

Section 10(3) and section 14 both give authority to determine what constitutes adequate proof of meeting the criteria for certification. Section 10(3) gives this authority to the Board of Nursing and section 14 gives this authority to the Department of Licensing.

Giving similar authority to two separate regulatory entities will result in confusion. Since these functions are primarily administrative in nature and the department has all other administrative functions, I am vetoing the sections which give these authorities to the Board of Nursing.

With the exception of section 7(4) and 10(3), Engrossed Substitute House Bill No. 1530 is approved."

## CHAPTER 268

[Second Substitute Senate Bill No. 5720]

### SCHOOLS—COOPERATIVE PARTNERSHIPS AMONG SMALL SCHOOL DISTRICTS

AN ACT Relating to cooperative programs and services between or among school districts; amending RCW 28A.58.225; adding new sections to Title 28A RCW; creating a new section; repealing RCW 28A.03.448, 28A.03.449, and 28A.03.450; and repealing section 4, chapter 58, Laws of 1985 (uncodified).

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. 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.

**NEW SECTION.** Sec. 2. Eligible school districts as defined under section 3 of this act 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.

**NEW SECTION.** Sec. 3. 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 sections 3 through 5 and 7 through 9 of this act.

**NEW SECTION.** Sec. 4. (1) Eligible school districts desiring to form a cooperative project pursuant to sections 3 through 5 and 7 through 9 of

this act 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.

**NEW SECTION.** Sec. 5. (1) School districts participating in a cooperative project pursuant to section 4 of this act 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.58.0951(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.58.0951(3)(b), the districts participating in a cooperative project pursuant to section 4 of this act 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.

Sec. 6. Section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 140, Laws of 1979 ex. sess. and RCW 28A.58.225 are each amended to read as follows:

(1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education: PROVIDED, That notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to chapter 28A.41 RCW shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under section 4 of this 1988 act which exceeds two years in duration.

**NEW SECTION.** Sec. 7. (1) School districts participating in a cooperative project established under section 4 of this act shall submit a report to the superintendent of public instruction by September 1 of the third year of operation of the cooperative project and by September 1 of the fifth year of the cooperative project.

(2) (a) The third year report shall indicate the progress of the cooperative project in meeting the objectives set forth in the application pursuant to section 4 of this act.

(b) The fifth year report shall evaluate the success of the cooperative project in meeting the objectives set forth in the application pursuant to section 4 of this act and may include an application for renewal of the cooperative project.

(3) The superintendent of public instruction shall submit a report to the legislature by January 1 of every third odd-numbered year beginning January 1, 1989. The report shall include information about the number of

school districts participating in cooperative projects and findings and recommendations about the educational effectiveness and cost-effectiveness of the cooperative projects. The report shall also include any findings and recommendations as determined by the superintendent regarding the relationship of the small high school factor in the state operating appropriations act to cooperative projects established under sections 2 through 5 and 7 through 9 of this act.

**NEW SECTION.** Sec. 8. (1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.04 RCW to carry out the provisions of sections 2 through 5 and 7 through 9 of this act.

(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.41.130 and 28A.41.140 and chapter 28A.44 RCW.

**NEW SECTION.** Sec. 9. (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.

**NEW SECTION.** Sec. 10. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 58, Laws of 1985 and RCW 28A.03.448;
- (2) Section 2, chapter 58, Laws of 1985 and RCW 28A.03.449;
- (3) Section 3, chapter 58, Laws of 1985 and RCW 28A.03.450; and
- (4) Section 4, chapter 58, Laws of 1985 (uncodified).

**NEW SECTION.** Sec. 11. Sections 2 through 5 and 7 through 9 of this act are each added to Title 28A RCW.

**NEW SECTION.** Sec. 12. 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.

Passed the Senate February 9, 1988.

Passed the House March 2, 1988.

Approved by the Governor March 24, 1988.

Filed in Office of Secretary of State March 24, 1988.