
HOUSE BILL 2184

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Dunshee, Warnick, and Santos

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1 AN ACT Relating to adjustments to the school construction
2 assistance formula; amending RCW 28A.525.162; reenacting and amending
3 RCW 28A.525.166; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The school construction assistance funding
6 formula is used to determine state funding contributions to school
7 construction projects. It is the intent of the legislature that the
8 formula use the most accurate method available to reflect the actual
9 number of students using districts' school facilities. State funding
10 currently provides all-day kindergarten for over twenty percent of
11 kindergarten students and RCW 28A.150.315 calls for the continued
12 phasing-in of all-day kindergarten each year until full statewide
13 implementation is achieved in the 2017-18 school year. In addition,
14 because alternative learning experience programs of education take
15 place in whole, or in part, outside the regular classroom setting, and
16 because online alternative learning experience programs are delivered
17 primarily electronically using the internet or other computer-based
18 methods, it is appropriate to consider the impact of alternative
19 learning experience students in assessing school space needs. The

1 legislature acknowledges the review of the formula conducted by the
2 office of the superintendent of public instruction and accepts many
3 recommendations from the resulting December 2011 report.

4 **Sec. 2.** RCW 28A.525.162 and 2009 c 129 s 5 are each amended to
5 read as follows:

6 (1) Funds appropriated to the superintendent of public instruction
7 from the common school construction fund shall be allotted by the
8 superintendent of public instruction in accordance with student
9 headcount enrollment, excluding students residing outside the district
10 and enrolled in alternative learning experience programs under RCW
11 28A.150.325, and the provisions of RCW 28A.525.200.

12 (2) No allotment shall be made to a school district until such
13 district has provided local funds equal to or greater than the
14 difference between the total approved project cost and the amount of
15 state funding assistance to the district for financing the project
16 computed pursuant to RCW 28A.525.166, with the following exceptions:

17 (a) The superintendent of public instruction may waive the local
18 requirement for state funding assistance for districts which have
19 provided funds for school building construction purposes through the
20 authorization of bonds or through the authorization of excess tax
21 levies or both in an amount equivalent to two and one-half percent of
22 the value of its taxable property, as defined in RCW 39.36.015.

23 (b) No such local funds shall be required as a condition to the
24 allotment of funds from the state for the purpose of making major or
25 minor structural changes to existing school facilities in order to
26 bring such facilities into compliance with the barrier free access
27 requirements of section 504 of the federal rehabilitation act of 1973
28 (29 U.S.C. Sec. 706) and rules implementing the act.

29 (3) For the purpose of computing the state funding assistance
30 percentage under RCW 28A.525.166 when a school district is granted
31 authority to enter into contracts, adjusted valuation per pupil shall
32 be calculated using headcount student enrollments from the most recent
33 October enrollment reports submitted by districts to the superintendent
34 of public instruction, adjusted as follows:

35 (a) In the case of projects for which local bonds were approved
36 after May 11, 1989:

1 (i) For districts which have been designated as serving high school
2 districts under RCW 28A.540.110, students residing in the nonhigh
3 district so designating shall be excluded from the enrollment count if
4 the student is enrolled in any grade level not offered by the nonhigh
5 district;

6 (ii) The enrollment of nonhigh school districts shall be increased
7 by the number of students residing within the district who are enrolled
8 in a serving high school district so designated by the nonhigh school
9 district under RCW 28A.540.110, including only students who are
10 enrolled in grade levels not offered by the nonhigh school district;
11 and

12 (iii) The number of preschool students with disabilities included
13 in the enrollment count shall be multiplied by one-half;

14 (b) In the case of construction or modernization of high school
15 facilities in districts serving students from nonhigh school districts,
16 the adjusted valuation per pupil shall be computed using the combined
17 adjusted valuations and enrollments of each district, each weighted by
18 the percentage of the district's resident high school students served
19 by the high school district; (~~and~~)

20 (c) The number of kindergarten students included in the enrollment
21 count shall be (~~multiplied by one-half~~) counted as a full-time
22 headcount student; and

23 (d) The number of students residing outside the school district who
24 are enrolled in alternative learning experience programs under RCW
25 28A.150.325 shall be excluded from the total.

26 (4) The superintendent of public instruction, considering policy
27 recommendations from the school facilities citizen advisory panel,
28 shall prescribe such rules as are necessary to equate insofar as
29 possible the efforts made by school districts to provide capital funds
30 by the means aforesaid.

31 (5) For the purposes of this section, "preschool students with
32 disabilities" means children of preschool age who have developmental
33 disabilities who are entitled to services under RCW 28A.155.010 through
34 28A.155.100 and are not included in the kindergarten enrollment count
35 of the district.

36 **Sec. 3.** RCW 28A.525.166 and 2009 c 421 s 5 and 2009 c 129 s 6 are
37 each reenacted and 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 of
 3 public instruction and the amount of state funding assistance to a
 4 school district in financing a school plant project shall be determined
 5 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 of
 8 acquiring and preparing the site, the cost of constructing the building
 9 or of acquiring a building and preparing the same for school use, the
 10 cost of necessary equipment, taxes chargeable to the project, necessary
 11 architects' fees, and a reasonable amount for contingencies and for
 12 other necessary incidental expenses: PROVIDED, That the total cost of
 13 the project shall be subject to review and approval by the
 14 superintendent.

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

17 The ratio of the school district's adjusted valuation per pupil
 18 divided by the ratio of the total state adjusted valuation per pupil
 19 shall be subtracted from three, and then the result of the foregoing
 20 shall be divided by three plus (the ratio of the school district's
 21 adjusted valuation per pupil divided by the ratio of the total state
 22 adjusted valuation per pupil).

$$\begin{array}{r}
 \text{District adjusted} \quad \text{Total state} \\
 \text{3-valuation} \quad \div \quad \text{adjusted valuation} \quad \text{State} \\
 \text{per pupil} \quad \text{per pupil} \quad \text{Funding} \\
 \text{Computed} \\
 \text{State} = \frac{\text{District adjusted} \quad \text{Total state}}{\text{3+valuation} \quad \div \quad \text{adjusted valuation}} = - \% \text{ Assistance} \\
 \text{Ratio} \quad \text{per pupil} \quad \text{per pupil}
 \end{array}$$

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

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

7 (4) In computing the state funding assistance percentage in
8 subsection (2) of this section and adjusting the percentage under
9 subsection (3) of this section, students residing outside the school
10 district who are enrolled in alternative learning experience programs
11 under RCW 28A.150.325 shall be excluded from the count of total pupils.

12 (5) The approved cost of the project determined in the manner
13 prescribed in this section multiplied by the state funding assistance
14 percentage derived as provided for in this section shall be the amount
15 of state funding assistance to the district for the financing of the
16 project: PROVIDED, That need therefor has been established to the
17 satisfaction of the superintendent: PROVIDED, FURTHER, That additional
18 state funding assistance may be allowed if it is found by the
19 superintendent, considering policy recommendations from the school
20 facilities citizen advisory panel that such assistance is necessary in
21 order to meet (a) a school housing emergency resulting from the
22 destruction of a school building by fire, the condemnation of a school
23 building by properly constituted authorities, a sudden excessive and
24 clearly foreseeable future increase in school population, or other
25 conditions similarly emergent in nature; or (b) a special school
26 housing burden resulting from projects of statewide significance or
27 imposed by virtue of the admission of nonresident students into
28 educational programs established, maintained and operated in conformity
29 with the requirements of law; or (c) a deficiency in the capital funds
30 of the district resulting from financing, subsequent to April 1, 1969,
31 and without benefit of the state funding assistance provided by prior
32 state assistance programs, the construction of a needed school building
33 project or projects approved in conformity with the requirements of
34 such programs, after having first applied for and been denied state
35 funding assistance because of the inadequacy of state funds available
36 for the purpose, or (d) a condition created by the fact that an
37 excessive number of students live in state owned housing, or (e) a need
38 for the construction of a school building to provide for improved

1 school district organization or racial balance, or (f) conditions
2 similar to those defined under (a), (b), (c), (d), and (e) of this
3 subsection, creating a like emergency.

4 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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