
SENATE BILL 5853

State of Washington

66th Legislature

2019 Regular Session

By Senators Pedersen, Warnick, Frockt, Bailey, Carlyle, Zeiger, Dhingra, Becker, Wellman, Walsh, King, Lias, Wagoner, Palumbo, Hobbs, Rivers, Keiser, Hunt, Darneille, Rolfes, Hasegawa, Conway, Braun, Billig, Kuderer, Salomon, Cleveland, McCoy, Nguyen, Short, Das, Hawkins, Takko, Saldaña, Randall, O'Ban, Wilson, C., Van De Wege, and Wilson, L.

Read first time 02/07/19. Referred to Committee on Ways & Means.

1 AN ACT Relating to the school construction assistance program;
2 amending RCW 28A.525.166; creating a new section; providing an
3 effective date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the 2017-2019
6 omnibus capital appropriations act established a joint legislative
7 task force on improving state support for school construction. The
8 task force, through multiple public hearings and visits to schools
9 around the state, developed recommendations for improvements to the
10 school construction assistance program. This act implements the
11 consensus recommendations of the task force that relate directly to
12 the school construction assistance program, including: (1) Adjusting
13 the square footage per student allocation to reflect what is actually
14 getting built; (2) increasing the construction allowance to reflect
15 actual construction costs; and (3) increasing the state match floor
16 from twenty percent to thirty percent. It also implements a majority
17 recommendation of the task force to remove policy disadvantages to
18 preservation of historic buildings.

19 **Sec. 2.** RCW 28A.525.166 and 2015 3rd sp.s. c 3 s 7018 are each
20 amended to read as follows:

1 Allocations to school districts of state funds provided by RCW
 2 28A.525.162 through 28A.525.180 shall be made by the superintendent
 3 of public instruction and the amount of state funding assistance to a
 4 school district in financing a school plant project shall be
 5 determined in the following manner:

6 (1) The boards of directors of the districts shall determine the
 7 total cost of the proposed project, which cost may include the cost
 8 of acquiring and preparing the site, the cost of constructing the
 9 building or of acquiring a building and preparing the same for school
 10 use, the cost of necessary equipment, taxes chargeable to the
 11 project, necessary architects' fees, and a reasonable amount for
 12 contingencies and for other necessary incidental expenses: PROVIDED,
 13 That the total cost of the project shall be subject to review and
 14 approval by the superintendent.

15 (2) The state funding assistance percentage for a school district
 16 shall be computed by the following formula:

17 (a) Except as provided in (b) of this subsection, the ratio of
 18 the school district's adjusted valuation per pupil divided by the
 19 ratio of the total state adjusted valuation per pupil shall be
 20 subtracted from three, and then the result of the foregoing shall be
 21 divided by three plus (the ratio of the school district's adjusted
 22 valuation per pupil divided by the ratio of the total state adjusted
 23 valuation per pupil).

	District adjusted	Total state	
	3-valuation	÷ adjusted valuation	
Computed	per pupil	per pupil	State
State =	_____		= - % Funding
Ratio	District adjusted	Total state	Assistance
	3+valuation	÷ adjusted valuation	
	per pupil	per pupil	

31 (~~PROVIDED, That~~) (b) In the event the state funding assistance
 32 percentage to any school district based on the above formula is less
 33 than (~~twenty~~) thirty percent and such school district is otherwise
 34 eligible for state funding assistance under RCW 28A.525.162 through
 35 28A.525.180, the superintendent (~~may~~) must establish for such
 36 district a state funding assistance percentage not in excess of
 37 (~~twenty~~) thirty percent of the approved cost of the project (~~if~~
 38 ~~the superintendent finds that such additional assistance is necessary~~

1 to provide minimum facilities for housing the pupils of the
2 district)).

3 (3) In addition to the computed state funding assistance
4 percentage developed in subsection (2) of this section, a school
5 district shall be entitled to five additional percentage points if
6 the project renovates a school building that has been listed on the
7 national register of historic places, the Washington heritage
8 register consistent with chapter 27.34 RCW, or listed on a local
9 register of historic places.

10 (4) In addition to the computed state funding assistance
11 percentage developed in subsection (2) of this section, a school
12 district shall be entitled to additional percentage points determined
13 by the average percentage of growth for the past three years. One
14 percent shall be added to the computed state funding assistance
15 percentage for each percent of growth, with a maximum of twenty
16 percent.

17 ((4)) (5) In computing the state funding assistance percentage
18 in subsection (2) of this section and adjusting the percentage under
19 subsection ((3)) (4) of this section, students residing outside the
20 school district who are enrolled in alternative learning experience
21 courses under RCW 28A.232.010 shall be excluded from the count of
22 total pupils. In lieu of the exclusion in this subsection, a district
23 may submit an alternative calculation for excluding students enrolled
24 in alternative learning experience courses. The alternative
25 calculation must show the student headcount use of district classroom
26 facilities on a regular basis for a reasonable duration by out-of-
27 district alternative learning experience students subtracted by the
28 headcount of in-district alternative learning experience students not
29 using district classroom facilities on a regular basis for a
30 reasonable duration. The alternative calculation must be submitted in
31 a form approved by the office of the superintendent of public
32 instruction. The office of the superintendent of public instruction
33 must develop rules to define "regular basis" and "reasonable
34 duration."

35 ((5)) (6) The approved cost of the project determined in the
36 manner prescribed in this section multiplied by the state funding
37 assistance percentage derived as provided for in this section shall
38 be the amount of state funding assistance to the district for the
39 financing of the project: PROVIDED, That need therefor has been
40 established to the satisfaction of the superintendent: PROVIDED,

1 FURTHER, That additional state funding assistance may be allowed if
2 it is found by the superintendent, considering policy recommendations
3 from the school facilities citizen advisory panel that such
4 assistance is necessary in order to meet (a) a school housing
5 emergency resulting from the destruction of a school building by
6 fire, the condemnation of a school building by properly constituted
7 authorities, a sudden excessive and clearly foreseeable future
8 increase in school population, or other conditions similarly emergent
9 in nature; or (b) a special school housing burden resulting from
10 projects of statewide significance or imposed by virtue of the
11 admission of nonresident students into educational programs
12 established, maintained and operated in conformity with the
13 requirements of law; or (c) a deficiency in the capital funds of the
14 district resulting from financing, subsequent to April 1, 1969, and
15 without benefit of the state funding assistance provided by prior
16 state assistance programs, the construction of a needed school
17 building project or projects approved in conformity with the
18 requirements of such programs, after having first applied for and
19 been denied state funding assistance because of the inadequacy of
20 state funds available for the purpose, or (d) a condition created by
21 the fact that an excessive number of students live in state owned
22 housing, or (e) a need for the construction of a school building to
23 provide for improved school district organization or racial balance,
24 or (f) conditions similar to those defined under (a), (b), (c), (d),
25 and (e) of this subsection, creating a like emergency.

26 ~~((6) For the 2015-2017 biennium, schools determined to have a~~
27 ~~lack of sufficient space to provide science classrooms or labs, to~~
28 ~~meet the requirements of law, have a special housing burden condition~~
29 ~~similar to those defined under subsection (5)(b) of this section,~~
30 ~~creating a like emergency. For the 2015-2017 biennium, school~~
31 ~~districts are entitled to additional percentage points for school~~
32 ~~construction projects that have a special housing burden condition~~
33 ~~only and have received private donations in the form of cash, in-~~
34 ~~kind, or equipment of more than one hundred thousand dollars. The~~
35 ~~additional percentage points are determined by (a) school district~~
36 ~~student enrollments in the free and reduced-price meals program, (b)~~
37 ~~school district class as defined by RCW 28A.300.065, and (c) the~~
38 ~~funding assistance percentage as calculated in subsection (2) of this~~
39 ~~section. The additional percentage points under (a) of this~~
40 ~~subsection are twenty percent of the percent of student enrollments~~

1 ~~eligible and enrolled in the free and reduced-price meals program.~~
2 ~~The additional percentage points under (b) of this subsection are ten~~
3 ~~for second class school districts. The additional percentage points~~
4 ~~under (c) of this subsection are ten for school districts with~~
5 ~~funding assistance percentages of more than fifty percent.)~~ (7) The
6 state construction cost allocation used in calculating state
7 assistance for construction of school facilities shall be provided as
8 follows:

9 (a) Two hundred ninety-eight dollars and sixty-seven cents in the
10 fiscal year ending June 30, 2026;

11 (b) Three hundred thirty-four dollars and sixteen cents in the
12 fiscal year ending June 30, 2027;

13 (c) Three hundred sixty-nine dollars and sixty-four cents in the
14 fiscal year ending June 30, 2028;

15 (d) Four hundred five dollars and thirteen cents in the fiscal
16 year ending June 30, 2029;

17 (e) Four hundred forty dollars and sixty-one cents in the fiscal
18 year ending June 30, 2030;

19 (f) Four hundred seventy-six dollars and ten cents in the fiscal
20 year ending June 30, 2031;

21 (g) Five hundred eleven dollars and fifty-nine cents in the
22 fiscal year ending June 30, 2032;

23 (h) Five hundred forty-seven dollars and seven cents in the
24 fiscal year ending June 30, 2033; and

25 (i) Beginning with the fiscal year ending June 30, 2034, and
26 thereafter, the state construction cost allocation used in
27 calculating state assistance for construction of school facilities
28 shall be based on the average cost of new construction at the time of
29 bid of the projects funded by the school construction assistance
30 program in the previous fiscal year adjusted for a construction
31 inflation factor. The superintendent of public instruction must work
32 with the office of financial management to determine the annual
33 construction inflation factor.

34 (8) State funding assistance in the construction of school
35 facilities for grade kindergarten through grade twelve and classrooms
36 planned for the exclusive use of students with disabilities shall be
37 based on a space allocation per enrolled student and shall be
38 provided as follows:

39 (a) For the fiscal year ending June 30, 2022:

- 1 (i) One hundred ten square feet maximum per student in
2 kindergarten through grade six;
- 3 (ii) One hundred seventeen square feet maximum per student in
4 grades seven and eight;
- 5 (iii) One hundred thirty square feet maximum per student in
6 grades nine through twelve; and
- 7 (iv) One hundred forty-four square feet maximum per student in
8 any grade for classrooms for students with developmental
9 disabilities;
- 10 (b) For the fiscal year ending June 30, 2023:
- 11 (i) One hundred twenty square feet maximum per student in
12 kindergarten through grade six;
- 13 (ii) One hundred seventeen square feet maximum per student in
14 grades seven and eight;
- 15 (iii) One hundred thirty square feet maximum per student in
16 grades nine through twelve; and
- 17 (iv) One hundred forty-four square feet maximum per student in
18 any grade for classrooms for students with developmental
19 disabilities;
- 20 (c) For fiscal year ending June 30, 2024:
- 21 (i) One hundred thirty square feet maximum per student in
22 kindergarten through grade six;
- 23 (ii) One hundred thirty square feet maximum per student in grades
24 seven and eight;
- 25 (iii) One hundred forty square feet maximum per student in grades
26 nine through twelve; and
- 27 (iv) One hundred forty-six square feet maximum per student in any
28 grade for classrooms for students with developmental disabilities;
- 29 (d) For fiscal year ending June 30, 2025:
- 30 (i) One hundred forty square feet maximum per student in
31 kindergarten through grade six;
- 32 (ii) One hundred thirty-five square feet maximum per student in
33 grades seven and eight;
- 34 (iii) One hundred forty-five square feet maximum per student in
35 grades nine through twelve; and
- 36 (iv) One hundred forty-eight square feet maximum per student in
37 any grade for classrooms for students with developmental
38 disabilities;
- 39 (e) For fiscal year ending June 30, 2026:

1 (i) One hundred forty square feet maximum per student in
2 kindergarten through grade six;

3 (ii) One hundred forty square feet maximum per student in grades
4 seven and eight;

5 (iii) One hundred fifty square feet maximum per student in grades
6 nine through twelve; and

7 (iv) One hundred fifty square feet maximum per student in any
8 grade for classrooms for students with developmental disabilities;

9 (f) For fiscal year ending June 30, 2027:

10 (i) One hundred forty square feet maximum per student in
11 kindergarten through grade six;

12 (ii) One hundred forty-five square feet maximum per student in
13 grades seven and eight;

14 (iii) One hundred fifty-five square feet maximum per student in
15 grades nine through twelve; and

16 (iv) One hundred fifty-five square feet maximum per student in
17 any grade for classrooms for students with developmental
18 disabilities;

19 (g) For fiscal year ending June 30, 2028:

20 (i) One hundred forty square feet maximum per student in
21 kindergarten through grade six;

22 (ii) One hundred fifty square feet maximum per student in grades
23 seven and eight;

24 (iii) One hundred sixty square feet maximum per student in grades
25 nine through twelve; and

26 (iv) One hundred sixty square feet maximum per student in any
27 grade for classrooms for students with developmental disabilities;
28 and

29 (h) For fiscal year ending June 30, 2029, and thereafter:

30 (i) One hundred forty square feet maximum per student in
31 kindergarten through grade six;

32 (ii) One hundred fifty-five square feet maximum per student in
33 grades seven and eight;

34 (iii) One hundred sixty-five square feet maximum per student in
35 grades nine through twelve; and

36 (iv) One hundred sixty-five square feet maximum per student in
37 any grade for classrooms for students with developmental
38 disabilities.

39 (9) Space allocations for state funding assistance purposes for
40 districts with fewer than four hundred students in kindergarten

1 through grade eight or fewer than four hundred students in senior or
2 four-year high schools shall be provided as follows:

3	<u>Number of Headcount</u>	<u>Maximum Space</u>
4	<u>Students—Grades</u>	<u>Allocation</u>
5	<u>Kindergarten – 8</u>	<u>Per Facility</u>
6	<u>1-200</u>	<u>42,000 square feet</u>
7	<u>201-300</u>	<u>48,000 square feet</u>
8	<u>301-399</u>	<u>52,000 square feet</u>
9	<u>Number of Headcount</u>	<u>Maximum Space</u>
10	<u>Students—Grades 9-12</u>	<u>Allocation</u>
11		<u>Per Facility</u>
12	<u>1-200</u>	<u>42,000 square feet</u>
13	<u>201-300</u>	<u>48,000 square feet</u>
14	<u>301-399</u>	<u>52,000 square feet</u>

15 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of
17 the state government and its existing public institutions, and takes
18 effect July 1, 2019.

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