
HOUSE BILL 2092

State of Washington

68th Legislature

2024 Regular Session

By Representatives Callan and McClintock

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1 AN ACT Relating to school construction assistance program funding
2 for preschool and before-and-after school care program enrollments;
3 amending RCW 28A.525.162 and 28A.515.320; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that public early
6 learning services funded by school districts, the state government,
7 and the federal government are an essential part of the spectrum of
8 Washington educational services, as early learning in all its forms
9 prepares Washington's youngest learners for kindergarten and beyond.
10 This range of publicly funded services for preschool learners
11 includes programs funded by the state and federal governments and
12 provided under the auspices of the department of children, youth, and
13 families, such as the state-funded early childhood education and
14 assistance program, the working connections child care program, and
15 early support for infants and toddlers with disabilities under RCW
16 43.216.580, as well as the federally funded head start program.
17 Publicly funded early learning services also include education
18 provided by school districts and funded with school district
19 resources as part of school district programs, including enrollment
20 for three- and four-year-olds in special education, transition to
21 kindergarten programs under RCW 28A.300.072, and preschool and

1 before-and-after school programs under chapter 28A.215 RCW. In many
2 cases, state early learning services funded with state or federal
3 funding are implemented in partnership with school districts, with
4 the services provided in facilities owned and operated by the
5 district either by employees of the school district or by other
6 school district contractors. Because each of these services provided
7 in school district facilities is a part of the continuum of education
8 intended to prepare children for the common schools, the legislature
9 finds that children served in early learning, as well as in before-
10 and-after school programs, operated by school districts or their
11 contractors in school district facilities should be included in
12 construction funding formulas under chapter 28A.525 RCW. By counting
13 these learners toward school district enrollments to allocate state
14 funding for school district capital facilities, the state promotes
15 access to appropriate facilities for those served in both state and
16 school district programs.

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

19 (1) Funds appropriated to the superintendent of public
20 instruction from the common school construction fund, and funding
21 from any other source appropriated for the school construction
22 assistance program, shall be allotted by the superintendent of public
23 instruction in accordance with this chapter.

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

29 (a) The superintendent of public instruction may waive the local
30 requirement for state funding assistance for districts which have
31 provided funds for school building construction purposes through the
32 authorization of bonds or through the authorization of excess tax
33 levies or both in an amount equivalent to (~~two and one-half~~) 2.5
34 percent of the value of its taxable property, as defined in RCW
35 39.36.015.

36 (b) No such local funds shall be required as a condition to the
37 allotment of funds from the state for the purpose of making major or
38 minor structural changes to existing school facilities in order to
39 bring such facilities into compliance with the barrier free access

1 requirements of section 504 of the federal rehabilitation act of 1973
2 (29 U.S.C. Sec. 706) and rules implementing the act.

3 (3) (~~For~~) Except as provided for under (a)(v) of this
4 subsection (3), for the purpose of computing the state funding
5 assistance percentage under RCW 28A.525.166 when a school district is
6 granted authority to enter into contracts for school building
7 construction purposes, adjusted valuation per pupil shall be
8 calculated using head count student enrollments from the most recent
9 October enrollment reports submitted by districts to the
10 superintendent of public instruction, adjusted as follows:

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

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

18 (ii) The enrollment of nonhigh school districts shall be
19 increased by the number of students residing within the district who
20 are enrolled in a serving high school district so designated by the
21 nonhigh school district under RCW 28A.540.110, including only
22 students who are enrolled in grade levels not offered by the nonhigh
23 school district; (~~and~~)

24 (iii) (~~The~~) Subject to (a)(v) of this subsection (3), the
25 number of preschool-age students (~~with disabilities~~) enrolled in
26 school district facilities must be included in the enrollment count
27 (~~shall be multiplied by one-half~~) as one head count student;

28 (iv) Subject to (a)(v) of this subsection (3), the number of
29 students enrolled in before-and-after school care programs in school
30 district facilities must be included in the enrollment count as one
31 head count student; and

32 (v) The enrollments counted under (a)(iii) and (iv) of this
33 subsection (3) must be calculated based on districts' most recent
34 annual average enrollment reports as determined by the office of the
35 superintendent of public instruction and must only include students
36 enrolled in programs operated by a school district or its contractor
37 as authorized by chapter 28A.215 RCW and RCW 28A.300.072, 43.216.143,
38 43.216.556, and 43.216.580;

39 (b) In the case of construction or modernization of high school
40 facilities in districts serving students from nonhigh school

1 districts, the adjusted valuation per pupil shall be computed using
2 the combined adjusted valuations and enrollments of each district,
3 each weighted by the percentage of the district's resident high
4 school students served by the high school district;

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

7 (d) The number of students residing outside the school district
8 who are enrolled in alternative learning experience courses under RCW
9 28A.232.010 shall be excluded from the total.

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

23 (5) For the purpose of computing student space allocations for
24 preschool-age students and for before-and-after school care students
25 pursuant to the school construction assistance program provided by
26 this section and RCW 28A.525.164 through 28A.525.180, the office of
27 the superintendent of public instruction must use districts' most
28 recent annual average enrollment reports, as determined by the
29 office, adjusted as follows:

30 (a) Subject to (c) of this subsection, the number of preschool-
31 age students enrolled in school district facilities must be included
32 in the enrollment count as one head count student.

33 (b) Subject to (c) of this subsection, the number of students
34 enrolled in before-and-after school care programs in school district
35 facilities must be included in the enrollment count as one head count
36 student.

37 (c) The enrollments counted under (a) and (b) of this subsection
38 must only include students enrolled in programs operated by a school
39 district or its contractor as authorized by chapter 28A.215 RCW and
40 RCW 28A.300.072, 43.216.143, 43.216.556, and 43.216.580.

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

6 ~~((6))~~ (7) For the purposes of this section, ~~("preschool~~
7 ~~students with disabilities" means children of preschool age who have~~
8 ~~developmental disabilities who are entitled to services under RCW~~
9 ~~28A.155.010 through 28A.155.100 and are not included in the~~
10 ~~kindergarten enrollment count of the district))~~ "preschool-age
11 students" means children ages birth through six years of age,
12 including those who have developmental disabilities and who are
13 entitled to services under RCW 28A.155.010 through 28A.155.100, not
14 yet enrolled in kindergarten or elementary school.

15 **Sec. 3.** RCW 28A.515.320 and 2023 c 470 s 2006 are each amended
16 to read as follows:

17 (1) The common school construction fund is to be used exclusively
18 for the purpose of financing the construction of facilities for the
19 common schools. The sources of said fund shall be: ~~((1))~~ (a) Those
20 proceeds derived from sale or appropriation of timber and other crops
21 from school and state land other than those granted for specific
22 purposes; ~~((2))~~ (b) the interest accruing on the permanent common
23 school fund less the allocations to the state treasurer's service
24 fund pursuant to RCW 43.08.190 and the state investment board expense
25 account pursuant to RCW 43.33A.160 together with all rentals and
26 other revenue derived therefrom and from land and other property
27 devoted to the permanent common school fund; ~~((3))~~ (c) all moneys
28 received by the state from the United States under the provisions of
29 section 191, Title 30, United States Code, Annotated, and under
30 section 810, chapter 12, Title 16, (Conservation), United States
31 Code, Annotated, except moneys received before June 30, 2001, and
32 when thirty megawatts of geothermal power is certified as
33 commercially available by the receiving utilities and the department
34 of commerce, eighty percent of such moneys, under the Geothermal
35 Steam Act of 1970 pursuant to RCW 43.140.030; and ~~((4))~~ (d) such
36 other sources as the legislature may direct. That portion of the
37 common school construction fund derived from interest on the
38 permanent common school fund may be used to retire such bonds as may

1 be authorized by law for the purpose of financing the construction of
2 facilities for the common schools.

3 (2) The interest accruing on the permanent common school fund
4 less the allocations to the state treasurer's service fund pursuant
5 to RCW 43.08.190 and the state investment board expense account
6 pursuant to RCW 43.33A.160 together with all rentals and other
7 revenues accruing thereto pursuant to subsection ~~((+2+))~~ (1)(b) of
8 this section prior to July 1, 1967, shall be exclusively applied to
9 the current use of the common schools.

10 (3) To the extent that the moneys in the common school
11 construction fund are in excess of the amount necessary to allow
12 fulfillment of the purpose of said fund, the excess shall be
13 available for deposit to the credit of the permanent common school
14 fund or available for the current use of the common schools, as the
15 legislature may direct. Any money from the common school construction
16 fund which is made available for the current use of the common
17 schools shall be restored to the fund by appropriation, including
18 interest income forgone, before the end of the next fiscal biennium
19 following such use.

20 (4) For purposes of this section:

21 (a) "Common schools" includes facilities owned by school
22 districts in which programs are operated by a school district or its
23 contractor to serve preschool-age students and students in before-
24 and-after school care as authorized by chapter 28A.215 RCW and RCW
25 28A.300.072, 43.216.143, 43.216.556, and 43.216.580; and

26 (b) "Preschool-age students" has the same meaning as in RCW
27 28A.525.162.

28 NEW SECTION. Sec. 4. Section 2 of this act first applies to
29 school construction assistance program projects provided under RCW
30 28A.525.162 through 28A.525.180 beginning in fiscal year 2026.

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