

## CHAPTER 116

CO-OPERATIVE EDUCATIONAL SERVICE AGENCIES  
AND AGENCY SCHOOL COMMITTEES

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SUBCHAPTER I  
CO-OPERATIVE EDUCATIONAL SERVICE  
AGENCIES

**116.01 Purpose.** The organization of school districts in Wisconsin is such that the legislature recognizes the need for a service unit between the local school district and the state superintendent. The co-operative educational service agencies created under subch. II of ch. 39, 1963 stats., are designed to serve educational needs in all areas of Wisconsin and as a convenience for school districts in co-operatively providing to teachers, students, school boards, administrators and others, special educational services including, without limitation because of enumeration, such programs as research, special student classes, data collection, processing and dissemination, in-service programs and liaison between the state and local school districts.

**History:** 1967 c. 92.

**Legislative Council Note, 1967:** Restates s. 39.51. (Bill No. 353-S)

**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 districts within the agency. There shall be no more than one member from the same school board. There shall be no more than one member from the territory comprising a union high school district and its underlying elementary school districts. Annually in July, the school board of each 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 the 2nd Monday in August.

(b) If there are 11 or fewer school districts in the agency, the board of control shall be composed of the representative from each school board of districts operating both elementary and high school grades and one member from each union high school district territory to be elected by a convention of the representatives from all school boards within the territory. For each union high school district territory, the state superintendent shall cause to convene annually on the 2nd Monday in August a convention composed of the representative from each school board in the territory. The convention shall elect one of the representatives of one of the school boards in the union high school district territory to be the territory's member on the board of control.

(c) If there are more than 11 school districts in the agency, the state superintendent shall cause to convene annually on the 2nd Monday in August a convention composed of the representative from each school board in the agency. Upon the convening of the convention the representatives from all school boards within each union high school district territory, meeting separately, shall elect a single representative to represent the territory in the election of members of the board of control. After the meeting for election of a single representative from each union high school district territory, the convention shall formulate a plan of representation for the agency and shall elect the members of the board of control, not to exceed 11 in number, in accordance with the plan. The members of the board of control shall be chosen from among the representatives elected to represent each union high school district territory and the representatives appointed by

the school boards of districts operating both elementary and high school grades.

(2) Membership on a board of control is terminated:

(a) Upon the incumbent's position as a school board member becoming vacant under s. 17.03.

(b) Upon the naming of a successor to his position on the board of control under sub. (1).

(c) Upon his resignation in accordance with s. 17.01 (13) submitted in writing to the chairman or secretary of the board of control.

(3) If a vacancy occurs under sub. (2) (a) or (c), the chairman or secretary of the board of control shall request the school board from which the member came to appoint one of its members to the vacancy. Such appointments shall appear upon the school board minutes and be certified by the school district clerk to the board of control.

**History:** 1967 c. 92.

**Legislative Council Note, 1967:** Based on s. 39.55 and clarifies procedures under that section. The new language is intended to reflect existing law or procedures necessarily developed in the absence of any clear statutory provisions. A specific date is fixed for the conventions to meet to select the board of control and it is specified that board members must be elected from the representatives to the convention. (Bill No. 353-S)

**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.

(3) Approve service contracts with school districts, counties and other co-operative educational service agencies, but such contracts shall not extend beyond 3 years.

(4) Determine each participating local unit's prorated share of the cost of co-operative programs and assess such costs against each participating unit, but no board of control may levy any taxes. No cost may be assessed against a unit for a co-operative program unless the unit enters into a contract for such service.

(5) Appoint and contract with an agency co-ordinator, for a term of not more than 3 years, with qualifications established by rule by the state superintendent but at least equal to the highest level of certification required for school district administrators, who shall be considered a teacher as defined by s. 42.20 (13) and subject to ch. 42.

(6) Meet monthly and at the call of the chairman.

(7) Select a chairman, vice chairman and treasurer from among its members at the annual organizational meeting. The agency co-ordinator shall act as a nonvoting secretary to the board of control. Vacancies shall be filled as are original selections.

(8) Adopt bylaws for the conduct of its meetings.

(9) Require a bond of the treasurer and the agency co-ordinator.

(10) Authorize the expenditure of money for the purposes set forth in this subchapter and for the actual and necessary expenses of the board and agency co-ordinator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid on vouchers signed by the chairman and secretary.

(11) Establish the salaries of the agency co-ordinator and other professional and non-professional employees. The salary of the agency co-ordinator shall be not less than \$10,500 nor more than \$13,500.

**Note:** Sub. (11) above is printed as created by Chapter 92, laws of 1967. Chapter 340, laws of 1967, amended the predecessor section (39.56 (11)) to read as follows:

"39.56 (11) The board shall establish the salaries of the co-ordinator and other professional and nonprofessional employees. State reimbursement for the cost of the salary of the co-ordinator 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.

(13) Do all other things necessary to carry out this subchapter.

**History:** 1967 c. 92, 313.

**Legislative Council Note, 1967:** Like s. 39.56, but deletes s. 39.56 (12) which is covered by s. 40.02 [new s. 116.51] and s. 39.56 (13) which conflicts with the election procedures established by the basic reorganization law. [See new s. 117.01 (2) and (4).] Sub. (12) is new and requires an annual inventory of agency property. (Bill No. 353-S)

**116.04 Agency co-ordinator.** The agency co-ordinator shall be responsible for co-ordinating the services, securing the participation of the individual school districts, county boards and other co-operative educational service agencies and implementing the policies of the board of control.

**History:** 1967 c. 92.

**Legislative Council Note, 1967:** Identical to s. 39.57. (Bill No. 353-S)

**116.05 Professional advisory committee.** In each agency there shall be a professional advisory committee composed of the school district administrator of each school district in the agency, which shall meet at the re-

quest of the board of control or the agency co-ordinator to advise them.

**History:** 1967 c. 92.

**Legislative Council Note, 1967:** Restates s. 39.58. (Bill No. 353-S)

**116.06 Revision of agency boundaries.** (1) Upon the petition of a school board of a district operating high school grades, the state superintendent, after investigation of the proposal, may transfer by order the entire school district from one agency to another, effective the next succeeding July 1. Any school district so transferred shall pay its agreed share of all expenses incurred by the agency in its behalf, but shall not be required to fulfill any commitments in the agency from which transferred extending beyond the effective date of transfer. A transfer of the territory of a union high school district shall include and effect a transfer of that territory of underlying elementary school districts which lie within the boundaries of the union high school district.

(2) When a new school district is created, it becomes a part of the agency in which the greatest portion of its equalized valuation lies, effective the next succeeding July 1. When territory is detached from a school district operating high school grades and attached to a school district that is in another agency, such transferred territory shall become a part of the agency of the school district to which it is attached, effective the next succeeding July 1.

**History:** 1967 c. 92.

**Legislative Council Note, 1967:** Based on s. 39.54. (Bill No. 353-S)

**116.07 Consolidation of agencies.** (1) A board of control may on its own motion or shall on the petition of 100 electors of the agency territory approach an adjoining board of control regarding the consolidation of their agencies. The boards of control acting jointly shall devise a plan for the equitable distribution of the assets and liabilities of the existing agencies and provide for the transfer of existing contracts and programs.

(2) Upon completion of a plan of consolidation, the affected boards of control shall give 30 days' notice in writing to those school boards affected of a public hearing on the proposed consolidation. Notice of such hearing also shall be published as a class 2 notice, under ch. 985, the last insertion to be at least 20 days prior to the date of the hearing.

(3) Following the hearing on the proposed consolidation the affected boards of control shall vote on the consolidation. A majority

vote of the members present and voting from each board of control shall be necessary to approve the proposed consolidation. The consolidation shall become effective the next succeeding July 1.

(4) No such plan is valid if it permits any territory of this state to be outside an agency area.

**History:** 1967 c. 92.

**Legislative Council Note, 1967:** Restates s. 39.545. The notice requirement was changed to require 2 publications so as to be in conformity with the general pattern for publishing legal notices established by the 1965 legislature. (Bill No. 353-S)

**116.08 State aid.** (1) Annually, there shall be paid not exceeding \$29,000 to each agency for the maintenance and operation of the office of the board of control and agency co-ordinator. No state aid may be paid unless the agency submits by August 1 an annual report which includes a detailed certified statement of its expenses for the prior year to the state superintendent, and such statement reveals that the state aid was expended as provided by this section. In no case may the state aid exceed the actual expenditures for the prior year as certified in such statement.

(2) Agencies may incur short term loans, but the outstanding amount of such loans at any one time shall not exceed 50% of the agency's receipts for the prior fiscal year.

(3) No school district shall ever lose any state aid because of refusal of the school district to subscribe to any services provided by an agency.

(4) Whenever an agency performs any service or function under this title by contract with a county board or any agency thereof, with a school board or with a county handicapped children's education board, the contract may authorize the agency to make claim for and receive the state aid for performing the service or function. The agency shall transmit a certified copy of the contract containing the authority to collect state aid to the state superintendent. When an agency receives such state aid, it shall pay over or credit the amount of state aid received to the proper county or agency thereof, school district or county handicapped children's education board for which the service or function was performed according to the contract therefor.

**History:** 1967 c. 92.

**Legislative Council Note, 1967:** Revises s. 39.59. Sub. (1) specifies that the certified statement shall be part of an annual report, which is impliedly required in s. 40.02 (2) (b) [new s. 116.52 (3)]. In sub. (2) the power to incur short term loans is made a continuing one, with certain re-

restrictions, rather than being limited to the organizational period. Sub. (4) restates s. 41.03 (3). (Bill No. 353-S)

#### SUBCHAPTER II

#### AGENCY SCHOOL COMMITTEES

**116.51 Creation.** (1) The board of control of each agency shall appoint by a majority vote of the entire board an agency school committee composed of 7 residents of territory within the agency. No member of the committee may be a member or employe of a school board or of the agency, nor may more than one member be appointed from the territory serviced by each school district operating a high school. Persons appointed shall have a recognized understanding of and an interest in the improvement of public education. Terms shall be for 3 years or for an unexpired term. Each member shall serve until his successor is appointed and qualified. Appointments shall be made to take effect on July 1 of each year, except for vacancies due to death, resignation, absence from the agency territory for more than 60 consecutive days or change in residence. Such vacancies shall be filled for the remainder of the unexpired term by a majority vote of those present and voting at the next meeting of the board of control.

(2) The committee shall study and evaluate the existing school district structure evolving from the former county school committee plans and subsequent modifications to determine if the goals of equal and improved educational opportunities for all children within the agency territory have been attained. Where needs exist for further school district reorganization, there shall be formulated a plan to strengthen the administrative districts of the agency territory to operate a comprehensive school program of offerings and services which meet the present and future educational needs of the children of the state and which can function with efficiency and at a justifiable cost to the local taxpayers and to the state.

(3) The agency co-ordinator shall serve as the secretary of the committee but shall not be a member. If the committee determines that the agency co-ordinator is unable to perform duties assigned to him as secretary of the committee, the committee shall appoint a person to perform such duties.

**History:** 1967 c. 92.

**Legislative Council Note, 1967:** Sub. (1) restates s. 40.02 (1) (Intro.), (a) and (b) and deletes obsolete material relating to initial committee organization. Sub. (2) like s. 40.02 (1) (c). Sub. (3) like s. 40.13 (2) and adds the implied requirement that

the agency co-ordinator serve as committee secretary. (Bill No. 353-S)

**116.52 Meetings and expenses.** (1) The committee shall meet annually on the 2nd Monday in July and at other times upon the call of the president or a majority of the membership. At such annual meeting, the committee shall elect a president and a vice president who shall hold office for one year and until a successor is elected.

(2) Each member shall receive \$10 for each day he attends a meeting of the committee. The members and the secretary shall be paid 8 cents per mile traveled going to and returning from the place of meeting by the usual traveled route and any other necessary expenses. The costs of preparation, service, posting and publication of notice to perform its functions and defend its actions shall be allowed.

(3) (a) Each agency treasurer shall keep a separate account of the expenses and receipts of the committee. The expenses of the committee shall be certified to the state superintendent by August 1 as a part of the annual report of the board of control. In any agency which contains any part of a county having a population of 500,000 or more, the agency treasurer shall keep a separate accounting of expenses incurred by the committee for school district reorganization activity according to the several counties in which such reorganization procedures originated and for which such expenses are incurred, and the expenses certified to the state superintendent shall show a separate breakdown for expenses incurred by the committee for the cost of services performed and expenses incurred in each county.

(b) By October 1 the state superintendent shall certify to each county clerk the name and number of each agency with territory in the county, the total expense of each agency school committee thereof, the portion of such expenses to be spread over the territory of the county within the agency, the names of the several cities, villages and towns in the county with territory in each agency and the amount of the latest equalized valuation, as certified under s. 121.06 (1), of the territory within the agency that lies in each city, village and town. In making his certification for an agency which contains any part of a county having a population of 500,000 or more, the state superintendent shall allocate separately to each county having territory in the agency the amount, as reported by the agency treasurer, spent for the committee

work in each county. In making his certification for other agencies, the state superintendent shall apportion the expenses of the committee to be spread over the territory within the agency in the county in the same ratio as such latest equalized valuation of the agency territory within the county bears to such latest equalized valuation of all territory within the agency.

(c) The county clerk thereupon shall apportion to the territory within each agency that lies in each city, village or town the expenses of the committee apportioned to the county in the same ratio as such latest equalized valuation of the agency territory within the city, village or town bears to such latest equalized valuation of the agency territory

within the county. The county clerk shall certify the amount so determined to each city, village or town clerk who shall enter the amount on the next tax roll, and it shall be collected and paid into the county treasury as other county taxes are levied, collected and paid. On the following July 1 the county treasurer shall transmit such certified amounts to the treasurer of each appropriate agency.

**History:** 1967 c. 92.

**Legislative Council Note, 1967:** Sub. (1) is based in part on s. 40.02 (2) (intro.) and adds several procedural requirements not previously set forth. It deletes obsolete material relating to initial committee organization and deletes the last sentence which is unnecessary. Sub. (2) is like s. 40.02 (2) (a). Sub. (3) is based on s. 40.02 (2) (b) and clarifies the method of levying and collecting the tax for the expenses of the agency school committee. (Bill No. 353-S)