

H.630 side by side: As Introduced vs. Draft 1.1 H. Ed. Strike-all Amendment
2.15.24

Beth St. James, Office of Legislative Counsel

<u>H.630 As Introduced</u>	<u>H.630 Draft 1.1 H. Ed. Strike-all Amend</u>
<p><u>§ 601. CREATION OF BOARD OF COOPERATIVE EDUCATION SERVICES</u></p> <p><u>(a) Whenever the boards of two or more school districts within the same county desire to establish a board of cooperative education services for the purpose of providing shared education services as set forth in this chapter and have so certified to the Secretary of Education and other interested boards by appropriate resolution, the superintendents of any two of the interested school district boards may call a meeting of the duly appointed representatives of the interested boards. The interested boards shall seek from the Secretary of Education any aid and assistance that may be reasonably required, to the end that a proper plan of organization for the board of cooperative education services shall be accomplished. At this meeting, the boards that have previously and respectively adopted resolutions so authorizing may enter into a proposed agreement to form a board of cooperative education services, which proposed agreement shall set forth the names of the participating school districts and the following:</u></p> <p><u>(1) the mission, purpose, and focus of the board of cooperative education services;</u></p>	<p><u>§ 601. CREATION OF BOARD OF COOPERATIVE EDUCATION SERVICES; ORGANIZATION</u></p> <p><u>(a) Establishment of boards of cooperative education services. When the boards of two or more school districts within the same career and technical educational service region vote to explore the advisability of entering into a written agreement to provide shared programs and services, the interested boards shall meet and discuss the terms of any such agreement. At this meeting or a subsequent meeting, the participating boards may enter into a proposed agreement to form an association of school districts to deliver shared programs and services to complement the educational programs of member school districts in a cost-effective manner. An association formed pursuant to this chapter shall be known as a board of cooperative education services (BOCES) and shall be a body politic and corporate with the powers and duties afforded them under this chapter. [decision point—SBE or AOE approval?]</u></p> <p><u>(b) Articles of agreement. Agreements to form a BOCES pursuant to this chapter shall take the form of articles of agreement and shall serve as the operating agreement for the BOCES. No agreement or subsequent amendments shall take effect unless approved by the member school district boards [and SBE or AOE?]. At a minimum, the articles of agreement shall state:</u></p> <p><u>(1) the names of the participating school districts;</u> <u>(2) the mission, purpose, and focus of the BOCES;</u></p>

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<p><u>(2) the programs or services to be offered by the board of cooperative education services;</u></p> <p><u>(3) the financial terms and conditions of membership of the board of cooperative education services, including a limit on the amount of cumulative surplus revenue that may be held by the board at the end of a fiscal year;</u></p> <p><u>(4) the detailed procedure for the preparation and adoption of an annual budget;</u></p> <p><u>(5) the method of termination of the board of cooperative education services and the withdrawal of member school districts;</u></p> <p><u>(6) the procedure for admitting new members and for amending the collaborative agreement;</u></p> <p><u>(7) the powers and duties of the board of directors of the board of cooperative education services to operate and manage the education collaborative; and</u></p> <p><u>(8) any other matter not incompatible with law that the member school districts consider necessary to the formation of the board of cooperative education services.</u></p> <p><u>(b)(1) At a subsequent meeting, the boards that have approved participation in a board of cooperative education services shall agree upon the number of members that are to compose the cooperative board,</u></p>	<p><u>(3) the programs or services to be offered by the BOCES;</u></p> <p><u>(4) the financial terms and conditions of membership of the BOCES, including any applicable membership fee;</u></p> <p><u>(5) the service fees for member districts and the service fees for nonmember districts; provided, however, that fees for nonmember districts shall not be more than 20 percent higher than the fee for member districts for the same service;</u></p> <p><u>(6) the detailed procedure for the preparation and adoption of an annual budget;</u></p> <p><u>(7) the method of termination of the BOCES and the withdrawal of member school districts;</u></p> <p><u>(8) the procedure for admitting new members and for amending the articles of agreement;</u></p> <p><u>(9) the powers and duties of the board of directors of the BOCES to operate and manage the association; and</u></p> <p><u>(10) any other matter not incompatible with law that the member school districts consider necessary to the formation of the BOCES.</u></p> <p><u>(c) Board of directors. A BOCES shall be managed by a board of directors, which shall be composed of one person appointed annually by each member school district board. Appointed persons shall be members of a</u></p>

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<p><u>except that there shall be not less than five board members, and each participating board shall be entitled to at least one member on the board of cooperative education services.</u></p> <p><u>(2) Each participating school district board shall then appoint its assigned number of representatives, and one alternate for each, from its membership, or it may appoint the superintendent of the school district’s supervisory union as one of its assigned number of representatives.</u></p> <p><u>(3) As a term of office expires or a member of the board of cooperative services resigns from, is removed from, or leaves the member’s role in the corresponding member district, a replacement to the board of cooperative education services shall be appointed by the participating school district board within 30 days after the expiration date. When other vacancies occur, they shall be filled by appointment by the respective school district boards within 30 days from the date on which the vacancy occurs.</u></p> <p><u>(c) A board of cooperative education services shall meet at least quarterly. A quorum shall consist of a simple majority of those members serving on a board of cooperative education services. In the absence of a regular member, the alternate, if present, may be counted toward the required quorum and assume the duties of the regular member.</u></p> <p><u>(d) There shall be not more than one board of cooperative education services in each county. School</u></p>	<p><u>member district school board. Each member of the board of directors shall be entitled to a vote. No member of the board of directors shall receive an additional salary or stipend for the member’s services as a board member. No member of the board of directors of a BOCES shall serve as a member of a board of directors or as an officer or employee of any related for-profit or nonprofit organization. The board of directors shall elect a chairperson from its members and provide for such other officers as it may determine are necessary and may establish advisory committees. The board of directors shall meet not fewer than six times annually. Each member of the board of directors shall provide updates on the activities of the BOCES on a quarterly basis to the member’s appointing school district board at an open board meeting.</u></p> <p><u>(d) Service regions. There shall be not more than one BOCES in each career and technical educational service</u></p>

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<p><u>districts shall not be part of more than one board of cooperative education services. If a school district is located in more than one county, the school board shall decide which board of cooperative education services to join.</u></p> <p><u>(e) The Agency of Education shall promote the use of boards of cooperative education services as providers of education services and programs for local school districts and shall include consideration of grant applications that include the use of education collaboratives for the purpose of procuring services and programs.</u></p>	<p><u>region. School districts shall not be a member of more than one BOCES. A school district may seek services as a nonmember from BOCESs located in service regions other than the school district’s own career and technical educational service region.</u></p> <p><u>(e) Agency of Education promotion. The Agency of Education shall promote the use of BOCESs as providers of education services and programs for local school districts and shall include consideration of grant applications that include the use of education cooperatives for the purpose of procuring services and programs.</u></p>
<p><u>§ 602. ORGANIZATION OF BOARD OF COOPERATIVE EDUCATION SERVICES; OFFICERS</u></p> <p><u>At its first meeting, the members of the board of cooperative education services appointed pursuant to section 601 of this title shall elect from their membership a chair, vice-chair, clerk, and a treasurer whose terms of office are for two years, unless their terms of office as board members expire earlier, in which case the officership shall similarly expire. The duties of the chair, vice-chair, clerk, and treasurer of the board of cooperative education services are the same as set forth for similar offices of school boards.</u></p>	<p>Covered in § 601(c)</p>

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§ 603. POWERS OF BOARDS OF COOPERATIVE
EDUCATION
SERVICES

(a) In addition to any other powers granted by law, the board of cooperative education services shall have the following specific powers, to be exercised in its discretion in a way that best serves the regional needs of its members:

(1) to operate specialized therapeutic programs for students with extraordinary needs;

(2) to operate career technical education programs;

(3) to provide English learner services;

(4) to provide services for students with high-intensity, low-frequency needs;

(5) to contract for food, transportation, and health services on a regional level; and

(6) to provide regional coordination of professional development and educator pipelines.

(b) A board of cooperative education services shall not be required to offer all services authorized under subsection (a) of this section.

(c) A board of cooperative education services may employ an executive director who shall serve under the general direction of the board and who shall be responsible for the care and supervision of the board of cooperative education services. The executive director

§ 602. POWERS OF BOARDS OF COOPERATIVE
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SERVICES

(a) In addition to any other powers granted by law, a BOCES shall have the following specific powers, to be exercised in its discretion in a way that best serves the regional needs of its members:

(1) to operate specialized therapeutic programs for students with extraordinary needs in a manner consistent with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C., § 794, and the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. and any other applicable State or federal law;

(2) to operate career technical education programs;

(3) to provide English learner services;

(4) to provide services for students with high-intensity, low-frequency needs;

(5) to contract for food, transportation, and health services on a regional level; and

(6) to provide regional coordination of professional development and educator pipelines.

(b) A BOCES shall not be required to offer all services authorized under subsection (a) of this section.

(c) A BOCES may employ an executive director who shall serve under the general direction of the board and who shall be responsible for the care and supervision of the BOCES. The executive director shall not serve as a board member, officer, or employee of any related for-profit or nonprofit organization.

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<p><u>shall not serve as a board member, officer, or employee of any related for-profit or nonprofit organization.</u></p>	<p><u>(d) A BOCES shall be a body politic and corporate and shall have standing to sue and be sued to the same extent as a school district. A BOCES may enter into contracts for the purchase of supplies, materials, services, and for the purchase or leasing of land, buildings, and equipment as considered necessary by the board of directors.</u></p>

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§ 604. FINANCING, BUDGETING, AND ACCOUNTING

(a) The board of cooperative education services shall establish and manage a fund to be known as an education collaborative fund. All monies contributed by the member school districts and all grants or gifts from the federal government, State government, charitable foundations, private corporations, or any other source shall be paid to the board of cooperative education services and deposited into the fund.

(b) The board of cooperative education services shall appoint a treasurer who may be a treasurer of a school district belonging to the board. The treasurer may, subject to the direction of the directors of the board of cooperative education services, receive and disburse all money belonging to the board without further appropriation. The treasurer shall be sworn in before entering the duties of the office. The board shall ensure that its blanket bond covers a newly appointed treasurer before the treasurer enters upon the duties of the office. In lieu of a blanket bond, the collaborative may choose to provide suitable crime insurance coverage.

(c) Each board of cooperative education services shall adopt and maintain a financial accounting system, in accordance with generally accepted accounting principles and Governmental Accounting Standards Board

§ 603. FINANCING; BUDGETING; AND ACCOUNTING

(a) Education cooperative fund. A BOCES shall establish and manage a fund to be known as an education cooperative fund. All monies contributed by the member school districts and all grants or gifts from the federal government, State government, charitable foundations, private corporations, or any other source shall be deposited into the fund.

(b) Treasurer.

(1) A BOCES shall appoint a treasurer who may be a treasurer of a member school district and who shall be sworn in before entering the duties of the office.

(2) The treasurer may, subject to the direction of the board of directors, receive and disburse all money belonging to the board without further appropriation.

(3) The treasurer shall keep financial records of cash receipts and disbursements and shall make those records available to the board of directors upon request.

(4) The board of directors shall ensure that its blanket bond covers a newly appointed treasurer before the treasurer enters upon the duties of the office. In lieu of a blanket bond, a BOCES may choose to provide suitable crime insurance coverage. [The board of directors may pay reasonable compensation to the treasurer for services rendered.]

(5) [term limit?]

(c) Financial accounting system. A BOCES shall adopt and maintain a financial accounting system, in accordance with generally accepted accounting principles and Governmental Accounting Standards Board

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<p><u>principles, and any supplemental requirements prescribed by the State Board of Education, in consultation with the State Auditor.</u></p> <p><u>(d) Annually, each board of cooperative education services shall prepare financial statements, including:</u></p> <p><u>(1) a statement of net assets;</u></p> <p><u>(2) a statement of revenues, expenditures, and changes in net assets; and</u></p> <p><u>(3) such supplemental statements and schedules as may be required by State Board rule.</u></p> <p><u>(e) A board of cooperative education services shall adopt a budget prior to the beginning of the fiscal year for which the budget is adopted.</u></p> <p><u>(f) A board of cooperative education services may, upon approval of its members, negotiate or contract with any person, corporation, association, or company for a loan not to exceed the difference between the anticipated revenues for the current fiscal year for the budget of the board of cooperative education services and the amount credited to date to said budget in order to pay current obligations. Such loan shall be liquidated within six months thereafter from monies subsequently credited to</u></p>	<p><u>principles, [and any supplemental requirements prescribed by the State Board of Education, in consultation with the State Auditor]. Annually, a BOCES shall cause an independent audit to be made of its financial statements consistent with generally accepted governmental auditing standards and shall discuss and vote to accept the audit report at an open meeting of the board. The board shall transmit a copy of each audit to the boards of its member districts [and shall file each audit with the AOE/SBE?].</u></p> <p><u>(d) Annual statement. Annually, a BOCES shall prepare financial statements, including:</u></p> <p><u>(1) a statement of net assets;</u></p> <p><u>(2) a statement of revenues, expenditures, and changes in net assets; and</u></p> <p><u>(3) such supplemental statements and schedules [as may be required by State Board rule].</u></p> <p><u>(e) Budget. A board of cooperative education services shall adopt a budget prior to the beginning of the fiscal year for which the budget is adopted.</u></p> <p><u>(f) Contracts. A BOCES may, upon approval of its members, negotiate or contract with any person, corporation, association, or company for a loan not to exceed the difference between the anticipated revenues for the current fiscal year for the budget of the BOCES and the amount credited to date to said budget in order to pay current obligations. Such loan shall be liquidated within six months thereafter from monies subsequently credited to said budget. The total principal, interest, and</u></p>

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<p><u>said budget. The total principal, interest, and fees to be paid on such loan shall not exceed the total amount of the authorized budget for the same length of time.</u></p>	<p><u>fees to be paid on such loan shall not exceed the total amount of the authorized budget for the same length of time.</u></p>

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<p>No similar provision</p>	<p><u>§ 604. ANNUAL REPORT</u> <u>The board of a BOCES shall prepare an annual report concerning the affairs of the BOCES and have it printed and distributed to the boards of the member districts. The annual report shall include, at a minimum:</u> <u>(1) information on the programs and services offered by the BOCES, including information on the cost-effectiveness of such programs and services and progress made towards achieving the objectives and purposes set forth in the articles of agreement; and</u> <u>(2) audited financial statements and the independent auditor’s report.</u></p>
<p><u>§ 605. MATCHING POWER</u> <u>The board of cooperative education services shall be authorized to use the contributions from the participating members to match State and federal funds, or funds from any other agencies when applicable, when the acceptance of financial assistance from such other agencies requires matching of funds as a condition of participating in services authorized by law.</u></p>	<p>No similar provision</p>

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<p>§ 606. STATE AND FEDERAL PAYMENTS</p> <p><u>Any State or federal financial assistance that would accrue to an individual supervisory union or school district if it were performing a service performed under the direction of a board of cooperative education services shall be apportioned by the appropriate State or federal agency to the participating school districts on the basis of the proportionality of the contributions of the participating school districts to the performance of the service or upon the basis of proportionality otherwise set forth by law.</u></p>	<p>No similar provision</p>
<p>§ 607. BUILDINGS AND FACILITIES</p> <p><u>(a) A school district that is participating in a cooperative service agreement, when authorized by a vote of the eligible electors of the district, may contract for bonded indebtedness for the purpose of purchasing sites, constructing buildings or other structures, and equipping buildings that are necessary for the operation of a cooperative education service program. The district that contracts for bonded indebtedness may charge the other members participating in the cooperative service agreement for the use of the building and equipment. The rental proceeds may be applied to the retirement of said bonded indebtedness. This section shall not be construed to create liability for retirement of such bonded indebtedness upon the other members participating in the cooperative service agreement.</u></p>	<p>No similar provision</p>

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<p><u>(b) The school boards of the school districts participating in a cooperative service agreement may jointly, separately, or, after approval of each participating school board, as a board of cooperative education services construct, purchase, or lease sites, buildings, and equipment for the purpose of providing the facilities necessary for the operation of a cooperative service program at any appropriate location, whether within or outside a school district providing the money for the facilities.</u></p>	<p>Covered in § 602(d)</p>
<p><u>§ 608. CORPORATE STATUS OF BOARDS OF COOPERATIVE EDUCATION SERVICES</u> <u>Each board of cooperative education services shall be a body corporate and in its name may hold title to personal property for any purpose authorized by law, sue, and be a party to contracts for any purpose authorized by law.</u></p>	<p>Covered in § 602(d)</p>
<p><u>§ 609. EMPLOYMENT</u> <u>(a) A board of cooperative education services shall be considered to be a public employer and may employ personnel, including educators, to carry out the purposes and functions of the board.</u> <u>(b) No person shall be eligible for employment by the board of cooperative education services as an educator unless the person is appropriately licensed by the</u></p>	<p><u>§ 605. EMPLOYMENT</u> <u>(a) A board of cooperative education services shall be considered to be a public employer and may employ personnel, including educators, to carry out the purposes and functions of the board.</u> <u>(b) No person shall be eligible for employment by the board of cooperative education services as an educator or teacher unless the person is appropriately licensed by the</u></p>

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<p><u>Standards Board for Professional Educators, pursuant to chapter 51 of this title.</u></p>	<p><u>Standards Board for Professional Educators pursuant to chapter 51 of this title.</u> <u>(c) A person employed by a BOCES as a teacher shall be a participant in the Vermont State Teachers' Retirement System pursuant to chapter 55 of this title.</u> <u>(d) A person who is employed by a BOCES and who is not a teacher shall be a participant in the Vermont Municipal Employees' Retirement System pursuant to 24 V.S.A. chapter 125.</u> <u>(e) Teachers employed by a BOCES shall be entitled to organize pursuant to chapter 57 of this title.</u> <u>(f) Employees employed by a BOCES shall be entitled to organize pursuant to 21 V.S.A. chapter 22.</u></p>
<p><u>§ 610. SCHOOL FOOD AUTHORITY</u> <u>(a) A board of cooperative education services is authorized to maintain, equip, and operate a food service facility as a school food authority.</u> <u>(b) A board of cooperative education services that elects to operate as a school food authority may seek, accept, and expend gifts, grants, and donations to facilitate its operations as a school food authority.</u></p>	<p><u>§ 606. SCHOOL FOOD AUTHORITY</u> <u>(a) A board of cooperative education services is authorized to maintain, equip, and operate a food service facility as a school food authority.</u> <u>(b) A board of cooperative education services that elects to operate as a school food authority may seek, accept, and expend gifts, grants, and donations to facilitate its operations as a school food authority.</u></p>
<p><u>§ 611. STATE BOARD OF EDUCATION; RULES</u> <u>The State Board of Education shall adopt rules pursuant to 3 V.S.A. chapter 25 pertaining to boards of education cooperative education services as may be necessary to carry out this chapter.</u></p>	<p><u>§ 607. STATE BOARD OF EDUCATION; RULES</u> <u>The State Board of Education shall adopt rules pursuant to 3 V.S.A. chapter 25 pertaining to boards of education cooperative education services as may be necessary to carry out this chapter.</u></p>