
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1618

State of Washington

61st Legislature

2009 Regular Session

By House General Government Appropriations (originally sponsored by Representatives White, Nelson, Hudgins, Kenney, Sullivan, Carlyle, Hasegawa, Santos, Green, Miloscia, Orwall, Pedersen, Cody, Dickerson, Lias, Kelley, Pettigrew, Goodman, Simpson, Morrell, and Ormsby)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to community and surplus schools; amending RCW
2 43.63A.135, 28A.525.050, and 28A.335.130; adding new sections to
3 chapter 43.63A 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 2009.

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.

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

6 (1) The community schools program is created in the department of
7 community, trade, and economic development to provide capital grant
8 funds for the development of community schools and to convert empty
9 school buildings into community facilities.

10 (2) The purposes of the program are: (a) Improving the
11 coordination, availability, and effectiveness of services for children
12 and families; (b) helping children to come to school ready to learn
13 every day; (c) enabling families to participate in the education of
14 their children; (d) enabling more efficient use of federal, state,
15 local, and private sector resources that serve children and families;
16 (e) enabling the use and improving the access to surplus schools for
17 community purposes; and (f) assisting school districts with the
18 conversion of surplus schools from illiquid assets to liquid capital
19 funds.

20 (3) Grants provided through the program may be used for the
21 acquisition, construction, rehabilitation, and improvement of
22 facilities to assist with the implementation of this act.

23 (4) The department of community, trade, and economic development
24 shall:

25 (a) Establish a competitive process to solicit project proposals
26 that assist eligible entities in acquiring, constructing,
27 rehabilitating, or improving facilities, including surplus schools, to
28 be used for the delivery of nonresidential qualified services in
29 surplus school buildings, on school grounds, or within a reasonable
30 safe walking distance from the school given the age of the students;

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

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

36 (i) Community purpose; and

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

1 (d) Establish a prioritized list of capital projects in
2 consultation with the advisory board and submit the list annually to
3 the governor and the legislature in the department's capital budget
4 request beginning with the 2011-2013 biennium. The list must include
5 a description of each project, the amount of recommended state funding,
6 and documentation of nonstate funds to be used for the project.

7 (5) In evaluating and ranking applications in consultation with an
8 independent advisory board, the department of community, trade, and
9 economic development shall give priority consideration to projects that
10 provide multiple qualified services and that demonstrate usage beyond
11 the traditional school day to include usage before and after school, on
12 weekends, and all year use.

13 (6) Nonstate matching funds may include cash, the value of real
14 property when acquired solely for the purpose of the project, and in-
15 kind contributions.

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

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

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

33 (10) As part of the application process, applicants must submit a
34 comprehensive plan that includes information on the following:

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

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

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

4 (d) The student, family, and school community to be served,
5 including information about the number of students, families, and
6 community residents to be served, frequency of services, and
7 information related to the percent of local elementary students that
8 receive free and reduced-price meals in the target area;

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

11 (f) The location of the proposed project, including that if the
12 project is not on school grounds, or is not a surplus school, then
13 documentation is required that the proposed project is within a
14 reasonable safe walking distance for the age of the students;

15 (g) Qualified services to be provided or coordinated by the lead
16 eligible entity and its partner entities; and

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

21 (11) Project applicants must also demonstrate that the proposed
22 project is ready to proceed, will make timely use of the funds, and
23 requires state funding to accomplish a discrete, usable phase of the
24 project.

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

29 (13) No state general funds may be used for development and
30 implementation of this program.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.63A RCW
32 to read as follows:

33 The definitions in this section apply throughout section 3 of this
34 act unless the context clearly requires otherwise.

35 (1) "Advisory board" means an independent advisory board including,
36 but not limited to, a representative from the office of the
37 superintendent of public instruction, an early learning expert, a youth

1 recreational facility expert, a social service facility expert, a local
2 school district representative, and a public higher education
3 representative.

4 (2) "Community school" means both a place and a set of partnerships
5 between entities including, but not limited to, public schools,
6 postsecondary institutions, local governments, nonprofit early learning
7 providers, and other nonprofit community resources with an integrated
8 focus on academics, health and social services, youth and community
9 development, and community engagement.

10 (3) "Eligible entity" means a public school district, local
11 government, nonprofit organization, nonprofit early learning provider,
12 or tribal government.

13 (4) "Qualified services" means the following:

- 14 (a) Early childhood education;
- 15 (b) Remedial education activities and academic enrichment
16 activities;
- 17 (c) Programs that promote parental involvement and family literacy;
- 18 (d) Youth development programs;
- 19 (e) Parent leadership development activities;
- 20 (f) Parenting education activities;
- 21 (g) Child care services;
- 22 (h) Community service opportunities;
- 23 (i) Programs that provide assistance to students who have been
24 truant, suspended, or expelled;
- 25 (j) Job training and career counseling services;
- 26 (k) Nutrition services;
- 27 (l) Primary health and dental care;
- 28 (m) Mental health prevention and treatment services;
- 29 (n) Adult education, including instruction in English as a second
30 language;
- 31 (o) Solely with respect to surplus schools any nonprofit, community
32 use or community purpose; and
- 33 (p) Other services as determined by the advisory board.

34 (5) "Surplus school" means a facility that is determined to be
35 surplus to the needs of a district by the local school board.

36 **Sec. 5.** RCW 43.63A.135 and 2006 c 371 s 234 are each amended to
37 read as follows:

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

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

10 (a) The department of community, trade, and economic development
11 must conduct a statewide solicitation of project applications from
12 local governments, nonprofit organizations, and other entities, as
13 determined by the department of community, trade, and economic
14 development. The department of community, trade, and economic
15 development must evaluate and rank applications in consultation with a
16 citizen advisory committee using objective criteria. Projects must
17 have a major recreational component, and must have either an
18 educational or social service component. At a minimum, applicants must
19 demonstrate that the requested assistance will increase the efficiency
20 or quality of the services it provides to youth. The evaluation and
21 ranking process must also include an examination of existing assets
22 that applicants may apply to projects. Priority consideration must be
23 given to projects that include cooperative partnerships or joint use
24 agreements for facilities shared with public school districts,
25 nonprofit early learning providers, local governments, postsecondary
26 institutions, tribal governments, or other entities as determined by
27 the department of community, trade, and economic development. Grant
28 assistance under this section may not exceed twenty-five percent of the
29 total cost of the project. The nonstate portion of the total project
30 cost may include cash, the value of real property when acquired solely
31 for the purpose of the project, and in-kind contributions.

32 (b) The department of community, trade, and economic development
33 must submit a prioritized list of recommended projects to the governor
34 and the legislature in the department of community, trade, and economic
35 development's biennial capital budget request beginning with the
36 ((2005-2007)) 2011-2013 biennium and thereafter. The list must include
37 a description of each project, the amount of recommended state funding,
38 and documentation of nonstate funds to be used for the project. The

1 total amount of recommended state funding for projects on a biennial
2 project list must not exceed eight million dollars. The department of
3 community, trade, and economic development may not sign contracts or
4 otherwise financially obligate funds under this section until the
5 legislature has approved a specific list of projects.

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

16 **Sec. 6.** RCW 28A.525.050 and 2006 c 263 s 303 are each amended to
17 read as follows:

18 All applications by school districts for state assistance in
19 providing school plant facilities shall be made to the superintendent
20 of public instruction. Studies and surveys shall be conducted by the
21 superintendent for the purpose of securing information relating to (1)
22 the kind and extent of the school plant facilities required and the
23 urgency of need for such facilities in districts that seek state
24 assistance, (2) the ability of such districts to provide capital outlay
25 funds by local effort, (3) the need for improvement of school
26 administrative units and school attendance areas among or within such
27 districts, and (4) any other pertinent matters. Studies and surveys
28 must also include an inventory of school district facilities jointly
29 used, or that could potentially be used for other community purposes,
30 including __ detail __ on __ cooperative __ partnerships. Recommendations
31 respecting action on the applications shall be submitted to the
32 superintendent of public instruction.

33 **Sec. 7.** RCW 28A.335.130 and 2004 c 6 s 2 are each amended to read
34 as follows:

35 Except as provided in RCW 28A.335.240(1) and section 3 of this act,
36 the proceeds from any sale of school district real property by a board

1 of directors shall be deposited to the debt service fund and/or the
2 capital projects fund, except for amounts required to be expended for
3 the costs associated with the sale of such property, which moneys may
4 be deposited into the fund from which the expenditure was incurred.

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