in any current biennial appropriation.

(2) The term "imminent health and safety hazard" means a threat of immediate physical injury to the occupants of a building.

(3) The term "local funding" means insurance settlements, litigation proceeds in excess of costs, any unreserved general fund balance in excess of $200/FTE student for first class districts or $500/FTE student for second class districts as reported in the most recently available annual fiscal report (F196), any unobligated, unreserved capital fund balance, any capital funds reserved for uninsured risk, and any unused voter-approved bond capacity. Districts shall not be required to pass bond or levy issues or incur nonvoted debt in order to qualify for these funds.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-600, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-600, filed 12/1/99, effective 1/1/00. Statutory Authority: 1995 2nd sp.s. c 16 § 508. 95-20-088, § 180-27-600, filed 10/4/95, effective 11/4/95.]

WAC 392-343-605 Emergency repair grant applications—Contents of applications. The superintendent of public instruction may allocate any funds specifically appropriated for this purpose by the legislature to school districts for emergency repair projects for school buildings which present imminent health and safety hazards for building occupants in accordance with the following process and eligibility criteria:

(1) A school district board of directors shall approve and present to the superintendent of public instruction a written application for emergency repair funding on a form provided by the superintendent of public instruction.

(2) The application and accompanying documentation shall include, but not be limited to:

(a) Certification of the unrestricted balance, if any, of the district's general fund and capital projects fund and that all avenues of local funding have been exhausted;

(b) A determination and description of available alternative housing options for occupants of the building;

(c) A detailed description of the nature of the emergency repair;

(d) A detailed description of the nature and extent of the imminent health and safety hazards that exist, and the extent they would be alleviated by the emergency repair;

(e) Evidence that the district is aggressively pursuing civil remedies against the responsible party or parties as appropriate;

(f) Certification by a health official, fire official, building official, labor and industries official or other independent and competent authority that an imminent health and safety hazard to building occupants of a specified nature and extent exists unless the emergency repairs are made; and

(g) The estimated cost of the emergency repairs based upon an estimate made by two or more independent, qualified cost estimators.

(h) A plan for repayment of the grant.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-605, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-605, filed 12/1/99, effective 1/1/00. Statutory Authority: 1995 2nd sp.s. c 16 § 508. 95-20-088, § 180-27-605, filed 10/4/95, effective 11/4/95.]

WAC 392-343-610 Emergency repair grant applications—The superintendent of public instruction approval/disapproval. The superintendent of public instruction shall determine whether or not an application shall be funded and, if so, the amount to be funded. The superintendent of public instruction shall make the final decisions respecting emergency repair applications and grants.

[Statutory Authority: RCW 28A.525.020. 06-16-032, amended and recodified as § 392-343-610, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-610, filed 12/1/99, effective 1/1/00. Statutory Authority: 1995 2nd sp.s. c 16 § 508. 95-20-088, § 180-27-610, filed 10/4/95, effective 11/4/95.]

WAC 392-343-615 Emergency repair grant applications—Repayment conditions. Grants of emergency repair moneys shall be conditioned upon the written commitment and plan of the school district board of directors to repay the grant by waiving the school district's current or future eligibility for state funding assistance under chapters 392-341 through 392-347 WAC, or with insurance payments, or with any judgment(s) that have been awarded, or with other means and sources of repayment. Any such written commitment and plan for repayment may subsequently be modified by mutual agreement between the school district board of directors and the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-615, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-615, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-615, filed 12/1/99, effective 1/1/00. Statutory Authority: 1995 2nd sp.s. c 16 § 508. 95-20-088, § 180-27-615, filed 10/4/95, effective 11/4/95.]