

**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. WSR 10-09-008, § 392-343-115, filed 4/8/10, effective 5/9/10; WSR 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. WSR 01-19-042, § 180-27-115, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. WSR 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). WSR 93-20-067, § 180-27-115, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 28A.525.020 and 28A.525.164. WSR 91-12-059, § 180-27-115, filed 6/5/91, effective 7/6/91. Statutory Authority: 1990 c 33. WSR 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. WSR 90-01-076, § 180-27-115, filed 12/19/89, effective 12/19/89. Statutory Authority: RCW 28A.47.830. WSR 85-24-048 (Order 25-85), § 180-27-115, filed 11/27/85; WSR 83-21-066 (Order 11-83), § 180-27-115, filed 10/17/83.]