

---

HOUSE BILL 3291

---

State of Washington                      60th Legislature                      2008 Regular Session

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

Read first time 01/29/08. Referred to Committee on Capital Budget.

1            AN ACT Relating to community and surplus schools; amending RCW  
2 43.63A.135 and 28A.525.050; adding a new section to chapter 43.63A RCW;  
3 adding a new section to chapter 28A.525 RCW; and creating new sections.

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

5            NEW SECTION.    **Sec. 1.** This act shall be known as the community  
6 schools act of 2008.

7            NEW SECTION.    **Sec. 2.** The legislature finds that young people need  
8 a wide range of opportunities and a strong support system to succeed.  
9 A quality academic program is necessary, but is not sufficient given  
10 societal factors, family circumstances, poverty, and health problems.  
11 All children regardless of their economic, racial, or family  
12 circumstances deserve access to a full array of opportunities. The  
13 legislature also finds that cooperative partnerships and joint use of  
14 facilities between public schools, local governments, early learning  
15 providers, health and social service providers, and postsecondary  
16 institutions can result in the effective use of federal, state, local,  
17 and community resources. Such partnerships build on community  
18 strengths, foster family and community engagement, share accountability

1 for results, and set high expectations for all. The legislature  
2 further finds that surplus schools are community assets that should be  
3 reused for maximum public good to benefit communities. Therefore, it  
4 is the intent of the legislature to provide capital grant funds for the  
5 development of community schools and to convert empty school buildings  
6 into community facilities. Grants may be used for the acquisition,  
7 construction, rehabilitation, and improvement of facilities to assist  
8 with the implementation of this act. The goal is to: (1) Improve the  
9 coordination, availability, and effectiveness of services for children  
10 and families; (2) ensure that children come to school ready to learn  
11 every day; (3) enable families to participate in the education of their  
12 children; and (4) enable more efficient use of federal, state, local,  
13 and private sector resources that serve children and families.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.63A RCW  
15 to read as follows:

16 (1) The definitions in this subsection apply throughout this  
17 section unless the context clearly requires otherwise.

18 (a) "Advisory board" means an independent advisory board including,  
19 but not limited to, a representative from the office of the  
20 superintendent of public instruction, an early learning expert, a youth  
21 recreational facility expert, a social service facility expert, a local  
22 school district representative, and a public higher education  
23 representative.

24 (b) "Community school" means both a place and a set of partnerships  
25 between eligible entities including, but not limited to, public  
26 schools, postsecondary institutions, local governments, early learning  
27 providers, and other nonprofit community resources with an integrated  
28 focus on academics, health and social services, youth and community  
29 development, and community engagement.

30 (c) "Eligible entity" means public school districts, local  
31 governments, nonprofit organizations, early learning providers,  
32 postsecondary institutions, and tribal governments.

33 (d) "Qualified services" means the following:

34 (i) Early childhood education;

35 (ii) Remedial education activities and academic enrichment  
36 activities;

1 (iii) Programs that promote parental involvement and family  
2 literacy;

3 (iv) Youth development programs;

4 (v) Parent leadership development activities;

5 (vi) Parenting education activities;

6 (vii) Child care services;

7 (viii) Community service opportunities;

8 (ix) Programs that provide assistance to students who have been  
9 truant, suspended, or expelled;

10 (x) Job training and career counseling services;

11 (xi) Nutrition services;

12 (xii) Primary health and dental care;

13 (xiii) Mental health prevention and treatment services;

14 (xiv) Adult education, including instruction in English as a second  
15 language; and

16 (xv) Other services as determined by the advisory board.

17 (e) "Surplus school" means a facility that is determined to be  
18 surplus to the needs of a district by the local school board.

19 (2) The department of community, trade, and economic development  
20 shall:

21 (a) Establish a competitive process to solicit project proposals  
22 that assist eligible entities in acquiring, constructing,  
23 rehabilitating, or improving facilities, including surplus schools, to  
24 be used for the delivery of nonresidential qualified services;

25 (b) Evaluate and rank applications in consultation with an  
26 independent advisory board using objective criteria;

27 (c) Establish a tiered system to determine the amount of matching  
28 funds required from a grantee based on financial need, taking into  
29 consideration:

30 (i) Community purpose; and

31 (ii) The ability of the applicant to obtain matching funds; and

32 (d) Establish a prioritized list of capital projects in  
33 consultation with the advisory board and submit the list annually to  
34 the governor and the legislature in the department's capital budget  
35 request beginning with the 2009-2011 biennium. The list must include  
36 a description of each project, the amount of recommended state funding,  
37 and documentation of nonstate funds to be used for the project.

1 (3) Nonstate matching funds may include cash, the value of real  
2 property when acquired solely for the purpose of the project, and in-  
3 kind contributions.

4 (4) The department of community, trade, and economic development  
5 may not: (a) Require that state funds be the last to be spent on a  
6 project; or (b) set a monetary limit to funding requests.

7 (5) The department of community, trade, and economic development  
8 shall not sign contracts or otherwise financially obligate funds under  
9 this section until the legislature has approved a specific list of  
10 projects.

11 (6) In contracts for grants authorized under this act, the  
12 department of community, trade, and economic development shall include  
13 provisions that require that capital improvements must be held by the  
14 grantee for a specified period of time appropriate to the amount of the  
15 grant and that facilities must be used for the express purpose of the  
16 grant. If the grantee is found to be out of compliance with provisions  
17 of the contract, the grantee shall repay to the state general fund the  
18 principal amount of the grant plus interest calculated at the rate of  
19 interest on state of Washington general obligation bonds issued most  
20 closely to the date of authorization of the grant.

21 (7) As part of the application process, applicants must submit a  
22 comprehensive plan that includes information on the following:

23 (a) A list of partner entities that will assist the lead eligible  
24 entity to provide or coordinate qualified services;

25 (b) A memorandum of understanding between the lead eligible entity  
26 and each partner entity describing the role each entity will assume;

27 (c) Plans for joint utilization and maintenance of school and  
28 community facilities by the lead eligible entity and its partner  
29 entities, as well as liability considerations;

30 (d) The student, family, and school community to be served,  
31 including information about the number of students, families, and  
32 community residents to be served, frequency of services, and  
33 information related to the percent of local elementary students that  
34 receive free and reduced-price meals in the target area;

35 (e) Existing qualified services available at each school to be  
36 served and in the community involved;

37 (f) Qualified services to be provided or coordinated by the lead  
38 eligible entity and its partner entities; and

1 (g) An examination of capital and operating funding sources that  
2 applicants intend to apply to the project and qualified services at  
3 each school to be served, whether such funding is derived from grants  
4 under this act or from other federal, state, local, or private sources.

5 (8) Project applicants must also demonstrate that the proposed  
6 project is ready to proceed, will make timely use of the funds, and  
7 requires state funding to accomplish a discrete, usable phase of the  
8 project.

9 (9) If state grant funds under this act are used for the  
10 acquisition of surplus school facilities, the sale proceeds must be  
11 used by the local school board disposing of such property for  
12 renovation, replacement, or new construction of school facilities in  
13 the district.

14 **Sec. 4.** RCW 43.63A.135 and 2006 c 371 s 234 are each amended to  
15 read as follows:

16 (1) The department of community, trade, and economic development  
17 must establish a competitive process to solicit proposals for and  
18 prioritize projects whose primary objective is to assist nonprofit  
19 youth organizations in acquiring, constructing, or rehabilitating  
20 facilities used for the delivery of nonresidential services, excluding  
21 outdoor athletic fields.

22 (2) The department of community, trade, and economic development  
23 must establish a competitive process to prioritize applications for the  
24 assistance as follows:

25 (a) The department of community, trade, and economic development  
26 must conduct a statewide solicitation of project applications from  
27 local governments, nonprofit organizations, and other entities, as  
28 determined by the department of community, trade, and economic  
29 development. The department of community, trade, and economic  
30 development must evaluate and rank applications in consultation with a  
31 citizen advisory committee using objective criteria. Projects must  
32 have a major recreational component, and must have either an  
33 educational or social service component. At a minimum, applicants must  
34 demonstrate that the requested assistance will increase the efficiency  
35 or quality of the services it provides to youth. The evaluation and  
36 ranking process must also include an examination of existing assets  
37 that applicants may apply to projects. Priority consideration must be

1 given to projects that include cooperative partnerships or joint use  
2 agreements for facilities shared with public school districts, early  
3 learning providers, local governments, postsecondary institutions,  
4 tribal governments, or other entities as determined by the department  
5 of community, trade, and economic development. Grant assistance under  
6 this section may not exceed twenty-five percent of the total cost of  
7 the project. The nonstate portion of the total project cost may  
8 include cash, the value of real property when acquired solely for the  
9 purpose of the project, and in-kind contributions.

10 (b) The department of community, trade, and economic development  
11 must submit a prioritized list of recommended projects to the governor  
12 and the legislature in the department of community, trade, and economic  
13 development's biennial capital budget request beginning with the  
14 ((2005-2007)) 2009-2011 biennium and thereafter. The list must include  
15 a description of each project, the amount of recommended state funding,  
16 and documentation of nonstate funds to be used for the project. The  
17 total amount of recommended state funding for projects on a biennial  
18 project list must not exceed eight million dollars. The department of  
19 community, trade, and economic development may not sign contracts or  
20 otherwise financially obligate funds under this section until the  
21 legislature has approved a specific list of projects.

22 (c) In contracts for grants authorized under this section the  
23 department of community, trade, and economic development must include  
24 provisions that require that capital improvements be held by the  
25 grantee for a specified period of time appropriate to the amount of the  
26 grant and that facilities be used for the express purpose of the grant.  
27 If the grantee is found to be out of compliance with provisions of the  
28 contract, the grantee must repay to the state general fund the  
29 principal amount of the grant plus interest calculated at the rate of  
30 interest on state of Washington general obligation bonds issued most  
31 closely to the date of authorization of the grant.

32 **Sec. 5.** RCW 28A.525.050 and 2006 c 263 s 303 are each amended to  
33 read as follows:

34 All applications by school districts for state assistance in  
35 providing school plant facilities shall be made to the superintendent  
36 of public instruction. Studies and surveys shall be conducted by the  
37 superintendent for the purpose of securing information relating to (1)

1 the kind and extent of the school plant facilities required and the  
2 urgency of need for such facilities in districts that seek state  
3 assistance, (2) the ability of such districts to provide capital outlay  
4 funds by local effort, (3) the need for improvement of school  
5 administrative units and school attendance areas among or within such  
6 districts, and (4) any other pertinent matters. Studies and surveys  
7 must also include an inventory of school district facilities jointly  
8 used, or that could potentially be used for other community purposes,  
9 including detail on cooperative partnerships. School districts shall  
10 submit a long-term comprehensive plan for community use of school  
11 buildings. Recommendations respecting action on the applications shall  
12 be submitted to the superintendent of public instruction.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.525  
14 RCW to read as follows:

15 (1) The superintendent of public instruction shall provide a ten  
16 percent enhancement to the area cost allowance for school districts  
17 requesting state assistance under this chapter if the district can  
18 certify and provide documentation that they have a comprehensive plan  
19 for cooperative partnerships that include the joint use of school  
20 facilities for qualified services for the facility proposed for  
21 assistance. Documentation must include:

22 (a) A list of other eligible entities that will assist the school  
23 district to provide or coordinate qualified services;

24 (b) A memorandum of understanding between the school district and  
25 the other eligible entities describing the role each entity will  
26 assume;

27 (c) Plans for joint utilization and maintenance of the school  
28 facility by the school district and its other eligible entities, as  
29 well as liability considerations;

30 (d) The student, family, and school community to be served,  
31 including information about the number of students, families, and  
32 community residents to be served, frequency of services, and  
33 information related to the percent of local elementary students that  
34 receive free and reduced-price meals in the target area;

35 (e) Qualified services to be provided or coordinated by the school  
36 district and its other eligible entities; and

1           (f) A description of capital and operating funding sources that the  
2 school district intends to apply to the project and qualified services  
3 at the school to be served, whether such funding is derived from grants  
4 under this act or from other federal, state, local, or private sources.

5           (2) The office of the superintendent of public instruction shall  
6 develop rules for implementation of this section by September 1, 2008.

7           (3) For the purposes of this section, the terms "eligible entity"  
8 and "qualified services" have the same meaning as defined in section  
9 3(1) of this act.

--- END ---