

RCW 28A.525.320 School seismic safety and planning grants—

Advisory committee—Prioritization. (1) School seismic safety grants and school seismic planning grants must be awarded and determined in accordance with this section.

(2) **ELIGIBILITY.** A school district or state tribal education compact school is eligible to receive a school seismic safety grant for remediation of seismic or tsunami hazards in qualifying buildings that meet the following criteria:

(a) The building is located within a high seismic hazard area as defined in subsection (3) of this section; and

(b) The building was constructed before 1998 and has not received a seismic retrofit to 2005 seismic standards.

(3) **DEFINITIONS.** For the purposes of this section:

(a) "High seismic hazard area" means:

(i) Any location identified by the United States geological survey national seismic hazard map with a two percent probability of exceedance in 50 years and a national earthquake hazards reduction program site class D that are 0.3 peak horizontal acceleration or greater peak ground acceleration areas; or

(ii) Any area located within a Washington tsunami design zone map or, where a Washington tsunami design zone map is not available, an American society of civil engineers tsunami design zone map, that requires structures in risk category three or four to be designed for tsunamis.

(b) "Remediation" means solutions that mitigate or eliminate site specific seismic or tsunami hazards and may include building relocation or vertical evacuation towers if related to a tsunami hazard.

(c) "Total project cost" means direct and associated indirect costs for the remediation solution as approved by the advisory committee. Associated indirect costs can include site acquisition and development costs for approved building relocations. The combined direct and associated indirect costs cannot exceed the equivalent combined direct and associated indirect costs for building projects participating in the school construction assistance program for that same year.

(4) **ADVISORY COMMITTEE.** (a) The superintendent of public instruction must appoint an advisory committee to evaluate and prioritize grant applications from school districts and state-tribal education compact schools. Advisory committee members must have experience in financing, managing, or planning seismic remediation projects at school facilities but must not be involved in a school seismic safety grant request for the biennium under consideration. The office of the superintendent of public instruction must provide administrative and staff support to the advisory committee and consult with the advisory committee to design a grant application process with specific criteria for prioritizing grant requests.

(b) The advisory committee must submit a prioritized list of grants to the superintendent of public instruction. The list must prioritize applications to achieve the greatest improvement of school facilities, in the school districts and state-tribal education compact schools with the most limited financial capacity, for projects that are likely to improve student health, safety, and academic performance for the largest number of students for the amount of state grant support.

(5) REQUIRED GRANT LIST. (a) The superintendent of public instruction must propose a list of prioritized school seismic safety grants to the governor by September 1st of each year, beginning September 1, 2022. This list must include:

- (i) A description of the proposed project;
- (ii) The proposed school seismic safety grant amount, equal to at least two-thirds of the estimated total project cost;
- (iii) The anticipated school construction assistance program amount;
- (iv) The anticipated local share of project cost; and
- (v) The estimated total project cost.

(b) The superintendent of public instruction and the governor may determine the level of funding in their omnibus capital appropriations act requests to support grants under this section, but their funding requests must follow the prioritized list prepared by the advisory committee unless new information determines that a specific project is no longer viable as proposed.

(6) SCHOOL CONSTRUCTION ASSISTANCE PROGRAM AND SMALL SCHOOL DISTRICT MODERNIZATION GRANT PROGRAM. (a) The full administrative and procedural process of school construction assistance program funding under RCW 28A.525.162 through 28A.525.180 and the small school district modernization grant program funding under RCW 28A.525.159 may be streamlined by the office of the superintendent of public instruction in order to coordinate eligible school construction assistance program funding and small school district modernization grant program funding with the school seismic safety grants. Such coordination must ensure that total state funding from all three grants does not exceed total project costs minus available local resources.

(b) Projects seeking school seismic safety grants must meet the requirements for a school construction assistance program grant except for the following: (i) The estimated cost of the project may be less than 40 percent of the estimated replacement value of the facility; and (ii) local funding assistance percentage requirements of the school construction assistance program do not apply. However, available school district and state-tribal education compact school resources are considered in prioritizing school seismic safety grants.

(7) DISBURSEMENT OF FUNDS. The superintendent of public instruction must award state and federal grants under this section to eligible school districts and state tribal education compact schools in an amount equal to at least two-thirds of the total project cost. The grant must not be awarded until the school district or state-tribal education compact school has identified available local and other resources sufficient to complete the approved project considering the amount of the state grant. The grant must specify reporting requirements from the school district or state-tribal education compact school, which must include updating all pertinent information in the inventory and condition of schools data system and submitting a final project report as specified by the office of the superintendent of public instruction in consultation with the school facilities citizens advisory panel specified in RCW 28A.525.025.

(8) PLANNING GRANTS. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must assist eligible school districts and state-tribal education compact schools that are interested in applying for a school seismic safety grant under this section by providing technical assistance and planning grants. School

districts and state-tribal education compact schools seeking planning grants under this section must provide a brief statement describing existing school conditions, building system and site deficiencies, current and five-year projected student head count enrollment, student achievement measures, financial constraints, and any information required by the advisory committee established in subsection (4) of this section. If applications for planning grants exceed funds available, the office of the superintendent of public instruction may prioritize planning grant requests with primary consideration given to school district financial capacity and facility conditions. [2022 c 113 s 2.]

Finding—Intent—2022 c 113: "The legislature finds that a significant number of Washington students in public school districts and state-tribal education compact schools attend school in older facilities located in geologically active areas. Accordingly, the legislature intends to create a grant program to help school districts and state-tribal education compact schools cover the cost of retrofitting or relocating school facilities located in high seismic areas or tsunami zones." [2022 c 113 s 1.]