



SUPERINTENDENT OF PUBLIC INSTRUCTION

Randy I. Dorn Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

May 19, 2016

() Action Required
Due date: (if applicable)
(X) Informational

MEMORANDUM NO. 029-16M SCHOOL FACILITIES AND ORGANIZATION

TO: Educational Service District Superintendents
School District Superintendents
School District Facility and Capital Directors
School Maintenance Operations Directors

FROM: Randy I. Dorn, State Superintendent of Public Instruction

RE: Substitute HB 2985 – Vacated Schools

CONTACT: Tom Carver, 360-725-6269, tom.carver@k12.wa.us
Agency TTY: 360-664-3631

The 2016 Legislature passed Substitute House Bill 2985 (SHB 2985), which allows school districts to reopen schools previously replaced with state assistance funds for instructional use without penalty under certain conditions.

School facilities and buildings that have been replaced using School Construction Assistance Program (SCAP) funds with the new-in-lieu option have had the requirement that they either be demolished or be subject to WAC 392-347-042 that they not be used for instructional purposes after replacement. Violating this rule would make a district ineligible for SCAP funds for ten years.

SHB 2985 temporarily removes this restriction if one of the following conditions are met:

- (1) The facility or building will be used for purposes of supporting state-funded all-day kindergarten or class size reduction in kindergarten through third grade, if the lack of district facilities warrants such a use. Projects using K–3 Class Size Reduction grant funds would fall under this condition.

- (2) The district is experiencing a short-term special school housing burden due to enrollment growth and failed school construction bond or capital levy elections within the prior five years. Districts must provide housing burden documentation for consideration by the Superintendent of Public Instruction.

Any other proposed projects requesting SCAP funding and receiving a D-4 approval beginning July 1, 2016 until June 30, 2021 will have eligibility calculated without considering the square footage of the reopened facility or building.

Portions of facilities and buildings may be considered. Districts must provide a clear representation of the affected area by providing a floor plan to scale.

Buildings must conform to occupancy requirements by the local building and health officials.

The provisions of SHB 2985 expire on June 30, 2021. Affected facilities and buildings that are vacated before that date will revert to the status of not being allowed to house instructional space. Facilities and buildings that continue to be used for instructional purposes after that date will be added to the district's permanent instructional inventory. They will be treated like any other newly acquired property in that they will be ineligible for state assistance for thirty years after June 30, 2021.

School Facilities will need to track any instances of reopened buildings that were previously vacated under the new-in-lieu option. Therefore, the process to request that School Facilities consider a district's vacated building under SHB 2985 will include at minimum the following:

1. Send a letter to School Facilities, addressed to your Regional Coordinator, requesting an exception for occupying a vacated school for instructional purposes under SHB 2985. Identify the school facility and all affected buildings. Provide a floor plan to scale.

If the district is requesting an exception due to short-term special housing burden, submit documentation related to enrollment growth, population growth, demographic information, and other relevant records.

2. Requests associated with K-3 must have School Facilities staff acceptance. Requests associated with a short-term housing burden must be approved by the Superintendent of Public Instruction.

Upon acceptance by OSPI, district must submit a resolution signed by the Board of Directors clearly stating intent for usage of the vacated facility or building. Projects using K-3 Class Size Reduction grant funds will already have met this requirement.

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Attached to this memorandum are sample board resolutions districts may use. For further questions, contact your regional coordinator:

Eastern Washington: John Heinley, john.heinley@k12.wa.us, 360-725-6262

Northwest Washington: John McLaren, john.mclaren@k12.wa.us, 360-725-0414

Southwest Washington: Justin Rogers, justin.rogers@k12.wa.us, 360-725-6221

SCHOOL FACILITIES & ORGANIZATION

Tom Carver
Program Administrator

K-12 FINANCIAL RESOURCES

Ken Kanikeberg
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RD:kp

Attachment

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