

## **WISCONSIN CHAPTER 116. COOPERATIVE EDUCATIONAL SERVICE**

**AGENCIES 116.01. Purpose.** The organization of school districts in Wisconsin is such that the legislature recognizes (d) Specifying the number of members on the board of control. areas of Wisconsin by serving as a link both between school districts and between school districts and the state. Cooperative educational service agencies may provide leadership, coordination and education services to school districts, University of Wisconsin System institutions and technical colleges. Cooperative educational service agencies may facilitate communication and cooperation among all public and private schools, agencies and organizations that provide services to pupils. **HISTORY:** History: 1977 c. 418; 1983 a. 27; 1995 a. 27 ss. 3914e, 9145 (1); 1997 a. 27, 237. **116.015. Legal status.** A cooperative educational service agency may in its name enter into contracts authorized by this chapter and may sue and be sued. **HISTORY:** History: 1977 c. 221; 1983 a. 27 s. 2200 (42). **116.02. Board of control; membership.** (1) (a) Each agency shall be governed by a board of control composed of members of school boards of school districts within the agency. Annually on or after the 4th Monday in April, the school board of each school district in the agency shall appoint one of its members as its representative for the purpose of determining the composition of the board of control. For the purpose of determining membership on the board of control, a school district operating elementary grades only and lying in more than one union high school district shall be considered part of the union high school district territory in which the major portion of its equalized valuation lies. The board of control shall hold an annual organizational meeting on or after the 2nd Monday in May. No annual organizational meeting may be held after the 2nd Monday in August. (c) The state superintendent shall cause to convene annually on the day that the board of control holds its annual organizational meeting under par. (a) a convention composed of the representative from each school board in the agency. There shall be no more than one representative from each union high school district. The convention may direct the board of control to determine a different date for the annual organizational meeting. (2) The annual convention shall establish bylaws for governing the agency, including bylaws for all of the following: (a) Subject to sub. (1) (a), setting the date of the annual convention and establishing procedures for calling a special meeting. (b) Providing for regular meetings of the board of control. (c) Establishing an initial plan of representation for the agency and specifying how the plan may be amended. nonprofessional employees. State reimbursement for the cost of the salary of the agency (e) Specifying what constitutes a vacancy on the board of control and establishing procedures for filling a vacancy on the board of control. (f) Specifying the officers on the board of control, establishing procedures for choosing those officers, specifying their terms of office and their duties and establishing procedures for removing them from office. (g) Providing for the establishment of fiscal control, responsibility and accountability requirements. (h) Designating a public depository. **HISTORY:** History: 1979 c. 110; 1981 c. 8; 1983 a. 27; 1993 a. 184, 492; 1995 a. 27 ss. 3914m to 3915s, 9145 (1); 1997 a. 27. **116.03. Board of control; duties.** The board of control shall: (1) Determine the policies of the agency. (2) Receive state aid for the operation of the agency. (4) Determine each participating local units prorated share of the cost of cooperative programs and assess the costs of each program against each unit participating in the program including, without limitation because of enumeration, unemployment insurance, litigation expense, collective

bargaining and monetary awards by courts and agencies, but no board of control may levy any taxes. No cost may be assessed against a unit for a cooperative program unless the unit enters into a contract for the service. (9) Require a bond of the agency administrator and such other employees as determined by the board of control. The agency administrator, within 15 days following the beginning of contractual duties, shall file a bond executed by 2 qualified sureties approved by the board of control or may file a surety company bond in an amount determined by the board of control, but at least equal to 5% of the current administrative budget of the agency. If the board of control so determines, the agency treasurer shall file personal or surety bonds in such amounts as the board of control requires. The agency may purchase surety company bonds with agency funds. (10) Authorize the expenditure of money for the purposes set forth in this chapter and for the actual and necessary expenses of the board of control and agency administrator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid by check, share draft or other draft signed by the chairperson and secretary to the board of control. (11) Establish the salaries of the agency administrator and other professional and administrator shall be equal to the actual salary paid or the maximum of the salary range for public instruction supervisors under the state superintendent, whichever is less. (12) Annually, make an inventory of agency property and file copies of it in the agency office. (12m) Every 3rd year as scheduled by the state superintendent, provide to the school board of each school district in the agency an accountability plan that addresses both the efficiency and effectiveness of all agency programs and services. (13m) If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.53 (7), participate in an integrated service program for children with severe disabilities under s. 59.53 (7) and may enter into written interagency agreements or contracts under the program. (13s) Upon request of 2 or more school districts served by the board of control, apply for a state trust fund loan under s. 24.66 on behalf of the school districts to carry out a distance education project. The board of control shall expend the proceeds or transfer the proceeds to each school district in the amounts determined under s. 24.61 (7) as directed by each school district and shall accept from each school district repayments of principal and payments of interest and promptly remit such payments to the board of commissioners of public lands. (14) Do all other things necessary to carry out this chapter. **HISTORY:** History: 1977 c. 221 ss. 2, 6; 1979 c. 301; 1981 c. 96 s. 67; 1983 a. 27 ss. 1435 to 1439, 2200 (42); 1983 a. 368, 538; 1989 a. 31; 1991 a. 39; 1993 a. 184, 355, 399; 1995 a. 27, 201; 1997 a. 27, 39, 240. **116.032. Contracts for services.** (1) Subject to subs. (2) to (5), for the purpose of providing services to pupils a board of control may contract with school districts, University of Wisconsin System institutions, technical college district boards, private schools, and agencies or organizations that provide services to pupils. A board of control may also contract with one or more school boards to operate a charter school under s. 118.40 (3) (c) (2) A board of control may not contract with any person for the purpose of providing services to any entity specified under sub. (1) unless the entity specified under sub. (1) is authorized to contract directly with that person for those services. (3)(a) A board of control may contract with a private school or private agency or organization to provide a service or program to that private school or private agency or organization only if all of the following apply: 1. The service or program was developed for and has been provided to public schools. 2. Providing the service or program will not

have a negative effect on the agency's ability to serve school districts. (b) Any contract with an entity specified under sub. (1) other than a school district shall require payment for at least the full cost of the service or program provided. (5) No contract may be for a term that is longer than 20 years. **HISTORY:** History: 1995 a. 27; 1997 a. 237, 238; 1999 a. 32.