

Chapter 392-345 WAC

STATE FUNDING ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—INTERDISTRICT COOPERATION IN FINANCING SCHOOL PLANT CONSTRUCTION

(Formerly chapter 180-31 WAC)

WAC

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WAC 392-345-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions and disbursements of allotments to school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state funding assistance for school plant facilities are RCW 28A.525-030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-040, § 392-345-005, filed 4/14/10, effective 5/15/10; WSR 06-16-031, amended and recodified as § 392-345-005, filed 7/25/06, effective 8/25/06; WSR 98-19-144, § 180-31-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-31-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. WSR 83-21-068 (Order 13-83), § 180-31-005, filed 10/17/83.]

WAC 392-345-010 Purpose. The purpose of this chapter is to set forth provisions applicable to approval of a cooperative financing plan for the construction or modernization of school facilities by two or more school districts.

[Statutory Authority: RCW 28A.525.020. WSR 06-16-031, recodified as § 392-345-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. WSR 83-21-068 (Order 13-83), § 180-31-010, filed 10/17/83.]

WAC 392-345-012 Waiver of rules to facilitate alternative public works contracting procedures. The provisions of this chapter may be deemed waived in accordance with WAC 392-341-012.

[Statutory Authority: RCW 28A.525.020. WSR 06-16-031, amended and recodified as § 392-345-012, filed 7/25/06, effective 8/25/06; WSR 01-08-040, § 180-31-012, filed 3/30/01, effective 4/30/01.]

WAC 392-345-015 Applicant district defined. The board of directors of the school district in which the proposed new school facility is to be located or in which the school

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facility proposed for modernization is located shall be the applicant district and it shall be the responsibility of said board of directors to submit the application for financial plan approval.

[Statutory Authority: RCW 28A.525.020. WSR 06-16-031, recodified as § 392-345-015, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. WSR 83-21-068 (Order 13-83), § 180-31-015, filed 10/17/83.]

WAC 392-345-020 Cooperative plan subject to the superintendent of public instruction approval. Any interdistrict financial plan for construction or modernization of school facilities utilizing state funding assistance in the financing of the proposed project, shall require approval by the superintendent of public instruction prior to carrying into effect the provisions of such plan. The superintendent of public instruction approval is only required for projects utilizing state funding assistance.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-040, § 392-345-020, filed 4/14/10, effective 5/15/10; WSR 06-16-031, amended and recodified as § 392-345-020, filed 7/25/06, effective 8/25/06; WSR 98-19-144, § 180-31-020, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. WSR 83-21-068 (Order 13-83), § 180-31-020, filed 10/17/83.]

WAC 392-345-025 Application provisions. For projects utilizing state funding assistance, the host district shall submit a written application to the superintendent of public instruction which shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the school facility is to be located (host district) or, in the event of modernization, the board of directors in which jurisdiction the facility is located (host district);

(b) Designate such board of directors of the host district as the legal applicant. Evidence shall be submitted that the said resolution has been incorporated in the official record of the board of directors of each participating school district; and

(c) Certify that the facility shall be used for the purpose for which it was constructed unless an exception is granted by the superintendent of public instruction.

(2) Copy of contracts(s) between applicant district and participating school districts prepared in accordance with provisions in WAC 392-345-030.

(3) A statement defining the education program or services to be offered and the number and grade level(s) by dis-

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trict of all students to be housed in the proposed new or modernized facility.

(4) A description of the proposed project including size in terms of square feet and the estimated cost of construction including professional services, sales tax, site acquisition and site development.

(5) An area map indicating location of schools within the participating school districts and the location of the proposed new or modernized school facility.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-040, § 392-345-025, filed 4/14/10, effective 5/15/10; WSR 06-16-031, amended and recodified as § 392-345-025, filed 7/25/06, effective 8/25/06; WSR 98-19-144, § 180-31-025, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47-830. WSR 83-21-068 (Order 13-83), § 180-31-025, filed 10/17/83.]

WAC 392-345-030 Interdistrict cooperative agreements. Interdistrict agreements between applicant and participating districts shall contain and set forth a description of the following elements:

(1) Financial terms by which each cooperating district will participate in the cost of construction or modernization and operation of the school facility;

(2) Administration of the school facility and of the program or services to be offered therein and specific services to be utilized by each participating school district;

(3) Duration of the interdistrict cooperation agreement; and

(4) Procedures for dissolution of cooperative operation of the school facility including but not limited to the following:

(a) Ownership of all capital equipment and school facilities;

(b) Distribution of assets or the payments to be made to the participating districts; and

(c) Minimum period of operation prior to dissolution consideration and approval by the superintendent of public instruction in accordance with provisions hereinafter in WAC 392-345-040.

[Statutory Authority: RCW 28A.525.020. WSR 06-16-031, amended and recodified as § 392-345-030, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. WSR 83-21-068 (Order 13-83), § 180-31-030, filed 10/17/83.]

WAC 392-345-035 Approval of program or services by superintendent of public instruction. Approval by the superintendent of public instruction of the educational program or services to be offered in the proposed new or modernized facility and the proposed administration of such program or services shall be a prerequisite for approval by the superintendent of public instruction of an interdistrict cooperative financial plan for construction of new or modernization of facilities when state funding assistance is provided.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-040, § 392-345-035, filed 4/14/10, effective 5/15/10; WSR 06-16-031, amended and recodified as § 392-345-035, filed 7/25/06, effective 8/25/06; WSR 98-19-144, § 180-31-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47-830. WSR 83-21-068 (Order 13-83), § 180-31-035, filed 10/17/83.]

WAC 392-345-040 Dissolution provisions. (1) Procedures for the dissolution of the operation of school facilities pursuant to an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of the superintendent of public instruction approval of the financial plan for the construction of such school facilities when such facilities were constructed with state funding assistance: Provided, That a request for dissolution prior to such ten-year period may be approved when, in the judgment of the superintendent of public instruction, there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the superintendent of public instruction for review and approval prior to proceeding with dissolution action.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-040, § 392-345-040, filed 4/14/10, effective 5/15/10; WSR 06-16-031, amended and recodified as § 392-345-040, filed 7/25/06, effective 8/25/06; WSR 98-19-144, § 180-31-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47-830. WSR 83-21-068 (Order 13-83), § 180-31-040, filed 10/17/83.]

WAC 392-345-045 Interdistrict cooperation in financing school construction—Project construction approval required—Rules and regulations governing. A project to be constructed under interdistrict cooperative financing pursuant to provisions of RCW 28A.335.160 shall be subject to approval by the superintendent of public instruction only when state funding assistance is involved in the financing thereof and shall be in conformity with the applicable rules and regulations hereinafter prescribed. The applicant school district shall be responsible for compliance with said rules and regulations.

(1) Projects financed with state funding assistance.

(a) All rules and regulations promulgated by the superintendent of public instruction relating to school building construction shall govern the approval of an application for state funding assistance in financing an interdistrict cooperative project except such rules deemed by the superintendent of public instruction to be inapplicable to the said construction: Provided, That in the interest of program improvement and/or improvement in equalization of educational opportunities, the pertinent requirements relating to eligibility on the basis of number of unhoused children may be waived as shall be determined by the superintendent of public instruction.

(b) In determining the amount of state funding assistance, the principle to be applied shall be that each participating district, otherwise eligible for state funding assistance, shall receive such assistance on the basis of the computed area ratio. The amount that each participating district shall provide may be the percentage proportion that the value of its taxable property bears to the total value of taxable property of all participating districts or such other amounts as set forth in the contract submitted as are accepted and approved by the superintendent of public instruction.

(2) Application for additional state funding assistance. In the financing of interdistrict cooperative projects, applications for state funding assistance, in addition to the amount determined allocable under basic state support level provisions, shall be judged by the superintendent of public instruction on the basis of the need for said facilities for the expressed purpose of:

- (a) Providing educational opportunities, including vocational skills programs not otherwise provided;
- (b) Avoiding unnecessary duplication of specialized or unusually expensive educational programs or facilities; or
- (c) Improving racial balance within and among participating districts.

(3) Determination of amount of additional state funding assistance. When in the judgment of the superintendent of public instruction an expressed need exists for an interdistrict cooperative project to achieve one or more of the expressed purposes as set forth in subsection (2) of this section and additional state funding assistance in financing said joint construction is necessary to meet such need, additional state funding assistance may be allowed in an amount to be determined by the superintendent of public instruction: Provided, That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state funding assistance purposes: Provided further, That the total funds available to the superintendent of public instruction for the biennial period are sufficient to meet statewide needs for state funding assistance in providing necessary school facilities to individual school districts as well as for this purpose.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-040, § 392-345-045, filed 4/14/10, effective 5/15/10; WSR 06-16-031, amended and recodified as § 392-345-045, filed 7/25/06, effective 8/25/06; WSR 98-19-144, § 180-31-045, filed 9/23/98, effective 10/24/98.]