

## **Boards of Education and Cooperative Arrangements**

By: John D. Moran, Principal Analyst  
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### **Issue**

Describe the law that allows boards of education to enter into cooperative arrangements to perform various education functions, including school construction projects.

The Office of Legislative Research is not authorized to give legal opinions and this report should not be considered one.

### **Summary**

Besides allowing local boards of education the option of forming a regional board of education, state law allows boards of education to form cooperative arrangements for the provision of various programs and services. While not as complicated as the regional school district formation process, cooperative arrangements must be agreed to in writing and have specific requirements for dissolution. Committees formed to supervise such arrangements have broad power, including the authority to receive and disburse funds, hire personnel, and hold title to property ([CGS § 10-158a](#)). The law also specifically permits boards that are part of a cooperative agreement to be eligible for school construction grants just as any town or regional school district would be.

A 2015 Program Review and Investigations report entitled "[Regional Cooperation Between Local and Regional Boards of Education](#)," includes examples of cooperative arrangements that received school construction project grants.

Additionally, statutes for various other programs (e.g., magnet schools, charter schools) recognize cooperative arrangements thus making them eligible for grants under those programs.

## **Cooperative Arrangements ([CGS §10-158a](#))**

### ***Formation and Oversight***

Connecticut law allows local boards of education to establish cooperative arrangements with one another to provide:

1. school accommodation services, programs, or activities;
2. special education services;
3. health care services;
4. alternative education, as defined in law; and
5. administrative and central office duties to enable such boards to carry out the duties specified in the general statutes ([CGS § 10-158a\(a\)](#)).

Boards must agree in writing to form such an arrangement. They may establish a committee to supervise their programs with the committee membership determined by the agreement. The law does not require approval from either the municipal governing body (e.g., board of selectmen) or the state to form a cooperative arrangement. At the same time, any agreement would have to conform to any applicable town charter or other local authority.

If the towns choose to form a committee to supervise the agreement, the law grants the committee a wide range of authority including to:

1. apply for, receive directly, and expend on behalf of the school districts (if so designated) any grants to the school districts that relate to programs the committee supervises, as long as the grants are provided before implementation of any such program or are to reimburse the committee for transportation provided to a school operated by a cooperative arrangement;
2. receive and disburse funds donated to the committee from private sources or appropriated for the committee's use by the cooperating school districts or the state or federal government;
3. hold title to real or personal property in trust, or as otherwise agreed to by the parties, for the appointing boards;
4. employ personnel;
5. enter into contracts; and
6. otherwise provide the specified programs, services, and activities.

Teachers employed by a committee are subject to the same laws as those employed by the board of education of any town or regional school district ([CGS § 10-158a\(a\)](#)).

The law also allows charter schools to enter into cooperative agreements to the same extent as boards of education, as long the education commissioner approves the agreement ([CGS § 10-66ee\(m\)](#)).

### ***School Building Projects***

The percentage of school building project grant money a cooperative arrangement may be eligible to receive is determined by its wealth ranking, just as it would be for a single town or for a regional district.

The ranking is determined by (1) multiplying the total population of each town in the arrangement by the town's ranking when ranked in descending order according to adjusted equalized net grand list per capita, (2) adding the products of that calculation, and (3) dividing the total by the total population of all towns in the cooperative arrangement. The ranking of each cooperative arrangement must be rounded to the nearest whole number and each cooperative arrangement must receive the same reimbursement percentage as would a town with the same rank plus 10 percentage points bonus ([CGS § 10-285a\(d\)](#)).

If a cooperative arrangement receives a school building project grant, the cooperative arrangement must use the building for which the grant was provided for at least 20 years after the project is completed. If the cooperative arrangement ceases to use the building for the purpose for which the grant was provided, the education commissioner must determine whether (1) title to the building and any legal interest in appurtenant land reverts to the state or (2) the cooperative arrangement gives the state a reimbursement of 10% of the project's eligible costs ([CGS § 10-158a\(c\)](#)).

The Program Review and Investigations regional cooperation report identified two school building projects that used cooperative arrangements to build new schools (page 102). See excerpt below.

**Cooperative arrangements to share school buildings.** The two cooperative arrangements PRI identified both included one school district that had formerly designated a high school in another district entering into an agreement with that district to jointly seek state building grants. In each case, the cooperative arrangement requires that the two towns continue to use the state funded building for twenty years. One of these cooperative arrangements involves the Salem and East Lyme BOEs and was entered into in 1997.<sup>92</sup> It allowed the districts to jointly seek grant money to expand East Lyme High School. Currently Salem has approximately 250 high school students attending East Lyme's high school with East Lyme's approximately 875 high school students. The other cooperative arrangement, which involves Sterling and Plainfield, was formed in 2001, and provides for the two districts to jointly construct a new high school facility, located in Plainfield, for the students of both towns. Sterling currently has about 135 high school students attending Plainfield's high school with Plainfield's approximately 600 high school students.

Also, a separate statute requires that when a cooperative agreement for school construction is for the purpose of school accommodation for students from the participating towns, then the agreement must be for a minimum of 20 years ([CGS § 10-35\(b\)](#)). Finally, another law specifically states that the laws that authorize regional educational service centers must not be construed to have any effect on the laws authorizing cooperative agreements ([CGS § 10-66m](#)).

### ***Withdrawal and Dissolution***

In order to withdraw from the cooperative arrangement, a board must provide written notice of its intent to do so to the other board(s) at least one year prior to the date of the proposed withdrawal, provided there is no applicable school construction project 20-year window. If there are at least two remaining boards, they can continue their agreement. If the agreement is continued, the committee can continue to hold title to any real or personal property given to or purchased by the committee in trust for all the boards of education which entered the agreement, unless otherwise provided in the agreement, by law, or by the grantor or donor of the property. If the committee is dissolved, any property held in trust must be distributed in accordance with the agreement, if the distribution is not contrary to law ([CGS § 10-158a\(c\)](#)).

### **Programs that Recognize Cooperative Agreements**

Cooperative arrangements are specifically authorized to operate interdistrict magnet schools and receive the interdistrict magnet school program operating grant ([CGS § 10-264\(a\)](#)). Any two or more boards of education may cooperatively apply to the education commissioner to establish a charter school ([CGS § 10-66bb\(b\)](#)). Also, the law creating the Smart Start preschool education capital and operating grants specifically makes districts with cooperative agreements eligible ([CGS 10-506](#)).

JM:bd