

SENATE BILL REPORT

SHB 3291

As Reported By Senate Committee On:
Early Learning & K-12 Education, February 28, 2008

Title: An act relating to community and surplus schools.

Brief Description: Enacting the community schools act of 2008.

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

Brief History: Passed House: 2/15/08, 64-29.

Committee Activity: Early Learning & K-12 Education: 2/25/08, 2/28/08 [DPA-WM, DNP].

Ways & Means: 3/03/08 [DPF].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Eide, Hobbs, Kauffman, McDermott, Oemig, Rasmussen and Weinstein.

Minority Report: Do not pass.

Signed by Senators Tom, Vice Chair; King, Ranking Minority Member; Brandland and Holmquist.

Staff: Susan Mielke (786-7422)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Bryon Moore (786-7726)

Background: Current law provides a school district authorization to permit others to use school facilities and property, including use or rent of school playgrounds, athletic fields or athletic facilities. In most cases the district must have a policy governing the use, including whether the district will charge a fee. School districts are provided limited immunity when permitting private, nonprofit youth groups to use school buildings. School districts with less than 2,000 students are specifically provided permissive authority to provide free use of school property to promote and facilitate meetings for community purposes. Additionally, a

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school district may rent, lease, or permit occasional use of any surplus real property of the district, which may include a joint use.

To obtain state funding assistance for state-recognized K-12 construction costs, a school district must have a local match (usually via passing a bond measure) and meet the eligibility requirements (such as unhoused students calculated based on space standards that are differentiated by grade level or needs of students with disabilities). A formula determines the amount of the state's match and includes the square feet calculation based on student enrollment, an area cost allowance per square foot, other allowable costs, and equalization funding based on school district property wealth.

The 2007-09 capital budget created a joint legislative task force (task force) on school construction funding to review the current system and make recommendations to the Legislature. The task force divided its work into two phases: 1) a complete review of spending issues by January 2008; and 2) a complete report with recommendations on funding issues by December 2008. The task force formulated a list of possible recommendations, including: "Methods for encouraging/incentivizing cooperative partnerships/joint use of facilities with early learning providers, social service providers, skill centers, community and technical colleges, and public baccalaureate institutions should be implemented. . ."

Summary of Bill (Proposed Amendments): The Community Schools Act is created. Within the amounts appropriated, the Department of Community, Trade and Economic Development (DCTED) must establish a competitive grant process for soliciting and awarding public school districts, local governments, nonprofit organizations, nonprofit early learning providers, and tribal governments in acquiring, constructing, rehabilitating or improving facilities to be used for the delivery of specified qualified services on school grounds or within a safe walking distance for the age of the students. The DCTED, with an advisory board with specified membership, must evaluate and award project applications, giving priority consideration to projects that provide multiple qualified services that demonstrate usage beyond the traditional school day. If the state grants are used to acquire surplus school facilities then the sale proceeds must be used by the school district for renovation, replacement, or new construction of school facilities in the district. However, surplus schools are excluded from eligibility for the awards from the newly created competitive grant process.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Proposed Amendments): The DCTED administered community schools grant program is made subject to appropriation. The CTED community schools program is made to be within specific amounts appropriated by the Legislature rather than the \$20 million maximum grant program. Technical adjustments are made to correspond to this change in the grant program, while retaining the original grant program requirements. The provisions related to providing a 10 percent bonus for community schools and related provisions in the OSPI study and survey are removed. Surplus schools are excluded from eligibility for the newly created grant program.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments): The language requiring the existing grant program for nonprofit youth organizations to provide a priority for cooperative partnerships or joint use agreements for facilities shared with public schools and others is removed.

Therefore, no changes are made to the existing grant program under the bill. Under the grant program created in the bill, grant assistance must not exceed 50 percent of the total cost of the project and any project award must not exceed 25 percent of the recommended state funding for projects on the biennial project list. The annual recommended project list is capped at \$10 million. It is clarified that the project list will be annual, not biennially. The requirement that the DCTED develop a tiered system to determine the amount of matching funds required from a grantee based on financial need is removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Substitute Bill (Early Learning & K-12 Education): PRO: Some school districts have made the tough decisions to close schools and now those buildings have been surplus. It is important to keep these buildings as community assets for the communities to use at a reasonable cost.

OTHER: We appreciate the vision to have schools and nonprofits work together and share resources – it is exciting but it also creates some concerns. But by requiring the existing program for nonprofit youth organizations to prioritize projects that involve school districts may squeeze out many worthy stand-alone community-based youth service projects since there is a fixed amount of money provided for this program.

Persons Testifying (Early Learning & K-12 Education): PRO: Rose Feliciano, City of Seattle; Clifford Traisman, Seattle Public Schools.

OTHER: Fred Yancy, Washington Alliance of Boys and Girls Clubs; Amy Bell, YMCA's of Washington.

Staff Summary of Public Testimony on EDU Recommended Amendments (Ways & Means): OTHER: The bill really has two components. One is the DCTED grant program which is aimed at surplus schools. Second, the other component is the 10 percent bonus for community schools through the state match program administered by the Office of Superintendent of Public Instruction (OSPI). Based on OSPI's projection, it is anticipated that ultimately all schools requesting state match will become eligible and this would cost \$100 million per biennium.

Persons Testifying (Ways & Means): OTHER: Gordon Beck, OSPI.