

SCHOOL BOARD ACTION REPORT



DATE: January 23, 2017
FROM: Dr. Larry Nyland, Superintendent
LEAD STAFF: Dr. Flip Herndon, Associate Superintendent, Facilities and Operations
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1. TITLE

BEX IV/BTA IV: Resolution 2016/17-8; Racial Imbalance Analysis for the Daniel Bagley Elementary School Modernization and Addition project

For Introduction: February 1, 2017
For Action: February 15, 2017

2. PURPOSE

A Board Resolution is required by the Office of Superintendent of Public Instruction (OSPI) as a part of the state funding assistance process to certify under WAC 392-342-025 that the project will not create or aggravate a racial imbalance. This Board Action Report provides information necessary for the Board to approve Resolution 2016/17-8 certifying that the Daniel Bagley Elementary School Modernization and Addition project will not create or aggravate a racial imbalance.

3. RECOMMENDED MOTION

I move that the School Board approve Resolution 2016/17-8, certifying the Daniel Bagley Elementary School Modernization and Addition project will not create or aggravate racial imbalance as defined by Washington Administrative Code (WAC) 392-342-025, as attached to the Board Action Report.

4. BACKGROUND INFORMATION

- a. **Background** The Office of Superintendent of Public Instruction (OSPI) is responsible for administering the School Construction Assistance Program (SCAP), which is OSPI's largest capital program and provides funding assistance for facility planning, new construction, and modernizations. Based on OSPI's work, the Legislature makes biennial appropriations to release state funds for school construction assistance through the D-Form approval process, which includes the primary documents that form the basis of any agreements between OSPI and the school districts receiving state funding assistance.

The OSPI Form D-5 requires a School Board Resolution to certify under WAC 392-342-025 that a SCAP funded project will not create or aggravate racial imbalance. If this resolution is not approved in a timely manner, state funding assistance for this project will not be forthcoming. SCAP funding for the Daniel Bagley Elementary School Modernization and Addition project is estimated to be approximately \$1.5 million dollars.

Definition: Resolution 2016/17-8 certifies that the Daniel Bagley Elementary School Modernization and Addition project will not create or aggravate a racial imbalance within the district boundaries. Racial imbalance in a greater than fifty percent minority, non-multiracial school district such as Seattle Public Schools shall be defined (by current federal categories) as existing:

- “(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percentage points; or
- (b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or
- (c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.”

Analysis: Using the most current data from the 2015-16 school year, Daniel Bagley Elementary enrollment consists of 33% minority students compared to the district-wide minority enrollment of 53%.

Daniel Bagley	Asian	Black	Hispanic	Native American	White	Multi	Pacific Island	Total Minority
2015-16	11%	4%	6%	0%	67%	12%	0%	33%

Using the guideline outlined above (specifically section “a”) the Daniel Bagley Elementary School Program is currently categorized as racially balanced. Further, no single minority group exceeds fifty percent (criteria “b” above), and no single minority group exceeds the group’s district-wide percentage by twenty percentage points or more (criteria “c” above).

The Daniel Bagley Modernization and Addition Project is unlikely to create or aggravate a racial imbalance, as enrollment projections and boundaries for the modernized facility are anticipated to remain the same.

- b. **Alternatives** Do not approve Resolution 2016/17-8. This is not recommended. If this resolution is not approved, the D-5 form cannot be submitted to OSPI and the District will not receive state funding assistance.
- c. **Research**
 - Office of Superintendent of Public Instruction, School Construction Assistance Program, D-Forms 101 on-line resources
 - WAC 392-342-025 Racial imbalance prohibition – Definition and acceptance criteria.
 - Enrollment Data specific to the evaluation of WAC 392-342-025 Racial imbalance prohibition

5. FISCAL IMPACT/REVENUE SOURCE

School Board approval of this resolution helps secure approximately \$1.5 million dollars in state funding assistance for this project. This action does not represent a specific expenditure.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District's Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

The selection of projects in the BTA IV program went through an extensive community vetting process and ultimately received the approval of 72.1% of voters on February 9, 2016. This process included a public comment period from May 19, 2016 to June 24, 2016 for the BTA IV Programmatic Environmental Impact Statement (PEIS). A total of two comments were received and were addressed in Chapter 7 of the Final PEIS.

Further, the School Design Advisory Team (SDAT) process included six meetings conducted between October 10 through December 5, 2016, and included the principal, staff, parents, and community members. The concept design for the project was developed to reflect the goals of the SDAT group, and will support the District's current educational goals as well as providing the flexibility to accommodate emerging educational programs.

This project will renovate a significant historic building within the community and replace existing portables with permanent classrooms that meet the District Educational Specifications.

Moving forward, there are additional steps at which public input will be received, including the State Environmental Policy Act (SEPA) checklist process, and the City's Department of Neighborhoods Landmarks process, both of which include public meetings or public comment periods.

7. EQUITY ANALYSIS

The selection of projects in the BTA program was designed to provide equitable access to schools across the city. As the District planned for the BTA IV program, it looked at needs through an equity lens to determine which projects should be prioritized. As indicated in the Board Action Report (BAR) for the BTA IV levy: "The specific projects to be funded by the BTA IV levy are in support of the District's Strategic Plan to ensure equitable access, close the opportunity gaps and provide excellence in education for every student."

8. STUDENT BENEFIT

The Daniel Bagley Elementary School Modernization and Addition will incorporate guidelines and requirements set forth in the Seattle Public Schools Educational Specifications and the School Design Advisory Team (SDAT) process, and will replace eight existing portable classrooms with a comparable number of permanent classrooms.

9. WHY BOARD ACTION IS NECESSARY

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. 6100, Revenues from Local, State and Federal Sources, provides the Board shall approve this item
- Other: Office of Superintendent of Public Instruction (OSPI) Requirement for state funding assistance

10. POLICY IMPLICATION

School Board Policy No. 6100, Revenues from Local, State, and Federal Sources, states in part: “It is the policy of the Seattle School Board to pursue systematically those funding opportunities that are consistent with district priorities from federal, state, and other governmental units, as well as from private and foundation sources.” In addition, it states: “The Board agrees to comply with all federal and state requirements that may be a condition for the receipt of federal or state funds.”

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Operations Committee meeting on January 19, 2017. The Committee moved this item forward to the full Board with a recommendation for approval.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, the Capital Projects Manager will submit the signed resolution to OSPI as required.

13. ATTACHMENTS

- Resolution 2016/17-8 (for approval)
- WAC 392-343-025
- District Enrollment Data



**Seattle School District #1
Board Resolution**

Resolution No. 2016/17-8

A RESOLUTION of the Board of Directors of Seattle School District No. 1, King County, Seattle, Washington certifying that the Daniel Bagley Elementary School Modernization & Addition project named in the project application (Form D-5) submitted to the Office of Superintendent of Public Instruction will not create or aggravate racial imbalance within the District boundaries.

WHEREAS, it has been determined that racial imbalance, as defined by WAC 392-342-025, does not currently exist at Daniel Bagley Elementary School; and

WHEREAS, the proposed construction project is a modernization and addition project, and

WHEREAS, the proposed project at Daniel Bagley Elementary School will not create or aggravate a racial imbalance in student enrollment as defined by WAC 392-342-025;

NOW THEREFORE, BE IT

RESOLVED, that the Seattle School Board of Directors certifies that the Daniel Bagley Elementary School Modernization and Addition project will not create or aggravate a racial imbalance within the District boundaries as defined for greater than fifty percent minority, non-multiracial school districts in WAC 392-342-025; and therefore be it further

RESOLVED, that duly certified copies of this resolution shall be submitted to the Office of Superintendent of Public Instruction (OSPI).

ADOPTED, this ____ day of February, 2017.

Sue Peters, President

Leslie Harris, Vice-President

Stephan Blanford, Member

Richard Burke, Member

Jill Geary, Member

Betty Patu, Member

Scott Pinkham, Member

ATTEST: _____
Dr. Larry Nyland, Superintendent
Secretary, Board of Directors
Seattle School District No. 1
King County, WA

WAC 392-342-025

Racial imbalance prohibition — Definition and acceptance criteria.

The superintendent of public instruction shall not accept a site unless the applicant district provides assurances that its attendance policies for the proposed or modernized school facility will not create or aggravate racial imbalance within the boundaries of the applicant school district. For the purpose of this chapter, racial imbalance shall be defined as the situation that exists when minority enrollment (as defined by current federal categories) of a school plant facility is as follows:

(1) General rule. As a general rule -- except for greater than fifty percent minority school districts -- racial imbalance shall be defined as the situation that exists:

(a) When the combined minority enrollment of a school exceeds the district-wide combined minority percentage by twenty percentage points or more; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(2) Greater than fifty percent minority districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent. Racial imbalance in a greater than fifty percent minority, nonmultiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percentage points; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(3) Greater than fifty percent minority, multiracial districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent and consists of two or more minority group enrollments which are each greater than twenty percent. Racial imbalance in a greater than fifty percent minority, multiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percent percentage points; or

(b) When a school's enrollment of a single minority exceeds the combined district-wide minority percentage.

(4) Exclusions -- This policy does not apply to:

(a) Public schools located on American Indian reservations; or

(b) School facilities which are the sole site within a school district for the conduct of a regular or special needs program for students of the age(s) or grade level(s) served at the site; or

(c) Student enrollments in programs established and conducted to address extraordinary educational needs, such as bilingual orientation programs, where the assignment and enrollment of students are based solely upon their extraordinary educational needs, the enrollment of students in the program is limited to the duration of their extraordinary educational need, and adherence to the policy would defeat the educational purpose of the program.

[Statutory Authority: RCW [28A.525.020](#). 10-09-008, § 392-342-025, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-342-025, filed 7/25/06, effective 8/25/06; 94-20-055, § 180-26-025, filed 9/30/94, effective 10/31/94. Statutory Authority: RCW [28A.47.830](#). 84-11-046 (Order 5-84), § 180-26-025, filed 5/17/84; 83-21-065 (Order 10-83), § 180-26-025, filed 10/17/83.]

District Wide Racial Diversity

School Year	District Category	% Native			% Hispanic	% Multi-Racial	% Pacific Island	% White	% Total Minority
		American	% Asian	% Black					
2000-01	Greater than 50%, multiracial	3%	23%	23%	10%	0%	1%	40%	60%
2001-02	Greater than 50%, multiracial	3%	22%	23%	11%	0%	1%	40%	60%
2002-03	Greater than 50%, multiracial	3%	22%	23%	11%	1%	1%	40%	60%
2003-04	Greater than 50%, multiracial	2%	22%	22%	11%	1%	1%	40%	60%
2004-05	Greater than 50%, multiracial	2%	22%	22%	11%	1%	1%	41%	59%
2005-06	Greater than 50%, multiracial	2%	21%	22%	12%	2%	1%	41%	59%
2006-07	Greater than 50%, multiracial	2%	21%	21%	12%	2%	1%	41%	59%
2007-08	Greater than 50%, multiracial	2%	21%	21%	12%	3%	1%	42%	58%
2008-09	Greater than 50%, nonmultiracial	2%	20%	20%	12%	3%	1%	42%	58%
2009-10	Greater than 50%, nonmultiracial	2%	20%	20%	12%	4%	1%	42%	58%
2010-11	Greater than 50%, nonmultiracial	1%	19%	19%	12%	5%	1%	43%	57%
2011-12	Greater than 50%, nonmultiracial	1%	18%	19%	12%	6%	1%	43%	57%
2012-13	Greater than 50%, nonmultiracial	1%	18%	18%	13%	6%	1%	44%	56%
2013-14	Greater than 50%, nonmultiracial	1%	17%	17%	13%	7%	1%	45%	55%
2014-15	Greater than 50%, nonmultiracial	1%	16%	16%	12%	8%	0%	46%	54%
2015-16	Greater than 50%, nonmultiracial	1%	15%	16%	12%	9%	0%	47%	53%