
HOUSE BILL 1853

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By Representatives Abbarno, Street, Klicker, Stearns, Ramel, Wylie, Stuebe, Mena, Doglio, Schmidt, Nance, Scott, Hill, and Timmons

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1 AN ACT Relating to implementing recommendations of the recreation
2 and conservation office's physical activities task force report by
3 designating school district recreational properties as green
4 community schoolyards and developing a model shared-use agreement to
5 increase the use of existing playgrounds and playfields; amending RCW
6 28A.525.162; adding a new section to chapter 28A.620 RCW; and
7 creating a new section.

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

9 NEW SECTION. **Sec. 1.** The legislature acknowledges that in 2021,
10 the legislature established the physical activities task force within
11 the recreation and conservation office. The task force produced
12 recommendations to improve youth health through increased outdoor
13 recreation and physical activities. One of the primary
14 recommendations of the task report was to improve school, youth, and
15 community use of school properties by designating them as community
16 hubs and increasing their use through shared-use agreements.

17 The legislature finds that access to green spaces has dramatic
18 positive consequences for children and communities, including
19 improvements in academic achievement, increased social connections,
20 more opportunities for physical activity, and better overall health.
21 The legislature also finds that: Public health research shows that

1 the average school-age child spends less than 10 minutes in
2 unstructured play outside each day; statewide only 25 percent of
3 children get the recommended 60 minutes of daily physical activity;
4 and physical inactivity is even more prevalent for girls, youth of
5 color, youth from low-income families, youth with disabilities, and
6 those who have immigrated to the United States.

7 The legislature also acknowledges that in many areas of
8 Washington, no undeveloped land is available for new parks. The fact
9 that school districts already own property means that outdoor
10 recreational opportunities can be greatly enhanced without costly
11 land acquisition. School properties, if renovated based on school,
12 neighborhood, and community input, have enormous potential to become
13 daily and year-round community assets that support outdoor learning
14 and community gathering and benefit the mental, emotional, and
15 physical health of the youth and adults who live near them,
16 especially those with the least access to play and physical activity
17 opportunities.

18 The legislature also finds that improving schoolyards by adding
19 green and natural features is a climate resiliency strategy with
20 significant environmental and economic benefits. Schoolyards with
21 more trees and vegetation and fewer concrete surfaces lower average
22 ambient temperatures on warm days and improve air pollution year-
23 round and schoolyards with rainwater capture reduce runoff. Green
24 schoolyards can also increase residential property values and improve
25 health outcomes, reducing health care costs.

26 The legislature recognizes that community access to school
27 properties is an essential component of a community's cohesion and
28 active public spaces can make communities safer. Therefore, the
29 legislature intends to strengthen community-shared or joint-use
30 agreements between school districts, local governments, and nonprofit
31 organizations in order for youth and communities to reap the benefits
32 of green community schoolyards.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.620
34 RCW to read as follows:

35 (1) It is the goal of the state of Washington to increase the use
36 of outdoor recreational property owned by school districts for
37 school, neighborhood, and community recreational purposes. Community
38 schoolyards are valuable assets that have the potential to benefit

1 students, families, and their surrounding communities including local
2 residents and businesses.

3 (2) All public school outdoor recreational spaces shall be
4 designated as green community schoolyards and shall be available for
5 general recreational purposes outside of school hours for public and
6 community use, as authorized by school districts.

7 (3) School districts are encouraged to open their schoolyard,
8 playground, and other recreational areas to community use outside of
9 school hours for both structured and official use by community
10 nonprofits or other entities, such as recreational sports leagues or
11 after-school programs, and for unstructured free community play.
12 Local school boards are urged to adopt policies allowing for robust
13 community shared-use agreements with local government entities,
14 community groups, and nonprofit organizations that promote
15 recreational activity.

16 (4) The office of the superintendent of public instruction shall,
17 in consultation with the recreation and conservation office, school
18 districts, educational associations, and youth and outdoor
19 recreational organizations, adopt a model community shared-use policy
20 to enable improved community use of playgrounds and playfields. The
21 model policy must address:

22 (a) Maximizing the use of school district recreational spaces for
23 community use;

24 (b) Costs associated with shared use;

25 (c) Logistics of scheduling;

26 (d) Liability protection;

27 (e) Fee collection; and

28 (f) Sliding scale options and other strategies to address equity
29 and other aspects of shared-use agreements.

30 (5) A school district that receives funding for green community
31 schoolyards capital improvements must allow use of the improved
32 school property through a community shared-use agreement consistent
33 with the purposes of this section. School districts that adopt the
34 model community shared-use policy shall be eligible for adjustments
35 in the calculated rate of state funding assistance through the school
36 construction assistance program. Additional points in the calculated
37 rate shall be given to school districts that adopt the model policy.

38 **Sec. 3.** RCW 28A.525.162 and 2013 2nd sp.s. c 18 s 513 are each
39 amended to read as follows:

1 (1) Funds appropriated to the superintendent of public
2 instruction from the common school construction fund shall be
3 allotted by the superintendent of public instruction in accordance
4 with this chapter.

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

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

16 (b) No such local funds shall be required as a condition to the
17 allotment of funds from the state for the purpose of making major or
18 minor structural changes to existing school facilities in order to
19 bring such facilities into compliance with the barrier free access
20 requirements of section 504 of the federal rehabilitation act of 1973
21 (29 U.S.C. Sec. 706) and rules implementing the act.

22 (3) For the purpose of computing the state funding assistance
23 percentage under RCW 28A.525.166 when a school district is granted
24 authority to enter into contracts, adjusted valuation per pupil shall
25 be calculated using head count student enrollments from the most
26 recent October enrollment reports submitted by districts to the
27 superintendent of public instruction, adjusted as follows:

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

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

35 (ii) The enrollment of nonhigh school districts shall be
36 increased by the number of students residing within the district who
37 are enrolled in a serving high school district so designated by the
38 nonhigh school district under RCW 28A.540.110, including only
39 students who are enrolled in grade levels not offered by the nonhigh
40 school district; and

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

3 (b) In the case of construction or modernization of high school
4 facilities in districts serving students from nonhigh school
5 districts, the adjusted valuation per pupil shall be computed using
6 the combined adjusted valuations and enrollments of each district,
7 each weighted by the percentage of the district's resident high
8 school students served by the high school district;

9 (c) The number of kindergarten students included in the
10 enrollment count shall be counted as one head count student; and

11 (d) The number of students residing outside the school district
12 who are enrolled in alternative learning experience courses under RCW
13 28A.232.010 shall be excluded from the total.

14 (4) In lieu of the exclusion in subsection (3)(d) of this
15 section, a district may submit an alternative calculation for
16 excluding students enrolled in alternative learning experience
17 courses. The alternative calculation must show the student head count
18 use of district classroom facilities on a regular basis for a regular
19 duration by out-of-district alternative learning experience students
20 subtracted by the head count of in-district alternative learning
21 experience students not using district classroom facilities on a
22 regular basis for a reasonable duration. The alternative calculation
23 must be submitted in a form approved by the office of the
24 superintendent of public instruction. The office of the
25 superintendent of public instruction must develop rules to define
26 "regular basis" and "reasonable duration."

27 (5) School districts that adopt the model community shared-use
28 policy for school playgrounds and playfields under section 2 of this
29 act shall be eligible for adjustments in the calculated rate of state
30 funding assistance through the school construction assistance
31 program. Additional points in the calculated rate will be given to
32 districts that adopt the model community shared-use policy outlined
33 in section 2 of this act.

34 (6) The superintendent of public instruction, considering policy
35 recommendations from the school facilities citizen advisory panel,
36 shall prescribe such rules as are necessary to equate insofar as
37 possible the efforts made by school districts to provide capital
38 funds by the means aforesaid.

39 ((+6)) (7) For the purposes of this section, "preschool students
40 with disabilities" means children of preschool age who have

1 developmental disabilities who are entitled to services under RCW
2 28A.155.010 through 28A.155.100 and are not included in the
3 kindergarten enrollment count of the district.

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