Chapter 28A.335 RCW
SCHOOL DISTRICTS' PROPERTY

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RCW 28A.335.010 School buildings, maintenance, furnishing, and insuring—School building security. (1) Every board of directors, unless otherwise specifically provided by law, shall:

(a) Cause all school buildings to be properly heated, lighted, and ventilated and maintained in a clean and sanitary condition; and

(b) Maintain and repair, furnish, and insure such school buildings.

(2) Every board of directors, unless otherwise specifically provided by law, shall also:

(a) Consider installing a perimeter security control mechanism or system on all school campuses, as appropriate to the design of the campus; and

(b) For new school construction projects or remodeling projects of more than forty percent of an existing school building that are initiated after July 28, 2013, consider school building plans and designs that promote:

(i) An optimal level of security for the specific school site that incorporates evolving technology and best practices to protect students and staff in the event of a threat during school hours;

(ii) Direct control and observation of the public entering school grounds; and

(iii) The public entering school grounds through as few entrances as possible, such as through the main entrance of a school's administrative offices.

(3) The purpose of subsection (2) of this section is to promote generally the safety of all students and staff in Washington public schools. Nothing in subsection (2) of this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state. [2013 c 233 s 2; 1969 ex.s. c 223 s 28A.58.102. Prior: 1969 c 53 s 1, part; 1967 ex.s. c 29 s 1, part; 1967 c 12 s 1, part; 1965 ex.s. c 49 s 1, part; 1963 c 104 s 1, part; 1963 c 5 s 1, part; 1961 c 305 s 1, part; 1961 c 237 s 1, part; 1961 c 66 s 1, part; 1955 c 68 s 2, part. Formerly RCW 28A.58.102, 28.58.100(3), part, and (4) part.]

School district funds: RCW 28A.320.330.

RCW 28A.335.020 School closures—Policy of citizen involvement required—Summary of effects—Hearings—Notice. Before any school closure, a school district board of directors shall adopt a policy regarding school closures which provides for citizen involvement before the school district board of directors considers the closure of any school for instructional purposes. The policy adopted shall include provisions for the development of a written summary containing an analysis as to the effects of the proposed school closure. The policy shall also include a requirement that during the ninety days before a school district's final decision upon any school closure, the school board of directors shall conduct hearings to receive testimony from the public on any issues related to the closure of any school for instructional purposes. The policy shall require separate hearings for each school which is proposed to be closed.

The policy adopted shall provide for reasonable notice to the residents affected by the proposed school closure. At a minimum, the notice of any hearing pertaining to a proposed school closure shall contain the date, time, place, and purpose of the hearing. Notice of each hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the area where the school, subject to closure, is located. The last notice of hearing shall be published not later than seven days immediately before the final hearing. [1983 c 109 s 2. Formerly RCW 28A.58.031.]

Application of RCW 43.21C.030(2)(c) to school closures: RCW 43.21C.038.

RCW 28A.335.030 Emergency school closures exempt from RCW 28A.335.020. A school district may close a school for emergency reasons, as set forth in RCW 28A.150.290(2) (a) and (b), without complying with the requirements of RCW 28A.335.020. [1990 c 33 s 353; 1983 c 109 s 3. Formerly RCW 28A.58.032.]

RCW 28A.335.040 Surplus school property, rental, lease, or use of—Authorized—Limitations. (1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or nonprofit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future except in such cases where:

(a) Due to proximity to an international airport, land use has been so permanently altered as to preclude the possible use of the property for a school housing students and the school property has been heavily impacted by surrounding land uses so that a school housing students would no longer be appropriate in that area; or

(b) The property is leased or rented for affordable housing purposes under RCW 39.33.015.

(2) Authorization to rent, lease or permit the occasional use of surplus school property under this section, RCW 28A.335.050 and 28A.335.090 is conditioned on the establishment by each school district board of directors of a policy governing the use of surplus school property.

(3) The board of directors of any school district desiring to rent or lease any surplus real property owned by the school district shall publish a written notice in a newspaper of general circulation in the school district for rentals or leases totaling ten thousand dollars or more in value. School districts shall not rent or lease the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the rental or lease of surplus real property and to have such bids considered along with all other bids: PROVIDED, That the school board may establish reasonable conditions for the use of such real property to assure the safe and proper operation of the property in a manner consistent with board policies. [2020 c 40 s 1; 1991 c 116 s 12. Prior: 1990 c 96 s 1; 1990 c 33 s 354; 1981 c 306 s 2; 1980 c 115 s 2. Formerly RCW 28A.58.033.]

Retroactive application—2020 c 40: "Section 1 of this act is remedial and curative in nature and applies retroactively to any lease or rental agreement entered into on or after January 1, 2018." [2020 c 40 s 2.]

Severability—1981 c 306: See note following RCW 28A.335.180.

Severability—1980 c 115: See note following RCW 28A.335.090.

RCW 28A.335.050 Surplus school property, rental, lease, or use of—Joint use—Compensation—Conditions generally. (1) Authorization to rent, lease, or permit the occasional use of surplus school property under RCW 28A.335.040 may include the joint use of school district property, which is in part used for school purposes, by any

combination of persons, corporations or government entities for other than common school purposes: PROVIDED, That any such joint use shall comply with existing local zoning ordinances.

(2) Authorization to rent, lease, or permit the occasional use of surplus school property under RCW 28A.335.040 shall be conditioned on the payment by all users, lessees or tenants, assessed on a basis that is nondiscriminatory within classes of users, of such reasonable compensation and under such terms as regulations adopted by the board of directors shall provide.

(3) Nothing in RCW 28A.335.040 and 28A.335.090 shall prohibit a school board of directors and a lessee or tenant from agreeing to conditions to the lease otherwise lawful, including conditions of reimbursement or partial reimbursement of costs associated with the lease or rental of the property. [1990 c 33 s 355; 1980 c 115 s 3. Formerly RCW 28A.58.034.]

Severability—1980 c 115: See note following RCW 28A.335.090.

RCW 28A.335.060 Surplus school property—Rental, lease, or use of—Disposition of moneys received from. Each school district's board of directors shall deposit moneys derived from the lease, rental, or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's debt service fund and/or capital projects fund, except for:

(a) Moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund; or

(b) At the option of the board of directors, after evaluating the sufficiency of the school district's capital projects fund for purposes of meeting demands for new construction and improvements, moneys derived from the lease or rental of real property may be deposited into the district's general fund to be used exclusively for nonrecurring costs related to operating school facilities, including but not limited to expenses for maintenance;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund. [2004 c 45 s 1; 1989 c 86 s 2; 1983 c 59 s 15; 1982 c 191 s 4; 1981 c 250 s 4; 1980 c 115 s 4. Formerly RCW 28A.58.035.]

Application—Effective date—Severability—1983 c 59: See notes following RCW 28A.505.010.

Effective date—1982 c 191 ss 3 and 4: See note following RCW 28A.335.170.

Severability—1982 c 191: See note following RCW 28A.335.210.

Effective date—1981 c 250: "The effective date of this amendatory act shall be September 1, 1981." [1981 c 250 s 5.]

Severability—1980 c 115: See note following RCW 28A.335.090.

School district funds: RCW 28A.320.330.

RCW 28A.335.070 Surplus school property, rental, lease, or use of—Existing contracts not impaired. The provisions of contracts for the use, rental or lease of school district real property executed prior to June 12, 1980, which were lawful at the time of execution shall not be impaired by such new terms and conditions to the rental, lease or occasional use of school property as may now be established by RCW 28A.335.040, 28A.335.050, and 28A.335.090. [1990 c 33 s 356; 1980 c 115 s 5. Formerly RCW 28A.58.036.]

Severability—1980 c 115: See note following RCW 28A.335.090.

RCW 28A.335.080 Surplus school property, rental, lease, or use of—Community use not impaired. Nothing in RCW 28A.335.040 through 28A.335.070 shall preclude school district boards of directors from making available school property for community use in accordance with the provisions of RCW 28A.335.150, 28A.320.510, or 28A.335.250, and school district administrative policy governing such use. [1990 c 33 s 357; 1980 c 115 s 6. Formerly RCW 28A.58.037.]

Severability—1980 c 115: See note following RCW 28A.335.090.

RCW 28A.335.090 Conveyance and acquisition of property—Management—Appraisal. (1) The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW 28A.335.120, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW 28A.335.120, the board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent, lease or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

(2) Any purchase of real property by a school district shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in *RCW 74.46.020 or by a general real estate appraiser certified under chapter 18.140 RCW who was selected by the board of directors. [2001 c 183 s 1; 1995 c 358 s 1; 1990 c 33 s 358; 1981 c 306 s 3; 1980 c 115 s 1; 1969 ex.s. c 223 s 28A.58.040. Prior: (i) 1947 c 266 s 6, part; Rem. Supp. 1947 s 4693-25, part; prior: 1909 p 265 s 2, part. Formerly RCW 28.57.135, part. (ii) 1969 c 53 s 1, part; 1967 ex.s. c 29 s 1, part; 1967 c 12 s 1, part; 1965 ex.s. c 49 s 1, part; 1963 c 104 s 1, part; 1963 c 5 s 1, part; 1961 c 305 s 1, part; 1961 c 237 s 1, part; 1961 c 66 s 1, part; 1955 c 68 s 2, part. Formerly RCW 28.58.100(3) and (5), part. (iii) 1909 c 97 p 287 s 7, part; RRS s 4782, part; prior: 1897 c 118 s 44, part; 1891 c 127 s 11, part; 1890 p 366 s 30, part. Formerly RCW 28A.58.040, 28.58.040.]

***Reviser's note:** RCW 74.46.020 was amended by 2010 1st sp.s. c 34 s 2, deleting the definition of "professionally designated real estate appraiser."

Severability—1981 c 306: See note following RCW 28A.335.180.

Severability—1980 c 115: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 115 s 9.]

RCW 28A.335.100 School district associations' right to mortgage or convey money security interest in association property—Limitations. Any association established by school districts pursuant to the interlocal cooperation act, chapter 39.34 RCW for the purpose of jointly and cooperatively purchasing school supplies, materials and equipment, if otherwise authorized for school district purposes to purchase personal or real property, is authorized to mortgage, or convey a purchase money security interest in real or personal property of such association of every kind, character or description whatsoever, or any interest in such personal or real property: PROVIDED, That any such association shall be prohibited from causing any creditor of the association to acquire any rights against the property, properties or assets of any of its constituent school districts and any creditor of such association shall be entitled to look for payment of any obligation incurred by such association solely to the assets and properties of such association. [2006 c 263 s 912; 1975-'76 2nd ex.s. c 23 s 1. Formerly RCW 28A.58.0401.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

RCW 28A.335.110 Real property—Annexation to city or town. In addition to other powers and duties as provided by law, every board of directors, if seeking to have school property annexed to a city or town and if such school property constitutes the whole of such property in the annexation petition, shall be allowed to petition therefor under RCW 35.13.125 and 35.13.130. [1971 c 69 s 3. Formerly RCW 28A.58.044.]

Severability—1971 c 69: See note following RCW 35.13.125.

RCW 28A.335.120 Real property—Sale—Notice and hearing—Appraisal—Broker or real estate appraiser services—Real estate sales contracts—Limitation. (1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes or which has been authorized for sale as provided in RCW 28A.335.135 or by a financial oversight committee established under RCW 28A.315.221; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer. [2025 c 384 s 7; 2006 c 263 s 913; 2001 c 183 s 2; 1995 c 358 s 2; 1991 c 116 s 13; 1984 c 103 s 1; 1981 c 306 s 4; 1979 ex.s. c 16 s 1; 1975 1st ex.s. c 243 s 1; 1969 ex.s. c 223 s 28A.58.045. Prior: 1963 c 67 s 1; 1953 c 225 s 1. Formerly RCW 28A.58.045, 28.58.045.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1981 c 306: See note following RCW 28A.335.180.

RCW 28A.335.130 Real property—Sale—Use of proceeds. The proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for:

(1) Amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred;

(2) Amounts authorized by a financial oversight committee established under RCW 28A.315.221 to be deposited into a different fund;

(3) As provided in RCW 28A.335.240(1); or

(4) As provided in RCW 28A.335.135. [2025 c 384 s 6; 2004 c 6 s 2; 1983 c 59 s 14; 1981 c 250 s 3; 1975-'76 2nd ex.s. c 80 s 1; 1975 1st ex.s. c 243 s 2. Formerly RCW 28A.58.0461.]

Application—Effective date—Severability—1983 c 59: See notes following RCW 28A.505.010.

Effective date—1981 c 250: See note following RCW 28A.335.060.

School district funds: RCW 28A.320.330.

RCW 28A.335.135 Real property—Sale under binding conditions. (1) To provide an additional tool for maintaining financial solvency, the board of directors of a school district that is in binding conditions pursuant to RCW 28A.505.110 may request from the superintendent of public instruction authorization to sell real property of the district. The superintendent of public instruction, subject to the following conditions, may only grant the authorization if the school district demonstrates to the satisfaction of the superintendent of public instruction that:

(a) The sale is necessary to restore financial stability and prevent adverse impacts to student learning; and

(b) The proceeds from the sale will be used only for:

(i) Alleviating or concluding the financial burdens that caused or significantly contributed to the imposition of binding conditions on the school district; or

(ii) A temporary interfund loan authorized under RCW 28A.320.340.

(2) The office of the superintendent of public instruction shall adopt rules to implement this section that include provisions to ensure transparency and accountability, and to verify that the school district's use of the proceeds from any sale of real property aligns with the terms of the authorization. The rules required by this section must also prohibit a school district from receiving an authorization provided under this section more than once during a 10-year period.

(3) Nothing in this section exempts or shall be construed as exempting school districts from complying with the applicable requirements of section 1, chapter 224, Laws of 2025 [RCW 8.16.170]

when selling real property acquired through condemnation under chapter 8.16 RCW. [2025 c 384 s 2.]

Reviser's note: This section was directed to be codified in chapter 28A.320 RCW, but placement in chapter 28A.335 RCW appears to be more appropriate.

RCW 28A.335.140 Expenditure of funds on county, city building authorized—Conditions. Notwithstanding any other provision of law, every school district board of directors may expend local funds held for capital projects or improvements for improvements on any building owned by a city or county in which the district or any part thereof is located if an agreement is entered into with such city or county whereby the school district receives a beneficial use of such building commensurate to the amount of funds expended thereon by the district. [1971 ex.s. c 238 s 3. Formerly RCW 28A.58.047.]

RCW 28A.335.150 Permitting use and rental of playgrounds, athletic fields or athletic facilities. Boards of directors of school districts are hereby authorized to permit the use of, and to rent school playgrounds, athletic fields, or athletic facilities, by, or to, any person or corporation for any athletic contests or athletic purposes.

Permission to use and/or rent said school playgrounds, athletic fields, or athletic facilities shall be for such compensation and under such terms as regulations of the board of directors adopted from time to time so provide. [1969 ex.s. c 223 s 28A.58.048. Prior: (i) 1935 c 99 s 1; Rem. Supp. s4776-1. Formerly RCW 28.58.048. (ii) 1935 c 99 s 2; RRS s 4776-2. Formerly RCW 28A.58.048, 28.58.050.]

RCW 28A.335.155 Use of buildings for youth programs—Limited immunity. In order to facilitate school districts permitting the use of school buildings for use by private nonprofit groups operating youth programs, school districts shall have a limited immunity in accordance with RCW 4.24.660. Nothing in RCW 4.24.660, including a school district's failure to require a private nonprofit group to have liability insurance, broadens the scope of a school district's liability. [1999 c 316 s 2.]

Intent—1999 c 316: "The legislature intends to expand the opportunities of children to take advantage of services of private nonprofit groups by encouraging the groups' use of public school district facilities to provide programs to serve youth in the facilities. The legislature intends the very limited grant of immunity provided in this act to encourage such use, but only under the circumstances set forth in this act." [1999 c 316 s 1.]

Effective date—1999 c 316: "This act takes effect January 1, 2000." [1999 c 316 s 4.]

RCW 28A.335.160 Joint educational facilities—Rules. Any school district may cooperate with one or more school districts in the joint financing, planning, construction, equipping and operating of any

educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, pursuant to such rules adopted relating to state approval of school construction. [2006 c 263 s 323; 1995 c 335 s 604; 1990 c 33 s 359; 1969 c 130 s 12. Formerly RCW 28A.58.075.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

Conditional sales contracts for acquisition of property or property rights: RCW 28A.335.200.

Education of children with disabilities: RCW 28A.155.040.

RCW 28A.335.170 Contracts to lease building space and portable buildings, rent or have maintained security systems, computers, and other equipment, and provide pupil transportation services. The board of directors of any school district may enter into contracts for their respective districts with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space and portable buildings for periods not exceeding ten years in duration;

(2) To rent security systems, computers, and other equipment or to have maintained and repaired security systems, computers, and other equipment for periods not exceeding five years in duration; and

(3) To provide pupil transportation services for periods not exceeding five years in duration.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting will not exceed the projected cost of operating its own pupil transportation.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.505.140 and 28A.310.330.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.400.300 and 28A.405.210. [1999 c 386 s 1; 1990 c 33 s 360; 1987 c 141 s 1; 1985 c 7 s 93; 1982 c 191 s 3; 1977 ex.s. c 210 s 1. Formerly RCW 28A.58.131.]

Severability—1987 c 141: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 141 s 3.]

Effective date—1982 c 191 ss 3 and 4: "The effective date of sections 3 and 4 of this amendatory act shall be September 1, 1982." [1982 c 191 s 13.]

Severability—1982 c 191: See note following RCW 28A.335.210.

Severability—1977 ex.s. c 210: "If any provision of this 1977 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 210 s 3.]

RCW 28A.335.180 Surplus texts and other educational aids, notice of availability—Student priority as to texts. (1) Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing in a newspaper of general circulation in the school district and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or approved private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to *RCW 28A.320.230(2) shall have priority as to such texts. The notice requirement in this section does not apply to the sale or transfer of assistive devices under RCW 28A.335.205 or chapter 72.40 RCW. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least thirty days following publication of notice in a newspaper of general circulation in the school district.

(2) In lieu of complying with subsection (1) of this section, school districts and educational service districts may elect to grant surplus personal property to a federal, state, or local governmental entity, or to indigent persons, at no cost on the condition the property be used for preschool through twelfth grade educational purposes, or elect to loan surplus personal property to a nonreligious, nonsectarian private entity on the condition the property be used for the preschool through twelfth grade education of members of the public on a nondiscriminatory basis. [1997 c 264 s 1; 1997 c 104 s 1; 1991 c 116 s 1; 1990 c 33 s 361; 1981 c 306 s 1; 1977 ex.s. c 303 s 1. Formerly RCW 28A.02.110.]

Reviser's note: *(1) RCW 28A.320.230 was amended by 2024 c 316 s 3, moving the discussion of "students wishing to purchase texts" from subsection (2) to subsection (1)(b).

(2) This section was amended by 1997 c 104 s 1 and by 1997 c 264 s 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability—1981 c 306: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 306 s 5.]

Disposal of obsolete or surplus reading materials by school districts and libraries: RCW 39.33.070.

RCW 28A.335.190 Advertising for bids—Competitive bid procedures—Purchases from inmate work programs—Emergencies—Exceptions—Definitions. (1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, other construction work by a contractor who meets the criteria in RCW 39.04.350, or other purchases, except books, will equal or exceed the threshold levels specified in subsections (2) and (4) of this section, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids and that specifications and other information may be examined at the office of the board or any other officially designated location. The cost of any public work, improvement, or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment, or supplies, except books, the cost of which is estimated to be in excess of $40,000, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from $40,000 up to $75,000, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of $75,000, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Any school district may purchase goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections pursuant to RCW 72.09.100, including but not limited to furniture, equipment, or supplies. School districts are encouraged to set as a target to contract, beginning after June 30, 2006, to purchase up to one percent of the total goods required by the school districts each year, goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(4) The board may make improvements or repairs to the property of the district through a department within the district without following the public bidding process provided in subsection (1) of this section when the total of such improvements or repairs does not exceed the sum of $75,000. Whenever the estimated cost of a building, improvement, repair, or other public works project is one hundred thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed unless the contract is let using the small works roster process in RCW 39.04.151 through 39.04.154 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the

school district under the provisions of RCW 39.04.151 through 39.04.154.

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as described in RCW 39.26.160(2) but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(6) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

(7) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with RCW 28A.160.195.

(8) This section does not apply to the purchase of Washington grown food.

(9) At the discretion of the board, a school district may develop and implement policies and procedures to facilitate and maximize to the extent practicable, purchases of Washington grown food including, but not limited to, policies that permit a percentage price preference for the purpose of procuring Washington grown food.

(10) As used in this section, "Washington grown" has the definition in RCW 15.64.060.

(11) As used in this section, "price percentage preference" means the percent by which a responsive bid from a responsible bidder whose product is a Washington grown food may exceed the lowest responsive bid submitted by a responsible bidder whose product is not a Washington grown food.

(12) For purposes of this section, "construction work" does not include the following services: (a) Construction management services; (b) value engineering; (c) constructability review; (d) building commissioning; and (e) other construction-related professional and personal services.

(13) Beginning January 1, 2023, requests for proposals or qualifications, advertisements, bids, or calls for bids pursuant to this section for the services listed under subsection (12) of this section, must include the standard clauses required under RCW 39.19.050.

(14) Beginning January 1, 2023, requests for proposals or qualifications, advertisements, bids, or calls for bids pursuant to this section for the services listed under subsection (12) of this section, are subject to the procurement requirements of chapter 39.10 or 39.80 RCW, as applicable to the method of project delivery.

(15) Beginning January 1, 2023, school districts may use interlocal agreements under chapter 39.34 RCW to procure the services listed under subsection (12) of this section only if the agreements are executed following a competitive, qualification-based procurement process for these services pursuant to chapter 39.10 or 39.80 RCW. [2023 c 395 s 17; 2023 c 4 s 1; 2013 c 223 s 1; 2008 c 215 s 6. Prior: 2005 c 346 s 2; 2005 c 286 s 1; 2000 c 138 s 201; 1995 1st sp.s. c 10 s 3; 1994 c 212 s 1; 1990 c 33 s 362; 1985 c 324 s 1; 1980 c 61 s 1;

1975-'76 2nd ex.s. c 26 s 1; 1969 ex.s. c 49 s 2; 1969 ex.s. c 223 s 28A.58.135; prior: 1961 c 224 s 1. Formerly RCW 28A.58.135, 28.58.135.]

Reviser's note: This section was amended by 2023 c 4 s 1 and by 2023 c 395 s 17, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2023 c 395 ss 1-30, 32-34, 36, and 37: See note following RCW 39.04.010.

Findings—Intent—2023 c 395: See note following RCW 39.04.010.

Findings—Intent—Short title—Captions not law—Conflict with federal requirements—2008 c 215: See notes following RCW 15.64.060.

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.010.

Alternative public works contracting procedures: Chapter 39.10 RCW.

RCW 28A.335.200 Conditional sales contracts for acquisition of property or property rights. Any school district may execute an executory conditional sales contract with any other municipal corporation, the state or any of its political subdivisions, the government of the United States or any private party for the purchase of any real or personal property, or property rights, in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters: PROVIDED, That if such a proposed contract would result in a total indebtedness in excess of the limitation authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters: PROVIDED FURTHER, That any school district may jointly with another school district execute contracts authorized by this section. [1970 ex.s. c 42 s 11; 1969 ex.s. c 223 s 28A.58.550. Prior: 1965 c 62 s 1. Formerly RCW 28A.58.550, 28.58.550.]

Severability—Effective date—1970 ex.s. c 42: See notes following RCW 39.36.015.

Transportation vehicle fund—Deposits in—Use—Petition to transfer moneys—Rules for establishment and use: RCW 28A.160.130.

RCW 28A.335.205 Assistive devices—Transfer for benefit of children with disabilities—Record, inventory. Notwithstanding any other provision of law, the office of the superintendent of public instruction, the Washington state school for the blind, the Washington

center for deaf and hard of hearing youth, school districts, educational service districts, and all other state or local governmental agencies concerned with education may loan, lease, sell, or transfer assistive devices for the use and benefit of children with disabilities to children with disabilities or their parents or to any other public or private nonprofit agency providing services to or on behalf of individuals with disabilities including but not limited to any agency providing educational, health, or rehabilitation services. The notice requirement in RCW 28A.335.180 does not apply to the loan, lease, sale, or transfer of such assistive devices. The sale or transfer of such devices is authorized under this section regardless of whether or not the devices have been declared surplus. The sale or transfer shall be recorded in an agreement between the parties and based upon the item's depreciated value.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities.

For the purpose of implementing this section, each educational agency shall establish and maintain an inventory of assistive technology devices in its possession that exceed one hundred dollars and, for each such device, shall establish a value, which shall be adjusted annually to reflect depreciation.

This section shall not enhance or diminish the obligation of school districts to provide assistive technology to children with disabilities where needed to achieve a free and appropriate public education and equal opportunity in accessing academic and extracurricular activities. [2019 c 266 s 18; 2009 c 381 s 28; 1997 c 104 s 2.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

RCW 28A.335.210 Purchase of works of art—Procedure. The superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of

directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

(1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;

(2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;

(3) Reject the results of the selection process;

(4) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors' association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section. [2006 c 263 s 327; 2005 c 36 s 1; 1983 c 204 s 7; 1982 c 191 s 2; 1974 ex.s. c 176 s 5. Formerly RCW 28A.58.055.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Implementation—1983 c 204 s 7: "Implementation of section 7 of this 1983 act shall become effective upon approval by the arts commission, the superintendent of public instruction and the Washington state school directors' association." [1983 c 204 s 10.] "Section 7 of this 1983 act," was the 1983 c 204 amendment to RCW 28A.58.055, now recodified as RCW 28A.335.210.

Severability—1983 c 204: See note following RCW 43.46.090.

Severability—1982 c 191: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 191 s 14.]

Acquisition of works of art for public buildings and lands—Visual arts program established: RCW 43.46.090.

Allocation of moneys for acquisition of works of art—Expenditure by arts commission—Conditions: RCW 43.17.200.

Purchase of works of art—Interagency reimbursement for expenditure by visual arts program: RCW 43.17.205.

State art collection: RCW 43.46.095.

RCW 28A.335.220 Eminent domain. The board of directors of any school district may proceed to condemn and appropriate not more than fifteen acres of land for any elementary school purpose; not more than twenty-five acres for any junior high school purpose; not more than forty acres for any senior high school purpose; except as otherwise provided by law, not more than seventy-five acres for any vocational technical school purpose; and not more than fifteen acres for any other school district purpose. Such condemnation proceedings shall be in accordance with chapters 8.16 and 8.25 RCW and such other laws of this state providing for appropriating private property for public use by school districts. [1969 ex.s. c 223 s 28A.58.070. Prior: 1963 c 41 s 1; 1957 c 155 s 1; 1949 c 54 s 1; 1909 c 97 p 289 s 13; Rem. Supp. 1949 s 4788. Formerly RCW 28A.58.070, 28.58.070.]

RCW 28A.335.230 Vacant school plant facilities—Lease by contiguous district—Eligibility for funding assistance. School districts shall be required to lease for a reasonable fee vacant school plant facilities from a contiguous school district wherever possible.

No school district with unhoused students may be eligible for state funding assistance for the construction of school plant facilities if:

(1) The school district contiguous to the school district applying for the state funding assistance percentage has vacant school plant facilities;

(2) The superintendent of public instruction has determined the vacant school plant facilities available in the contiguous district will fulfill the needs of the applicant district in housing unhoused students. In determining whether the contiguous district school plant facilities meet the needs of the applicant district, consideration shall be given, but not limited to the geographic location of the vacant facilities as they relate to the applicant district; and

(3) A lease of the vacant school plant facilities can be negotiated. [2009 c 129 s 2; 2006 c 263 s 328; 1987 c 112 s 1. Formerly RCW 28A.47.105.]

Intent—2009 c 129: "The intent of this act is to adopt more accurate and descriptive names for the components of the state funding formula for the allotment of appropriations for school plant facilities, as recommended by the joint legislative task force on school construction funding, to promote clarity and transparency in the funding formula. It is not the intent of this act to make substantive changes to the funding formula or policies." [2009 c 129 s 1.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Surplus school property: RCW 28A.335.040 through 28A.335.080.

RCW 28A.335.240 Schoolhouses, teachers' cottages—Purchase of realty for district purposes. (1) The board of directors of a second-class school district shall build schoolhouses and teachers' cottages when directed by a vote of the district to do so and may purchase real property for any school district purpose.

(2) The board of directors of a second-class nonhigh school district that is totally surrounded by water and serves fewer than forty students also may authorize the construction of teachers' cottages without a vote of the district using funds from the district's capital projects fund or general fund. Rental and other income from the cottages, including sale of the cottages, may be deposited, in whole or in part, into the school district's general fund, debt service fund, or capital projects fund as determined by the board of directors. [2004 c 6 s 1; 1969 ex.s. c 223 s 28A.60.181. Prior: 1963 c 61 s 1; 1959 c 169 s 1. Formerly RCW 28A.60.181, 28.63.181.]

Borrowing money, issuing bonds, for schoolhouse sites, playgrounds, erecting buildings and equipping same: RCW 28A.530.010.

Real property—Sale—Purchase to relocate and sell buildings: RCW 28A.335.120.

RCW 28A.335.250 School property used for public purposes. School boards in each district of the second class may provide for the free, comfortable and convenient use of the school property to promote and facilitate frequent meetings and association of the people in discussion, study, improvement, recreation and other community purposes, and may acquire, assemble and house material for the dissemination of information of use and interest to the farm, the home and the community, and facilities for experiment and study, especially in matters pertaining to the growing of crops, the improvement and handling of livestock, the marketing of farm products, the planning and construction of farm buildings, the subjects of household economies, home industries, good roads, and community vocations and industries; and may call meetings for the consideration and discussion of any such matters, employ a special supervisor, or leader, if need be, and provide suitable dwellings and accommodations for teachers, supervisors and necessary assistants. [1975 c 43 s 16; 1969 ex.s. c 223 s 28A.60.190. Prior: 1913 c 129 s 1; RRS s 4837. Formerly RCW 28A.60.190, 28.63.190.]

Effective date—Severability—1975 c 43: See notes following RCW 28A.535.050.

RCW 28A.335.260 School property used for public purposes—Community buildings. Each school district of the second class, by itself or in combination with any other district or districts, shall have power, when in the judgment of the school board it shall be deemed expedient, to reconstruct, remodel, or build schoolhouses, and to erect, purchase, lease or otherwise acquire other improvements and real and personal property, and establish a communal assembly place and appurtenances, and supply the same with suitable and convenient furnishings and facilities for the uses mentioned in RCW 28A.335.250.

[1990 c 33 s 363; 1975 c 43 s 17; 1969 ex.s. c 223 s 28A.60.200. Prior: 1913 c 129 s 2; RRS s 4838. Formerly RCW 28A.60.200, 28.63.200.]

Effective date—Severability—1975 c 43: See notes following RCW 28A.535.050.

RCW 28A.335.270 School property used for public purposes—Special state commission to pass on plans. Plans of any second-class district or combination of districts for the carrying out of the powers granted by RCW 28A.335.250 through 28A.335.280 shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; and the educational service district superintendent; these to choose one member from such county in which the facilities are proposed to be located, and two members, from the district or districts concerned. [1990 c 33 s 364; 1975-'76 2nd ex.s. c 15 s 12. Prior: 1975 1st ex.s. c 275 s 121; 1975 c 43 s 18; 1973 1st ex.s. c 154 s 46; 1971 c 48 s 37; 1969 ex.s. c 223 s 28A.60.210; prior: 1913 c 129 s 3; RRS s 4839. Formerly RCW 28A.60.210, 28.63.210.]

Effective date—Severability—1975 c 43: See notes following RCW 28A.535.050.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Severability—1971 c 48: See note following RCW 28A.310.250.

RCW 28A.335.280 School property used for public purposes—Limit on expenditures. No real or personal property or improvements shall be purchased, leased, exchanged, acquired or sold, nor any schoolhouses built, remodeled or removed, nor any indebtedness incurred or money expended for any of the purposes of RCW 28A.335.250 through 28A.335.280 except in the manner otherwise provided by law for the purchase, lease, exchange, acquisition and sale of school property, the building, remodeling and removing of schoolhouses and the incurring of indebtedness and expenditure of money for school purposes. [1990 c 33 s 365; 1969 ex.s. c 223 s 28A.60.220. Prior: 1913 c 129 s 4; RRS s 4840. Formerly RCW 28A.60.220, 28.63.220.]

RCW 28A.335.290 Housing for superintendent—Authorized—Limitation. Notwithstanding any other provision of law, any second-class school district with an enrollment of three hundred students or less may provide housing for the superintendent of the school district, or any person acting in the capacity of superintendent, by such means and with such moneys as the school district shall determine: PROVIDED, That any second-class school district presently providing such housing may continue to provide the same: PROVIDED FURTHER, That if such housing is exempt from real property taxation by virtue of school district ownership, the school district shall charge

for such housing, rent at least equal to the amount of real property tax for which such housing would be liable were it not so owned. [1984 c 40 s 10; 1975 1st ex.s. c 41 s 1. Formerly RCW 28A.60.350.]

Severability—1984 c 40: See note following RCW 28A.195.050.

RCW 28A.335.300 Playground matting. Every school board of directors shall consider the purchase of playground matting manufactured from shredded waste tires in undertaking construction or maintenance of playgrounds. The department of enterprise services shall upon request assist in the development of product specifications and vendor identification. [2015 c 225 s 27; 1991 c 297 s 18.]

RCW 28A.335.320 Enhanced 911 service—Common and public school service required. By January 1, 1997, or one year after enhanced 911 service becomes available or a private switch automatic location identification service approved by the Washington utilities and transportation commission is available from the serving local exchange telecommunications company, whichever is later, all common and public schools located in counties that provide enhanced 911 service shall provide persons using school facilities direct access to telephones that are connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing and planned county enhanced 911 system during all times that the facility is in use. Any school district acquiring a private telecommunications system that allows connection to the public switched network after January 1, 1997, shall assure that the telecommunications system is connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing or planned county enhanced 911 system. [1995 c 243 s 4.]

Findings—Severability—1995 c 243: See notes following RCW 80.36.555.

RCW 28A.335.330 Chapter not applicable to certain transfers of property. This chapter does not apply to transfers of property under *sections 1 and 2 of this act. [2006 c 35 s 6.]

***Reviser's note:** The reference to "sections 1 and 2 of this act" appears to be erroneous. Reference to "sections 2 and 3 of this act" codified as RCW 43.99C.070 and 43.83D.120 was apparently intended. RCW 43.99C.070 and 43.83D.120 were recodified as RCW 43.83.400 and 43.83.410, respectively, by the code reviser September 2015.

Findings—2006 c 35: See note following RCW 43.83.400.

RCW 28A.335.340 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 s 27.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.