
SENATE BILL 5680

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By Senators Schoesler, Braun, Dozier, Keiser, Kuderer, Mullet, Nobles, Rivers, Rolfes, Saldaña, Short, Torres, J. Wilson, and L. Wilson

Read first time 02/02/23. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to seismic safety in Washington public schools;
2 amending RCW 28A.525.159 and 28A.525.320; adding a new section to
3 chapter 28A.630 RCW; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.630
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this
8 specific purpose, the office of the superintendent of public
9 instruction must, in consultation with the state board of education,
10 contract with a third party to develop a seismic risk assessment that
11 includes seismic safety surveys of public facilities that are subject
12 to high seismic risk as a consequence of high earthquake hazard and
13 soils that amplify that hazard. The seismic safety surveys must be
14 conducted for the following types of public facilities:

15 (a) Public school facilities located west of the crest of the
16 Cascade mountains that were not surveyed in either phase one of the
17 school seismic safety project completed in June 2019 or phase two of
18 the school seismic safety project completed in June 2021;

19 (b) Fire stations located within a one-mile radius of a facility
20 described in (a) of this subsection.

1 (2) The third-party contractor selected by the office of the
2 superintendent of public instruction must coordinate and maximize
3 survey efforts made under subsection (1) of this section whenever
4 possible.

5 (3) The seismic needs assessment of the facilities specified in
6 subsection (1)(a) of this section must include, at a minimum, the
7 following:

8 (a) An on-site assessment, under the supervision of licensed
9 geologists, of the seismic site class of the soils at the facilities;

10 (b) An on-site inspection of the facility buildings, including
11 structural systems using structural plans where available, condition,
12 maintenance, and nonstructural seismic hazards following standardized
13 methods by licensed structural engineers;

14 (c) An estimate of costs to retrofit a prioritized subset of the
15 facilities specified in subsection (1)(a) of this section to life
16 safety standards as defined by the American society of civil
17 engineers; and

18 (d) An estimate of costs to retrofit a prioritized subset of
19 facilities specified in subsection (1)(b) of this section to
20 immediate occupancy standards as defined by the American society of
21 civil engineers.

22 (4) The third-party contractor must collect and submit survey
23 data to the superintendent of public instruction in a format
24 compatible with the inventory and condition of schools database.

25 (5) The office of the superintendent of public instruction must
26 share that data with the school districts where the surveys were
27 conducted, the schools where the surveys were conducted, the
28 governor, and the appropriate legislative committees no later than
29 July 1, 2027.

30 (6) The office of the superintendent of public instruction must
31 provide technical assistance to the school facilities to incorporate
32 survey information into their school safety plans.

33 (7) This section expires January 1, 2028.

34 **Sec. 2.** RCW 28A.525.159 and 2020 c 299 s 1 are each amended to
35 read as follows:

36 (1) School construction assistance program grants for small
37 school districts and state-tribal education compact schools must be
38 determined in accordance with this section.

1 (2) Eligibility. School districts and state-tribal education
2 compact schools with enrollments that are less than or equal to one
3 thousand students are eligible for small school district
4 modernization grants. The advisory committee specified in subsection
5 (4)(a) of this section may recommend amendments to the eligibility
6 threshold as they learn more about the characteristics of school
7 districts and state-tribal education compact schools that are unable
8 to modernize their aging school facilities. Districts with incomplete
9 information in the inventory and condition of schools data system are
10 not eligible to apply for construction grants but may apply for
11 planning grants.

12 (3) The office of the superintendent of public instruction must
13 assist eligible school districts and state-tribal education compact
14 schools that are interested in applying for a small school district
15 modernization grant under this section by providing technical
16 assistance and planning grants within appropriations for this
17 purpose, including planning grants that address the remediation of
18 seismic safety risks for buildings that do not meet the qualifying
19 criteria for school seismic planning grants under RCW 28A.525.320.
20 Districts and state-tribal education compact schools seeking planning
21 grants must provide a brief statement of the school condition, its
22 deficiencies, student enrollment, student achievement measures, and
23 financial limitations of the district or state-tribal education
24 compact school. If applications for planning grants exceed funds
25 available, the office of the superintendent of public instruction may
26 prioritize the recipients of planning grants in order to help
27 districts and state-tribal education compact schools with the most
28 serious apparent building deficiencies, and the most limited
29 financial capacity.

30 (4) Prioritized construction grants and advisory committee.

31 (a) The superintendent of public instruction must propose a list
32 of prioritized grants to the governor by September 1st of even-
33 numbered years. The superintendent of public instruction must appoint
34 an advisory committee to prioritize applications from small school
35 districts and state-tribal education compact schools. Committee
36 members must have experience in financing, managing, repairing, and
37 improving school facilities in small school districts or state-tribal
38 education compact schools but must not be involved in a small school
39 district modernization program grant request for the biennium under
40 consideration. The office of the superintendent of public instruction

1 must provide administrative and staff support to the (~~{advisory}~~)
2 advisory committee. The office of the superintendent of public
3 instruction in consultation with the advisory committee must design a
4 grant application process with specific criteria for prioritizing
5 grant requests.

6 (b) The advisory committee created in (a) of this subsection must
7 evaluate final applications from eligible school districts and state-
8 tribal education compact schools. The advisory committee must submit
9 a prioritized list of grants to the superintendent of public
10 instruction. The list must prioritize applications to achieve the
11 greatest improvement of school facilities, in the districts and
12 state-tribal education compact schools with the most limited
13 financial capacity, for projects that are likely to improve student
14 health, safety, and academic performance for the largest number of
15 students for the amount of state grant support. The list must also
16 prioritize applications for remediation projects that address seismic
17 safety risks for buildings that do not meet the qualifying criteria
18 for school seismic safety and planning grants under RCW 28A.525.320.
19 The advisory committee must develop specific criteria to achieve the
20 prioritization. The submitted prioritized list must describe the
21 project, the proposed state funding level, and the estimated total
22 project cost including other funding and in-kind resources. The list
23 must also indicate student achievement measures that will be used to
24 evaluate the benefits of the project. The superintendent of public
25 instruction and the governor may determine the level of funding in
26 their omnibus capital appropriations act requests to support small
27 school district modernization grants, but their funding requests must
28 follow the prioritized list prepared by the advisory committee unless
29 new information determines that a specific project is no longer
30 viable as proposed.

31 (5) Coordination with the school construction assistance program.
32 (a) The full administrative and procedural process of school
33 construction assistance program funding under RCW 28A.525.162 through
34 28A.525.180 may be streamlined by the office of the superintendent of
35 public instruction in order to coordinate eligible school
36 construction assistance program funding with the small school
37 district modernization grants. Such coordination must ensure that
38 total state funding from both grants does not exceed total project
39 costs minus available local resources.

1 (b) Projects seeking small school district modernization grants
2 must meet the requirements for a school construction assistance
3 program grant except for the following: (i) The estimated cost of the
4 project may be less than forty percent of the estimated replacement
5 value of the facility, and (ii) local funding assistance percentage
6 requirements of the school construction assistance program do not
7 apply. However, available district and state-tribal education compact
8 school resources are considered in prioritizing small school district
9 modernization grants.

10 (6) Disbursement of grant funds and reporting requirements. The
11 office of the superintendent of public instruction must award grants
12 to school districts and state-tribal education compact schools. The
13 grant must not be awarded until the district or state-tribal
14 education compact school has identified available local and other
15 resources sufficient to complete the approved project considering the
16 amount of the state grant. The grant must specify reporting
17 requirements from the district or state-tribal education compact
18 school, which must include updating all pertinent information in the
19 inventory and condition of schools data system and submitting a final
20 project report as specified by the office of the superintendent of
21 public instruction in consultation with the school facilities
22 (~~citizens~~ [citizen]) citizen advisory panel specified in RCW
23 28A.525.025.

24 **Sec. 3.** RCW 28A.525.320 and 2022 c 113 s 2 are each amended to
25 read as follows:

26 (1) School seismic safety grants and school seismic planning
27 grants must be awarded and determined in accordance with this
28 section.

29 (2) ELIGIBILITY. A school district or state tribal education
30 compact school is eligible to receive a school seismic safety grant
31 for remediation of seismic or tsunami hazards in qualifying buildings
32 that meet the following criteria:

33 (a) The building is located within a high seismic hazard area as
34 defined in subsection (3) of this section; and

35 (b) The building was constructed before 1998 and has not received
36 a seismic retrofit to 2005 seismic standards.

37 (3) DEFINITIONS. For the purposes of this section:

38 (a) "High seismic hazard area" means:

1 (i) Any location identified by the United States geological
2 survey national seismic hazard map with a two percent probability of
3 exceedance in 50 years and a national earthquake hazards reduction
4 program site class D that are 0.3 peak horizontal acceleration or
5 greater peak ground acceleration areas; or

6 (ii) Any area located within a Washington tsunami design zone map
7 or, where a Washington tsunami design zone map is not available, an
8 American society of civil engineers tsunami design zone map, that
9 requires structures in risk category three or four to be designed for
10 tsunamis.

11 (b) "Remediation" means solutions that mitigate or eliminate site
12 specific seismic or tsunami hazards, including deployment of
13 earthquake early warning systems, and may include building relocation
14 or vertical evacuation towers if related to a tsunami hazard.

15 (c) "Total project cost" means direct and associated indirect
16 costs for the remediation solution as approved by the advisory
17 committee. Associated indirect costs can include site acquisition and
18 development costs for approved building relocations. The combined
19 direct and associated indirect costs cannot exceed the equivalent
20 combined direct and associated indirect costs for building projects
21 participating in the school construction assistance program for that
22 same year.

23 (4) ADVISORY COMMITTEE. (a) The superintendent of public
24 instruction must appoint an advisory committee to evaluate and
25 prioritize grant applications from school districts and state-tribal
26 education compact schools. Advisory committee members must have
27 experience in financing, managing, or planning seismic remediation
28 projects at school facilities but must not be involved in a school
29 seismic safety grant request for the biennium under consideration.
30 The office of the superintendent of public instruction must provide
31 administrative and staff support to the advisory committee and
32 consult with the advisory committee to design a grant application
33 process with specific criteria for prioritizing grant requests.

34 (b) The advisory committee must submit a prioritized list of
35 grants to the superintendent of public instruction. The list must
36 prioritize applications to achieve the greatest improvement of school
37 facilities, in the school districts and state-tribal education
38 compact schools with the most limited financial capacity, for
39 projects that are likely to improve student health, safety, and
40 academic performance for the largest number of students for the

1 amount of state grant support. The advisory committee must also
2 consider the efficiency and viability of each project, and may
3 prioritize small-scale remediation projects that, cumulatively, will
4 reduce risk for the largest number of buildings and school districts.

5 (5) REQUIRED GRANT LIST. (a) The superintendent of public
6 instruction must propose a list of prioritized school seismic safety
7 grants to the governor by September 1st of each year, beginning
8 September 1, 2022. This list must include:

9 (i) A description of the proposed project;

10 (ii) The proposed school seismic safety grant amount, equal to at
11 least two-thirds of the estimated total project cost;

12 (iii) The anticipated school construction assistance program
13 amount;

14 (iv) The anticipated local share of project cost; and

15 (v) The estimated total project cost.

16 (b) The superintendent of public instruction and the governor may
17 determine the level of funding in their omnibus capital
18 appropriations act requests to support grants under this section, but
19 their funding requests must follow the prioritized list prepared by
20 the advisory committee unless new information determines that a
21 specific project is no longer viable as proposed.

22 (6) SCHOOL CONSTRUCTION ASSISTANCE PROGRAM AND SMALL SCHOOL
23 DISTRICT MODERNIZATION GRANT PROGRAM. (a) The full administrative and
24 procedural process of school construction assistance program funding
25 under RCW 28A.525.162 through 28A.525.180 and the small school
26 district modernization grant program funding under RCW 28A.525.159
27 may be streamlined by the office of the superintendent of public
28 instruction in order to coordinate eligible school construction
29 assistance program funding and small school district modernization
30 grant program funding with the school seismic safety grants. Such
31 coordination must ensure that total state funding from all three
32 grants does not exceed total project costs minus available local
33 resources.

34 (b) Projects seeking school seismic safety grants must meet the
35 requirements for a school construction assistance program grant
36 except for the following: (i) The estimated cost of the project may
37 be less than 40 percent of the estimated replacement value of the
38 facility; and (ii) local funding assistance percentage requirements
39 of the school construction assistance program do not apply. However,
40 available school district and state-tribal education compact school

1 resources are considered in prioritizing school seismic safety
2 grants.

3 (7) DISBURSEMENT OF FUNDS. The superintendent of public
4 instruction must award state and federal grants under this section to
5 eligible school districts and state tribal education compact schools
6 in an amount equal to at least two-thirds of the total project cost.
7 The grant must not be awarded until the school district or state-
8 tribal education compact school has identified available local and
9 other resources sufficient to complete the approved project
10 considering the amount of the state grant. The grant must specify
11 reporting requirements from the school district or state-tribal
12 education compact school, which must include updating all pertinent
13 information in the inventory and condition of schools data system and
14 submitting a final project report as specified by the office of the
15 superintendent of public instruction in consultation with the school
16 facilities citizens advisory panel specified in RCW 28A.525.025.

17 (8) PLANNING GRANTS. Subject to the availability of amounts
18 appropriated for this specific purpose, the office of the
19 superintendent of public instruction must assist eligible school
20 districts and state-tribal education compact schools that are
21 interested in applying for a school seismic safety grant under this
22 section by providing technical assistance and planning grants. School
23 districts and state-tribal education compact schools seeking planning
24 grants under this section must provide a brief statement describing
25 existing school conditions, building system and site deficiencies,
26 current and five-year projected student headcount enrollment, student
27 achievement measures, financial constraints, and any information
28 required by the advisory committee established in subsection (4) of
29 this section. If applications for planning grants exceed funds
30 available, the office of the superintendent of public instruction may
31 prioritize planning grant requests with primary consideration given
32 to school district financial capacity and facility conditions.

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