

Chapter 28A.340 RCW
SMALL HIGH SCHOOL COOPERATIVE PROJECTS

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RCW 28A.340.010 Increased curriculum programs and opportunities.

Eligible school districts as defined under RCW 28A.340.020 are encouraged to establish cooperative projects with a primary purpose to increase curriculum programs and opportunities among the participating districts, by expanding the opportunity for students in the participating districts to take vocational and academic courses as may be generally more available in larger school districts, and to enhance student learning. [1990 c 33 s 366; 1988 c 268 s 2. Formerly RCW 28A.100.080.]

Findings—1988 c 268: "The legislature finds that partnerships among school districts can: Increase curriculum offerings for students, encourage creative educational programming and staffing, and result in the cost-effective delivery of educational programs. It is the intent of the legislature to establish a program to facilitate and encourage such partnerships among small school districts." [1988 c 268 s 1.]

Severability—1988 c 268: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1988 c 268 s 12.]

RCW 28A.340.020 Eligibility—Participation. School districts eligible for funding as a small high school district pursuant to the state operating appropriations act shall be eligible to participate in a cooperative project: PROVIDED, That the superintendent of public instruction may adopt rules permitting second-class school districts that are not eligible for funding as a small high school district in the state operating appropriations act to participate in a cooperative project.

Two or more school districts may participate in a cooperative project pursuant to RCW 28A.340.020 through 28A.340.070. [1990 c 33 s 367; 1988 c 268 s 3. Formerly RCW 28A.100.082.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

RCW 28A.340.030 Application—Review by the superintendent of public instruction. (1) Eligible school districts desiring to form a cooperative project pursuant to RCW 28A.340.020 through 28A.340.070 shall submit to the superintendent of public instruction an application for review as a cooperative project. The application shall include, but not be limited to, the following information:

(a) A description of the cooperative project, including the programs, services, and administrative activities that will be operated jointly;

(b) The improvements in curriculum offerings and educational opportunities expected to result from the establishment of the proposed cooperative project;

(c) A list of any statutory requirements or administrative rules which are considered financial disincentives to the establishment of cooperative projects and which would impede the operation of the proposed cooperative project; and the financial impact to the school districts and the state expected to result by the granting of a waiver from such statutory requirements or administrative rules;

(d) An assessment of community support for the proposed cooperative project, which assessment shall include each community affected by the proposed cooperative project; and

(e) A plan for evaluating the educational and cost-effectiveness of the proposed cooperative project, including curriculum offerings and staffing patterns.

(2) The superintendent of public instruction shall review the application before the applicant school districts may commence the proposed cooperative project.

In reviewing applications, the superintendent shall be limited to: (a) The granting of waivers from statutory requirements, for which the superintendent of public instruction has the express power to implement pursuant to the adoption of rules, or administrative rules that need to be waived in order for the proposed cooperative project to be implemented: PROVIDED, That no statutory requirement or administrative rule dealing with health, safety, or civil rights may be waived; and (b) ensuring the technical accuracy of the application.

Any waiver granted by the superintendent of public instruction shall be reviewed and may be renewed by the superintendent every five years subject to the participating districts submitting a new application pursuant to this section.

(3) If additional eligible school districts wish to participate in an existing cooperative project the cooperative project as a whole shall reapply for review by the superintendent of public instruction. [1990 c 33 s 368; 1988 c 268 s 4. Formerly RCW 28A.100.084.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

RCW 28A.340.040 Adoption of salary schedules—Computation of fringe benefits. (1) School districts participating in a cooperative project pursuant to RCW 28A.340.030 may adopt identical salary schedules following compliance with chapter 41.59 RCW: PROVIDED, That if the districts participating in a cooperative project adopt identical salary schedules, the participating districts shall be considered a single school district for purposes of establishing compliance with the salary limitations of RCW 28A.400.200(3) but not for the purposes of allocation of state funds.

(2) For purposes of computing fringe benefit contributions for purposes of establishing compliance with RCW 28A.400.200(3)(b), the districts participating in a cooperative project pursuant to RCW 28A.340.030 may use the greater of: (a) The highest amount provided in the 1986-87 school year by a district participating in the cooperative project; or (b) the amount authorized for such purposes in the state operating appropriations act in effect at the time. [1990 c 33 s 369; 1988 c 268 s 5. Formerly RCW 28A.100.086.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

RCW 28A.340.060 Rules. (1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the provisions of RCW 28A.340.010 through 28A.340.070.

(2) When the joint operation of programs or services includes the teaching of all or substantially all of the curriculum for a particular grade or grades in only one local school district, the rules shall provide that the affected students are attending school in the district in which they reside for the purposes of RCW 28A.150.250 and 28A.150.260 and chapter 28A.545 RCW. [1990 c 33 s 371; 1988 c 268 s 8. Formerly RCW 28A.100.090.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

RCW 28A.340.070 Allocation of state funds for technical assistance—Contracting with agencies for technical assistance. (1) The superintendent of public instruction may allocate state funds, as may be appropriated, to provide technical assistance to eligible school districts interested in developing and implementing a cooperative project.

(2) The superintendent of public instruction may contract with other agencies to provide some or all of the technical assistance under subsection (1) of this section. [1988 c 268 s 9. Formerly RCW 28A.100.092.]

Findings—Severability—1988 c 268: See notes following RCW 28A.340.010.

RCW 28A.340.080 Innovation academy cooperatives—Formation—Student enrollment. (1) Two or more nonhigh school districts may form an interdistrict cooperative to offer an innovation academy cooperative, as defined in RCW 28A.340.085 and subject to the approval

of the office of the superintendent of public instruction under RCW 28A.340.090, for high school students residing in the participating nonhigh school districts or for high school students residing in other school districts who enroll in the cooperative's reporting district under RCW 28A.225.220 through 28A.225.230. However, a high school student residing in a school district that is not a participating member of the cooperative may not enroll exclusively in alternative learning experience courses or programs as defined by *RCW 28A.150.325. Nothing in this section is intended to affect or otherwise modify the superintendent of public instruction's duty to approve and monitor online providers pursuant to RCW 28A.250.020.

(2) Enrollment in an innovation academy cooperative is optional for students. For students residing in a participating nonhigh school district who enroll in a high school district rather than the innovation academy cooperative, the provisions of RCW 28A.540.110 and chapter 28A.545 RCW apply to the nonhigh school district.

(3) Each innovation academy cooperative shall designate one of the participating nonhigh school districts to report enrolled students for funding purposes. The reporting district shall claim the monthly full-time equivalent students enrolled in the innovation academy cooperative and receive state funding allocations, including basic education allocations that are based on the small high school allocation under the appropriations act to the extent the number of students enrolled in the innovation academy cooperative meets the criteria for a small high school. [2013 c 192 s 1; 2010 c 99 s 2.]

***Reviser's note:** RCW 28A.150.325 was recodified as RCW 28A.232.010 pursuant to 2013 2nd sp.s. c 18 s 517.

Findings—Intent—2010 c 99: "The legislature finds that the availability of technology, online learning, and field and project-based curricula offer new opportunities for school districts to design innovative programs for high school students. However, the legislature also finds that while small, rural school districts desire to offer innovative learning options for students in their communities, they are constrained by state laws and rules that appear to prohibit nonhigh school districts from creating options for their high school students in cooperation with other nonhigh school districts. Therefore, the legislature intends to authorize and encourage innovative, cooperative high school programs for students from very small school districts." [2010 c 99 s 1.]

RCW 28A.340.085 Innovation academy cooperatives—Characteristics—Cooperation with institutions of higher education. (1) For the purposes of RCW 28A.340.080 through 28A.340.090, an innovation academy cooperative is a high school program with one or more of the following characteristics:

(a) Interdisciplinary curriculum and instruction organized into subject-focused themes or academies. Programs are encouraged to provide an initial focus on academies in science, technology, engineering, and mathematics;

(b) A combination of instructional service delivery models, including alternative learning experiences, online learning, work-based learning, experiential and field-based learning, and direct classroom instruction at multiple and varying locations;

(c) Intensive and accelerated learning to enable students to complete high school credits in a short time period; and

(d) Creative scheduling and use of existing school or community facilities in innovative ways to minimize facility and transportation costs and maximize access for students who may be geographically dispersed.

(2) Participating nonhigh school districts shall work with local community and technical colleges and four-year institutions of higher education to expand the learning options available for students in an innovation academy cooperative. [2010 c 99 s 3.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

RCW 28A.340.090 Innovation academy cooperatives—Review and approval of agreement and plans by the office of the superintendent of public instruction. Nonhigh school districts proposing to enter an interdistrict agreement to offer an innovation academy cooperative shall submit a copy of the proposed agreement and operating and instructional plans for the cooperative to the office of the superintendent of public instruction for technical review. The purpose of the review is for the office to provide technical assistance and advice to assure that the cooperative addresses issues identified under RCW 28A.225.250 and to assure that the proposed instructional program will offer courses and learning experiences that enable students to earn high school credit and complete a high school diploma. The office of the superintendent of public instruction must approve agreements and plans before an innovation academy cooperative begins operation. [2010 c 99 s 4.]

Findings—Intent—2010 c 99: See note following RCW 28A.340.080.

RCW 28A.340.100 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 s 28.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.