

## **5B - COOPERATIVE AGREEMENT PROGRAMS**

A Cooperative Agreement Program involves a written voluntary agreement between and among districts to provide certain educational programs for pupils in certain groups of districts. The written agreement shall be approved by all affected districts at least annually and must specify the educational programs to be provided and the estimated number of pupils from each district who will participate in the educational programs. Ideally, the agreement should specify the program type, the class schedule for each district's pupils, the cost of participating in the program and the means of transportation to the class. A pupil enrolled in a cooperative agreement program may be counted in membership in the pupil's district of residence with the written approval of all parties to the cooperative agreement.

### **A. Cooperative Programs**

A cooperative education program is aimed at a specific group of pupils with particular goals in mind. These are K-12 programs that are economically more feasible through group effort and therefore may be offered to a wider range of pupils than an individual district could financially provide. The district operating the program hires the staff and bills the participating districts, as necessary. Examples of cooperative education programs include such programs as alternative education K-12, special education, career and technical education, or secondary education for pupils from a non-K-12 district. The cooperative agreement serves as the approval needed by the educating district to count the nonresident pupil in membership unless otherwise specified in the agreement.

- 1. Alternative Education** - A district may operate an alternative education K-12 program offered to pupils from the surrounding area as part of a cooperative agreement. This alternative K-12 program may be for such purposes as pupils who have been expelled from school under the mandatory expulsion law that requires separation from the general population of pupils, pupils that have been expelled from school for any reason other than the mandatory expulsion, for pregnant teens or teenage parents, a learning lab which offers ~~a one-on-one~~ an individualized learning environment for K-12 pupils, etc. The educating district receives the resident district's foundation allowance.

An eligible general education pupil must:

- ✓ be less than 20 years of age on September 1 of the current school year.
- ✓ not have obtained a high school diploma or a GED certificate.
- ✓ be 16 years of age or older on September 1 of the current school year if adult education participants are enrolled in the program.

An eligible pupil with an IEP must:

- ✓ be less than 26 years of age on September 1 of the current school year.
- ✓ not have obtained a high school diploma.
- ✓ Be 16 years of age or older on September 1 of the current school year if adult education participants are enrolled in the program.

2. **Special Education** - Several districts may enter into a cooperative agreement specifying a special education program open to all special education pupils from the surrounding area whose needs, as measured through an IEP, can be met in the specified program. This agreement must include specifics to the reimbursement of added costs for the special education program.
- a. The cooperative program may be a center program that serves all constituent districts within the intermediate district or may serve several districts with fewer than 50% of the enrolled pupils being residents of the educating district.
  - b. The cooperative program may be a work based training program in which a small number of pupils are trained on the job that corresponds to the training subject in the classroom. Specific goals are established and the pupil is evaluated based upon those goals that are expected to be learned.  
(See ONETCENTER.ORG for possible correlated classroom subjects.)

The special education pupil must be less than 26 years of age on September 1 of the current school year.

3. **Career and Technical Education (CTE) Program/Vocational Education Program** - A district or intermediate district may enter into a cooperative agreement making CTE training programs available to ninth through twelfth grade pupils in several surrounding districts; or, several districts may have a cooperative agreement that offers specific work-related training programs at each district for the ninth through twelfth grade pupils in the participating districts. Career and technical education programs offer training in a skill that could lead to a future job such as, but not limited to, building and trades, allied health, auto mechanics, computer technology, cosmetology, food services, etc.

The educating district counts the pupil for membership purposes, except:

- a. Pupils educated in a vocational education program operated by the intermediate school district must be counted by the sending district.

- b. Pupils educated in a vocational education program financed by an area-wide millage levied by the intermediate school district under Section 388.682, of the Revised School Code, must be counted by the resident district.
- c. The cooperative agreement states that the pupil is to be counted by the resident district.

Eligibility to count the pupil for membership purposes must meet the following requirements:

- ✓ these are classes that are taught or monitored by a certificated teacher who is employed by the district.
- ✓ the pupil is enrolled and evaluated on learned skills and performance.
- ✓ these courses are part of the pupil's curriculum used toward earning a high school diploma.
- ✓ the pupil is less than 20 years of age on September 1 of the current school year **except** a special education pupil must be less than 26 years of age on September 1 of the current school year.
- ✓ the general education pupil must not have earned a high school diploma or a GED certificate.
- ✓ The special education pupil must not have earned a high school diploma. (“Earned” means having earned all required credits in order to receive a high school diploma or having passed the General Education Development course.)

**4. Cooperative Agreement to Provide Nonessential Electives to Non-Public Pupils**

A district may enroll pupils that attend a nonpublic school for nonessential elective courses such as computer, band, art, physical education, career and technical education, driver’s education, and advanced placement level courses. A district may enroll nonpublic pupils with an IEP to receive special education programs and be counted in membership.

A district may provide the certificated teacher for nonessential elective courses taught at the nonpublic school site. If the nonpublic school is located within another public school district’s boundaries, then the public school that is providing the nonessential elective courses must have a cooperative agreement with that **public school district** in which the nonpublic school is located. (See section 5E Nonpublic Part-Time Pupils for more information.)

## **B. Counting the FTE**

The educating district counts the pupil on a pro-rata basis for that portion of time the pupil attends the cooperative program, **except** that a pupil may be counted in membership by the resident district if agreed to in writing by all parties of the cooperative agreement. (**NOTE:** Intermediate school districts have no means of counting general education pupils in programs such as alternative education or career and technical education; therefore, the cooperative agreement would specify that the resident district count the pupil.)

1. Each district that has cooperative education pupils in attendance must maintain:
  - a. A program alpha list with the pupil's legal name, student ID number and the resident district name
  - b. Attendance records for such pupils
  - c. A program schedule showing the sum of hours scheduled for the year.
2. The sum of the FTE counted by the educating district and the resident district must not exceed 1.0 FTE.
3. The residency related information for non-resident cooperative education pupils must also be reported on the SRSD.

## **C. Travel Waivers for Cooperative Education Pupils**

If a pupil in grades 9 to 12 who is enrolled in a cooperative education program or a pupil in a special education program cannot receive the minimum number of hours of pupil instruction solely because of travel time between the two instructional sites during the school day, that travel time (up to a maximum of 3 hours per school week) shall be considered to be pupil instruction time for the purpose of determining whether the pupil is receiving the minimum number of hours of pupil instruction. However, if a district demonstrates to the satisfaction of the Department that the travel time limitation would create undue costs or hardship to the district, the Department may consider more travel time to be pupil instruction time for this purpose.

### **Example of Travel Waiver Granted:**

A high school pupil in District A attends a building and trades class twenty miles away in District B during the morning hours. The actual travel time is 30 minutes each way or one hour per day. This building and trades class is 150 minutes per day for 178 days, or 445 hours for the year ((150 minutes X 178 days) / 60 minutes = 445 hours). The pupil returns to

the high school in District A for three afternoon classes that are 55 minutes each. We allow one passing time to or from lunch and two passing times between the three afternoon classes. A reasonable length passing time could be five minutes; thus, giving the pupil 180 minutes of instructional time at the resident high school in the afternoon (5 min. + 55 min. + 5 min. + 55 min. + 5 min. + 55 min. = 180 minutes). District A has a 182-day calendar made up of 175 full days and 7 partial days. Four of those seven partial days are exam days and the pupil must attend two of those four days at District A for the exams for those afternoon classes. Thus the pupil attends District A on 177 days (175 full days + 2 exam days). This pupil receives 180 minutes at the high school on 177 days for 531 hours for the year  $((180 \times 177) / 60 = 531 \text{ hours})$ . The 445 hours at the CTE program plus the 531 hours at the resident high school total 976 instructional hours, which is 122 hours short of the required 1,098 hours. Section 101(7)(d) of the State School aid Act allows up to 36 minutes per day (3 hours per week) of travel time **between instructional sites** to be counted as pupil instructional time if that is the sole reason that a pupil cannot meet the minimum required hours for a full time pupil. Thirty-six minutes per day for 178 days is 106.8 hours, which would still leave the pupil short 15.2  $(122 - 106.8 = 15.2)$  hours. The district applies to the department for additional travel time to be counted as instructional time toward the 1,098 hours. In this example, a waiver for an additional 10 minutes per day of travel time would be granted for this student's instructional time towards 1,098 hours. In that way, the pupil would have 976 actual instructional hours plus 136.47 travel hours (the 36 minutes (106.8 hours) allowed plus the 10 additional minutes waived (29.67 hours)) for a total of 1,112.47 hours.

**Example of Travel Waiver Denied:**

Same scenario but the pupil is enrolled in **two** fifty-five minute classes in the afternoon. In that instance the pupil receives 120 minutes of pupil instruction on 177 days (5 min. + 55 min. + 5 min. + 55 min. = 120 min.) or 354 hours for the year. The 445 hours at building and trades plus the 354 hours at the high school is a total of 799 hours, which is 299 hours short of the required 1,098 hours. The travel time, to and from the building and trades class for 178 days, totals to 178 hours. The actual instructional time plus all of the travel time totals 977 hours, which does not meet the minimum required hours. Therefore, a waiver would be denied **and** travel time would not be countable; it is **not the sole reason** that this pupil did not meet the minimum required hours. This pupil's FTE count would have to be pro-rated  $(799/1,098 = .73 \text{ FTE})$ .

**D. Regulatory References**

State Aid Act Sections:  
388.1603(4)  
388.1606(4)(a) and (t)  
388.1701(7)(d)

Revised School Code Section:  
380.627

### **Cooperative Agreement with a Public School Academy**

#### **Q #1**

The local district has a cooperative agreement to provide the vocational education program to the high school pupils enrolled at the Public School Academy located within the local school district's boundaries. Which district receives the FTE count and at what foundation allowance?

#### **A #1**

Section 6(4)(n), of the State School Aid Act, requires that the pupil be counted by the Public School Academy unless the cooperative agreement states otherwise. The academy would then receive their foundation allowance. If the agreement states that the local district counts the FTE for that portion of time those pupils attend the vocational education program at the local district, then the enrolling district would receive the pupil's resident district foundation allowance.

### **Travel time**

#### **Q #2**

District A has an agreement to provide special education classes, vocational education classes, and several nonessential elective courses to the nonpublic school pupils within the local school district's boundaries. Those electives are special education programs, vocational education programs, computer lab, physical education, band, and choir. The special education program pupils and the vocational education program pupils are bused to District A's facilities. Does District A get to the count travel time?

#### **A #2**

No, the local district cannot count travel time for nonpublic pupils for several reasons. The travel time between instructional sites allowed under Section 101(7)(d), of the State School Aid Act, refers to applying the travel time to the minimum required hours that a public school must provide pupils in grades 9-12 or special education pupils. Also, the travel time must be the sole reason that the pupil cannot meet the minimum required hours for full-time-equivalent status.

- a.) The public school is not required to provide any pupil instructional time to the nonpublic school pupils; and thus, the travel time is not preventing the local district from meeting the minimum required hours for such a pupil.
- b.) Travel time is not the sole reason that shared time pupils cannot reach full-time status.

### **Release from the Resident District**

Q #3

District A has enrolled several pupils from District B in the Early-On Special Education program. Does District A need releases to count these pupils?

A #3

The cooperative agreement between Districts A and B would serve as the release for District A to count these pupils unless that agreement stated otherwise. The IEP would also serve as the release as both districts would have been involved in the decisions in each IEP.

Q #4

District A has decided to operate an alternative education program for all pupils in the intermediate district area who have been expelled for disciplinary reasons. If district A provides 2 one-hour sessions per pupil, can the district count these pupils for a full FTE?

A #4

No. Only pupils expelled under the mandatory expulsion language who are educated for two nonconsecutive hours in a one-on-one setting with a certificated teacher are eligible to be counted for a full FTE. See sections 5C and 5N of this manual for more information on this topic.