
SUBSTITUTE HOUSE BILL 3291

State of Washington 60th Legislature 2008 Regular Session

By House Capital Budget (originally sponsored by Representatives Kelley, Santos, Pettigrew, Cody, Hudgins, Pedersen, Dickerson, Nelson, Quall, Kenney, Sullivan, McIntire, Green, and Barlow)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to community and surplus schools; amending RCW
2 43.63A.135 and 28A.525.050; adding a new section to chapter 43.63A RCW;
3 adding a new section to chapter 28A.525 RCW; 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 2008.

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. Therefore, it
4 is the intent of the legislature to provide capital grant funds for the
5 development of community schools and to convert empty school buildings
6 into community facilities. Grants may be used for the acquisition,
7 construction, rehabilitation, and improvement of facilities to assist
8 with the implementation of this act. The goal is to: (1) Improve the
9 coordination, availability, and effectiveness of services for children
10 and families; (2) ensure that children come to school ready to learn
11 every day; (3) enable families to participate in the education of their
12 children; and (4) enable more efficient use of federal, state, local,
13 and private sector resources that serve children and families.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.63A RCW
15 to read as follows:

16 (1) The definitions in this subsection apply throughout this
17 section unless the context clearly requires otherwise.

18 (a) "Advisory board" means an independent advisory board including,
19 but not limited to, a representative from the office of the
20 superintendent of public instruction, an early learning expert, a youth
21 recreational facility expert, a social service facility expert, a local
22 school district representative, and a public higher education
23 representative.

24 (b) "Community school" means both a place and a set of partnerships
25 between entities including, but not limited to, public schools,
26 postsecondary institutions, local governments, nonprofit early learning
27 providers, and other nonprofit community resources with an integrated
28 focus on academics, health and social services, youth and community
29 development, and community engagement.

30 (c) "Eligible entity" means public school districts, local
31 governments, nonprofit organizations, nonprofit early learning
32 providers, and tribal governments.

33 (d) "Qualified services" means the following:

34 (i) Early childhood education;

35 (ii) Remedial education activities and academic enrichment
36 activities;

1 (iii) Programs that promote parental involvement and family
2 literacy;

3 (iv) Youth development programs;

4 (v) Parent leadership development activities;

5 (vi) Parenting education activities;

6 (vii) Child care services;

7 (viii) Community service opportunities;

8 (ix) Programs that provide assistance to students who have been
9 truant, suspended, or expelled;

10 (x) Job training and career counseling services;

11 (xi) Nutrition services;

12 (xii) Primary health and dental care;

13 (xiii) Mental health prevention and treatment services;

14 (xiv) Adult education, including instruction in English as a second
15 language; and

16 (xv) Other services as determined by the advisory board.

17 (e) "Surplus school" means a facility that is determined to be
18 surplus to the needs of a district by the local school board.

19 (2) The department of community, trade, and economic development
20 shall:

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

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

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

32 (i) Community purpose; and

33 (ii) The ability of the applicant to obtain matching funds; and

34 (d) Establish a prioritized list of capital projects in
35 consultation with the advisory board and submit the list annually to
36 the governor and the legislature in the department's capital budget
37 request beginning with the 2009-2011 biennium. The list must include

1 a description of each project, the amount of recommended state funding,
2 and documentation of nonstate funds to be used for the project.

3 (3) In evaluating and ranking applications in consultation with an
4 independent advisory board, the department of community, trade, and
5 economic development shall give priority consideration to projects that
6 provide multiple qualified services and that demonstrate usage beyond
7 the traditional school day to include usage before and after school, on
8 weekends, and all year use.

9 (4) Nonstate matching funds may include cash, the value of real
10 property when acquired solely for the purpose of the project, and in-
11 kind contributions.

12 (5) The department of community, trade, and economic development
13 may not: (a) Require that state funds be the last to be spent on a
14 project; or (b) set a monetary limit to funding requests.

15 (6) The department of community, trade, and economic development
16 shall not sign contracts or otherwise financially obligate funds under
17 this section until the legislature has approved a specific list of
18 projects.

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

29 (8) As part of the application process, applicants must submit a
30 comprehensive plan that includes information on the following:

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

33 (b) A memorandum of understanding between the lead eligible entity
34 and each partner entity describing the role each entity will assume;

35 (c) Plans for joint utilization and maintenance of school and
36 community facilities by the lead eligible entity and its partner
37 entities, as well as liability considerations;

1 (d) The student, family, and school community to be served,
2 including information about the number of students, families, and
3 community residents to be served, frequency of services, and
4 information related to the percent of local elementary students that
5 receive free and reduced-price meals in the target area;

6 (e) Existing qualified services available at each school to be
7 served and in the community involved;

8 (f) The location of the proposed project, including that if the
9 project is not on school grounds, or is not a surplus school, then
10 documentation is required that the proposed project is within a
11 reasonable safe walking distance for the age of the students;

12 (g) Qualified services to be provided or coordinated by the lead
13 eligible entity and its partner entities; and

14 (h) An examination of capital and operating funding sources that
15 applicants intend to apply to the project and qualified services at
16 each school to be served, whether such funding is derived from grants
17 under this act or from other federal, state, local, or private sources.

18 (9) Project applicants must also demonstrate that the proposed
19 project is ready to proceed, will make timely use of the funds, and
20 requires state funding to accomplish a discrete, usable phase of the
21 project.

22 (10) If state grant funds under this act are used for the
23 acquisition of surplus school facilities, the sale proceeds must be
24 used by the local school board disposing of such property for
25 renovation, replacement, or new construction of school facilities in
26 the district.

27 **Sec. 4.** RCW 43.63A.135 and 2006 c 371 s 234 are each amended to
28 read as follows:

29 (1) The department of community, trade, and economic development
30 must establish a competitive process to solicit proposals for and
31 prioritize projects whose primary objective is to assist nonprofit
32 youth organizations in acquiring, constructing, or rehabilitating
33 facilities used for the delivery of nonresidential services, excluding
34 outdoor athletic fields.

35 (2) The department of community, trade, and economic development
36 must establish a competitive process to prioritize applications for the
37 assistance as follows:

1 (a) The department of community, trade, and economic development
2 must conduct a statewide solicitation of project applications from
3 local governments, nonprofit organizations, and other entities, as
4 determined by the department of community, trade, and economic
5 development. The department of community, trade, and economic
6 development must evaluate and rank applications in consultation with a
7 citizen advisory committee using objective criteria. Projects must
8 have a major recreational component, and must have either an
9 educational or social service component. At a minimum, applicants must
10 demonstrate that the requested assistance will increase the efficiency
11 or quality of the services it provides to youth. The evaluation and
12 ranking process must also include an examination of existing assets
13 that applicants may apply to projects. Priority consideration must be
14 given to projects that include cooperative partnerships or joint use
15 agreements for facilities shared with public school districts,
16 nonprofit early learning providers, local governments, postsecondary
17 institutions, tribal governments, or other entities as determined by
18 the department of community, trade, and economic development. Grant
19 assistance under this section may not exceed twenty-five percent of the
20 total cost of the project. The nonstate portion of the total project
21 cost may include cash, the value of real property when acquired solely
22 for the purpose of the project, and in-kind contributions.

23 (b) The department of community, trade, and economic development
24 must submit a prioritized list of recommended projects to the governor
25 and the legislature in the department of community, trade, and economic
26 development's biennial capital budget request beginning with the
27 (~~2005-2007~~) 2009-2011 biennium and thereafter. The list must include
28 a description of each project, the amount of recommended state funding,
29 and documentation of nonstate funds to be used for the project. The
30 total amount of recommended state funding for projects on a biennial
31 project list must not exceed eight million dollars. The department of
32 community, trade, and economic development may not sign contracts or
33 otherwise financially obligate funds under this section until the
34 legislature has approved a specific list of projects.

35 (c) In contracts for grants authorized under this section the
36 department of community, trade, and economic development must include
37 provisions that require that capital improvements be held by the
38 grantee for a specified period of time appropriate to the amount of the

1 grant and that facilities be used for the express purpose of the grant.
2 If the grantee is found to be out of compliance with provisions of the
3 contract, the grantee must repay to the state general fund the
4 principal amount of the grant plus interest calculated at the rate of
5 interest on state of Washington general obligation bonds issued most
6 closely to the date of authorization of the grant.

7 **Sec. 5.** RCW 28A.525.050 and 2006 c 263 s 303 are each amended to
8 read as follows:

9 All applications by school districts for state assistance in
10 providing school plant facilities shall be made to the superintendent
11 of public instruction. Studies and surveys shall be conducted by the
12 superintendent for the purpose of securing information relating to (1)
13 the kind and extent of the school plant facilities required and the
14 urgency of need for such facilities in districts that seek state
15 assistance, (2) the ability of such districts to provide capital outlay
16 funds by local effort, (3) the need for improvement of school
17 administrative units and school attendance areas among or within such
18 districts, and (4) any other pertinent matters. Studies and surveys
19 must also include an inventory of school district facilities jointly
20 used, or that could potentially be used for other community purposes,
21 including detail on cooperative partnerships. School districts shall
22 submit a long-term comprehensive plan for community use of school
23 buildings. Recommendations respecting action on the applications shall
24 be submitted to the superintendent of public instruction.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.525
26 RCW to read as follows:

27 (1) The superintendent of public instruction shall provide a ten
28 percent enhancement to the area cost allowance for school districts
29 requesting state assistance under this chapter if the district can
30 certify and provide documentation that they have a comprehensive plan
31 for cooperative partnerships that include the joint use of school
32 facilities for multiple qualified services for the facility proposed
33 for assistance. Documentation must include:

34 (a) A list of other eligible entities that will assist the school
35 district to provide or coordinate qualified services;

1 (b) A memorandum of understanding between the school district and
2 the other eligible entities describing the role each entity will
3 assume;

4 (c) Plans for joint utilization and maintenance of the school
5 facility by the school district and its other eligible entities, as
6 well as liability considerations;

7 (d) The student, family, and school community to be served,
8 including information about the number of students, families, and
9 community residents to be served, frequency of services, and
10 information related to the percent of local elementary students that
11 receive free and reduced-price meals in the target area;

12 (e) Qualified services to be provided or coordinated by the school
13 district and its other eligible entities; and

14 (f) A description of capital and operating funding sources that the
15 school district intends to apply to the project and qualified services
16 at the school to be served, whether such funding is derived from grants
17 under this act or from other federal, state, local, or private sources.

18 (2) The office of the superintendent of public instruction shall
19 develop rules for implementation of this section by September 1, 2008.
20 The superintendent of public instruction shall adopt rules that set
21 specific time requirements of joint use beyond the traditional school
22 day to include before and after school use, weekends, and all year use,
23 in order for a district to be eligible for the area cost allowance
24 enhancement.

25 (3) For the purposes of this section, the terms "eligible entity"
26 and "qualified services" have the same meaning as defined in section
27 3(1) of this act.

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