

CHAPTER 116

COOPERATIVE EDUCATIONAL SERVICE AGENCIES AND AGENCY SCHOOL COMMITTEES

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SUBCHAPTER I

COOPERATIVE 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 cooperative educational service agencies are designed to serve educational needs in all areas of Wisconsin and as a convenience for school districts in cooperatively 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, human growth and development programs, data collection, processing and dissemination, in-service programs and liaison between the state and local school districts.

History: 1977 c. 418

See note to art. I, sec. 18, citing 62 Atty. Gen. 75.

116.015 Legal status. A cooperative educational service agency may in its name enter into contracts authorized by this subchapter and may sue and be sued.

History: 1977 c. 221.

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 on or after the 4th Monday in April, 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, unless, at the direction of the convention under par. (c) or on its own motion if par. (b) is applicable, the board of control at the annual organizational meeting in any year determines to thereafter hold the annual organizational meeting on an earlier date. No annual organizational meeting may be held prior to the 2nd Monday in May. If the board of control at the annual organizational meeting determines to thereafter hold the annual organizational meeting prior to the 2nd Monday in August, it shall within 30 days of that decision give notice in writing of the decision to the clerk of each district within the agency and the state superintendent.

(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 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 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 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. The secretary to the board of control of the agency shall act as nonvoting secretary to the convention. In the secretary's absence the convention shall appoint an acting secretary from among the representatives to the convention. 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. The convention may direct the board of control to determine a different date for the annual organizational meeting.

(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 or upon the incumbent otherwise ceasing to be a school board member.

(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: 1979 c. 110; 1981 c. 8.

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, other cooperative educational service agencies and school districts outside the

agency, but the contracts shall not extend beyond 3 years. If the service covered by the contract is offered by the agency within which the recipient of service is located the contract shall be subject to approval by the board of control of the agency.

(4) Determine each participating local unit's 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 compensation, 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.

(5) Appoint and contract with an agency administrator, 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. 40.02 (55) and subject to ch. 40.

(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 administrator 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 agency administrator and such other employes 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 subchapter and for the actual and necessary expenses of the board and agency administrator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid by check signed by the chairperson and secretary.

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(11) Establish the salaries of the agency administrator and other professional and non-professional employees. State reimbursement for the cost of the salary of the agency 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.

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

History: 1977 c. 221 ss. 2, 6; 1979 c. 301; 1981 c. 96 s. 67.

A CESA is governed by 118.22 in its renewal of teaching contracts. *Rawhouser v. CESA No. 4*, 75 W (2d) 52, 248 NW (2d) 442.

CESA may not purchase real estate. *Elroy-Kendall-Wilton Schs. v. Coop. Educ. Serv.* 102 W (2d) 274, 306 NW (2d) 89 (Ct. App. 1981).

116.035 Designation of records custodian. The board of control may, on behalf of any agency authority as defined in s. 19.32 (1), including the agency, the agency administrator and any subunit of the agency, designate one or more individuals to be legal custodians of records.

History: 1981 c. 335.

116.04 Agency administrator. The agency administrator shall be responsible for coordinating and administering the services, securing the participation of the individual school districts, county boards and other cooperative educational service agencies and implementing the policies of the board of control.

History: 1977 c. 221.

116.045 Agency personnel. The agency is the sole employer of the personnel it employs. A recipient of personnel services is not deemed an employer because of the exercise of supervision or control over any personnel services provided.

History: 1977 c. 221.

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 request of the board of control or the agency administrator to advise them.

History: 1977 c. 221 s. 6.

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.

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 feasibility of the consolidation of their agencies. Unless within 60 days of the filing of the petition each board of control passes a resolution to explore the feasibility of consolidation and to hold a separate public hearing, the resolution or petition is denied without further action.

(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. 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.

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

History: 1977 c. 221.

116.08 State aid. (1) An amount not to exceed \$25,000 annually shall be paid to each agency for the maintenance and operation of the office of the board of control and agency admin-

istrator. 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 chs. 115 to 121 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 department. When an agency receives the 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: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1977 c. 221 s. 6; 1979 c. 34, 89; 1981 c. 20.

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 administrator shall serve as the secretary of the committee but shall not be a member. If the committee determines that the agency administrator is unable to perform duties assigned to him as secretary of the committee, the committee shall appoint a person to perform such duties.

History: 1977 c. 221 s. 6.

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 the 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 the member attends a meeting of the committee. The members and the secretary shall be paid 17 cents per mile in the 1981-82 school year and 20 cents per mile thereafter for travel going to and returning from the place of meeting by the usual traveled route. The members shall also be reimbursed for any other necessary expenses. The committee may also incur costs for preparation, service, posting and publication of notice to perform its functions and defend its actions.

(3) Each agency treasurer shall keep an account of the expenses of the committee. Annually, on or before August 1, the agency treasurer shall submit a statement of the expenses to the department on such forms as the department requires. The statement shall be audited, and the state superintendent shall certify the approved amount to the department of administration which shall pay the amount to the agency from the appropriation under s. 20.255 (1) (c).

History: 1973 c. 90; 1975 c. 39, 199; 1977 c. 29; 1979 c. 34 s. 2102 (43) (a); 1981 c. 20.