



INDIANA STATE BOARD OF EDUCATION

To: State Board of Education

From: Timothy Schultz, General Counsel, State Board of Education

Date: May 1, 2019

RE: Request to Approve the Cancellation of Current Area 19 CTE Cooperative Agreement and Approve New Area 19 and 19A CTE Cooperative Agreements

RECOMMENDATION: Subject to the CTE Cooperative members finalizing the process to cancel the current agreement and adopting the new agreements, as well as the subsequent confirmation by Indiana State Board of Education (“Board”) staff that the new agreements align to IC 20-37-1-1, it is recommended the Board approve this request.

I. Introduction

Indiana Code 20-37-1-1 governs the creation, management, and dissolution procedures for a Career and Technical Education Cooperation Agreement (“CTE Co-Op Agreement”) between local school corporations. Essentially, the statute allows for multiple school corporations to establish and maintain a centralized career and technical education (“CTE”) program, which enables the school corporations to share resources while concurrently allowing the corporations the ability to apportion the costs. If the participating school corporations agree to create a joint CTE program, the designated representatives of the school corporations constitute a board for the management of the schools or departments (“Management Board”).¹ The Management Board has the statutory authority, on behalf of the participating school corporations, to enter into agreements to lease or purchase sites, buildings, and/or equipment that will facilitate the joint CTE program.² Furthermore, a Management Board may appoint and delegate its authority to an executive committee.³

Pursuant to IC 20-37-1-1(b), a Management Board may adopt a plan of organization, administration, and support for the joint CTE program (“CTE Co-Op Agreement”), which outline the courses/options offered by the CTE program and, generally, how the CTE program will function. **Such agreements are subject to approval by the Indiana State Board of Education (“Board”).** Once approved, these agreements are statutorily deemed to be a binding contract between the cooperating school corporations.

¹ IC 20-37-1-1(b).

² IC 20-37-1-1(f)(1):

The board described in subsection (b) may do the following:

(1) Enter into an agreement to acquire by lease or purchase:

(A) sites;

(B) buildings; or

(C) equipment;

that is suitable for these schools or departments. This authority extends to the acquisition of facilities available under IC 20-47-2.

³ IC 20-37-1-1(f)(2):

By resolution adopted by a majority of the [management] board, designate three (3) or more individuals from the [management] board's membership to constitute an executive committee.

IC 20-37-1-1(g):

To the extent provided in a resolution adopted under subsection (f)(2), an executive committee shall do the following:

(1) Exercise the authority of the full board in the management of the schools or departments.

(2) Submit a written summary of its actions to the full board at least semiannually.

CTE Co-Op Agreements are subject to very limited changes. For example, course offerings may be revised or withdrawn if a participating school corporation requests the withdrawal per a withdrawal procedure authorized by the CTE Co-Op Agreement. However, if the request to withdraw a course is denied by the CTE Management Board, a participating school corporation may appeal the denial to the State Board. These appeals must describe how the school corporation will provide the particular career and technical education that is being withdrawn from the CTE program within the school corporation, and include a provision that provides for at least a two year phase-out of the course offering from the joint CTE program.

Although IC 20-37-1-1 allows participating school corporations the ability to make minor changes (e.g. withdrawing or revising CTE course offerings), the statute prohibits the participating school corporations from changing the other terms of the CTE Co-Op Agreement. However, participating school corporations may cancel or annul the CTE Co-Op Agreement when two requirements are satisfied: 1) a majority of the participating school corporations vote to cancel the CTE program, and 2) upon the approval of the Board.⁴

II. Area 19 Career and Technical Education Cooperative Request

Currently, the Area 19 Career and Technical Education Cooperative (“Cooperative”) is made up of eight (8) members/school corporations: Tippecanoe, West Lafayette, Lafayette, Clinton Prairie, Frankfort, Rossville, Clinton Central, and Benton. Pursuant to IC 20-37-1-1, the Cooperative has submitted a request to the Board asking that the Board cancel the current CTE Co-Op Agreement and approve the new CTE Co-Op Agreements for CTE Areas 19 and 19A. The new CTE Co-Ops would include the following members/school corporations: **Area 19**—Clinton Prairie, Frankfort, Rossville, Clinton Central, and Benton; **Area 19A**—Tippecanoe, West Lafayette, and Lafayette. Furthermore, the Cooperative has explained that it considers this request as an “all-or-nothing” request—specifically that the Board only cancel the current CTE Co-Op Agreement if it concurrently approves the new agreements.

According to the materials submitted with the Cooperative’s request, the current members are all in agreement regarding the proposed cancellation of the current Co-Op Agreement and creation of two new cooperatives. However, the members are still in the process of taking official action to effect this change. Given that the Cooperative representative has affirmed to Board staff that all members are in agreement with the proposed change, it is recommended that this matter proceed before the Board, with any Board action contingent on the Cooperative members submitting the necessary evidence to demonstrate compliance with IC 20-37-1-1.

III. Conclusion.

The Cooperative has submitted a request to the Board, seeking approval to both cancel the current CTE Co-Op Agreement and approve the new CTE Co-Op Agreements for CTE Areas 19 and 19A. This request is an “all-or-nothing” request, in that the Cooperative does not desire to have the current CTE Co-Op Agreement canceled if the Board fails to approve the new agreements. **Subject to the Cooperative members finalizing the process to cancel the current agreement and adopting the new agreements, as well as the subsequent confirmation by Board staff that the new cooperative agreements align to IC 20-37-1-1, it is recommended the Board approve this request.**

⁴ IC 20-37-1-1(c).