
THIRD SUBSTITUTE HOUSE BILL 1618

State of Washington

61st Legislature

2010 Regular Session

By House Capital Budget (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 01/26/10.

1 AN ACT Relating to community and surplus schools; amending RCW
2 28A.525.050 and 28A.335.130; adding new sections to chapter 43.63A RCW;
3 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 commerce to provide capital grant funds for the development of
8 community schools and to convert empty school buildings into community
9 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 commerce shall:

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

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

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

35 (i) Community purpose; and

36 (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 commerce shall give
9 priority consideration to projects that provide multiple qualified
10 services and that demonstrate usage beyond the traditional school day
11 to include usage before and after school, on weekends, and all year
12 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 commerce may not: (a) Require that state
17 funds be the last to be spent on a project; or (b) set a monetary limit
18 to funding requests.

19 (8) The department of commerce shall not sign contracts or
20 otherwise financially obligate funds under this section until the
21 legislature has approved a specific list of projects.

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

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

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

36 (b) A memorandum of understanding between the lead eligible entity
37 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 28A.525.050 and 2006 c 263 s 303 are each amended to
37 read as follows:

1 All applications by school districts for state assistance in
2 providing school plant facilities shall be made to the superintendent
3 of public instruction. Studies and surveys shall be conducted by the
4 superintendent for the purpose of securing information relating to (1)
5 the kind and extent of the school plant facilities required and the
6 urgency of need for such facilities in districts that seek state
7 assistance, (2) the ability of such districts to provide capital outlay
8 funds by local effort, (3) the need for improvement of school
9 administrative units and school attendance areas among or within such
10 districts, and (4) any other pertinent matters. School districts are
11 encouraged in studies and surveys to include an inventory of school
12 district facilities jointly used, or that could potentially be used for
13 other community purposes, including detail on cooperative partnerships.
14 Recommendations respecting action on the applications shall be
15 submitted to the superintendent of public instruction.

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

18 Except as provided in RCW 28A.335.240(1) and section 3 of this act,
19 the proceeds from any sale of school district real property by a board
20 of directors shall be deposited to the debt service fund and/or the
21 capital projects fund, except for amounts required to be expended for
22 the costs associated with the sale of such property, which moneys may
23 be deposited into the fund from which the expenditure was incurred.

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