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**SUBSTITUTE HOUSE BILL 1076**

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AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

**State of Washington                      63rd Legislature                      2013 Regular Session**

**By** House Education (originally sponsored by Representatives Haigh, Johnson, Takko, Fagan, Lytton, Short, and Dahlquist)

READ FIRST TIME 02/12/13.

1            AN ACT Relating to expanding participation in innovation academy  
2 cooperatives; and amending RCW 28A.340.080 and 28A.225.225.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 28A.340.080 and 2010 c 99 s 2 are each amended to read  
5 as follows:

6            (1) Two or more nonhigh school districts may form an interdistrict  
7 cooperative((7)) to offer an innovation academy cooperative, as defined  
8 in RCW 28A.340.085 and subject to the approval of the office of the  
9 superintendent of public instruction under RCW 28A.340.090, for high  
10 school students residing in the participating nonhigh school districts  
11 or for high school students residing in other school districts who  
12 enroll in the cooperative's reporting district under RCW 28A.225.220  
13 through 28A.225.230. However, a high school student residing in a  
14 school district that is not a participating member of the cooperative  
15 may not enroll exclusively in alternative learning experience courses  
16 or programs as defined by RCW 28A.150.325. Nothing in this section is  
17 intended to affect or otherwise modify the superintendent of public  
18 instruction's duty to approve and monitor online providers pursuant to  
19 RCW 28A.250.020.

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

6 (3) Each innovation academy cooperative shall designate one of the  
7 participating nonhigh school districts to report enrolled students for  
8 funding purposes. The reporting district shall claim the monthly full-  
9 time equivalent students enrolled in the innovation academy cooperative  
10 and receive state funding allocations, including basic education  
11 allocations that are based on the small high school allocation under  
12 the appropriations act to the extent the number of students enrolled in  
13 the innovation academy cooperative meets the criteria for a small high  
14 school.

15 **Sec. 2.** RCW 28A.225.225 and 2009 c 380 s 7 are each amended to  
16 read as follows:

17 (1) Except for students who reside out-of-state and students under  
18 RCW 28A.225.217, a district shall accept applications from nonresident  
19 students who are the children of full-time certificated and classified  
20 school employees, and those children shall be permitted to enroll:

21 (a) At the school to which the employee is assigned;

22 (b) At a school forming the district's K through 12 continuum which  
23 includes the school to which the employee is assigned; or

24 (c) At a school in the district that provides early intervention  
25 services pursuant to RCW 28A.155.065 or preschool services pursuant to  
26 RCW 28A.155.070, if the student is eligible for such services.

27 (2) A district may reject applications under this section if:

28 (a) The student's disciplinary records indicate a history of  
29 convictions for offenses or crimes, violent or disruptive behavior, or  
30 gang membership;

31 (b) The student has been expelled or suspended from a public school  
32 for more than ten consecutive days. Any policy allowing for  
33 readmission of expelled or suspended students under this subsection  
34 (2)(b) must apply uniformly to both resident and nonresident  
35 applicants; or

36 (c) Enrollment of a child under this section would displace a child  
37 who is a resident of the district, except that if a child is admitted

1 under subsection (1) of this section, that child shall be permitted to  
2 remain enrolled at that school, or in that district's kindergarten  
3 through twelfth grade continuum, until he or she has completed his or  
4 her schooling.

5 (3) A nonhigh district that is participating in an innovation  
6 academy cooperative may not accept an application from a high school  
7 student that conflicts with RCW 28A.340.080.

8 (4) Except as provided in subsection (1) of this section, all  
9 districts accepting applications from nonresident students or from  
10 students receiving home-based instruction for admission to the  
11 district's schools shall consider equally all applications received.  
12 Each school district shall adopt a policy establishing rational, fair,  
13 and equitable standards for acceptance and rejection of applications by  
14 June 30, 1990. The policy may include rejection of a nonresident  
15 student if:

16 (a) Acceptance of a nonresident student would result in the  
17 district experiencing a financial hardship;

18 (b) The student's disciplinary records indicate a history of  
19 convictions for offenses or crimes, violent or disruptive behavior, or  
20 gang membership; ~~((e))~~

21 (c) Accepting of the nonresident student would conflict with RCW  
22 28A.340.080; or

23 (d) The student has been expelled or suspended from a public school  
24 for more than ten consecutive days. Any policy allowing for  
25 readmission of expelled or suspended students under this subsection  
26 ~~((+3)(e))~~ (4)(d) must apply uniformly to both resident and nonresident  
27 applicants.

28 For purposes of subsections (2)(a) and ~~((+3))~~ (4)(b) of this  
29 section, "gang" means a group which: (i) Consists of three or more  
30 persons; (ii) has identifiable leadership; and (iii) on an ongoing  
31 basis, regularly conspires and acts in concert mainly for criminal  
32 purposes.

33 ~~((+4))~~ (5) The district shall provide to applicants written  
34 notification of the approval or denial of the application in a timely  
35 manner. If the application is rejected, the notification shall include  
36 the reason or reasons for denial and the right to appeal under RCW

1 28A.225.230(3).

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