

Characteristics of Educational Services Cooperatives and Other  
Cooperative Arrangements Among School Boards in the State of West Virginia

	<b>Educational Services Cooperatives</b>	<b>Other Cooperative Agreements</b>
Authority to Form	West Virginia Code § 18-5-13(c) provides that county boards of education may enter into cooperative agreements, including agreements to form educational services cooperatives (ESC's).	
Hiring of Employees	ESC's are free-standing legal entities. They may hire and fire employees on their own without the involvement of member county boards. Employees of an ESC would not be factored into a county board's employment numbers for purposes of the school funding formula.	Employees that are hired pursuant to a cooperative agreement among county boards to provide specific services would necessarily be an employee of one county board. That employee would be factored into the employing county board's employment numbers for purposes of the school funding formula.
Fiscal Responsibility	Member county boards are permitted to designate one of the member county boards as the fiscal agent for the ESC. However, the ESC is not required to use one of the member county boards as its fiscal agent. The cooperative may act as its own fiscal agent and maintain its own separate accounts if it chooses.	Under a cooperative agreement, one of the participating county boards must actually provide the service to the other participating county boards and invoice the other participating county boards for their agreed-upon portion of the cost.
Governance	An ESC is governed by its Governing Council according to the terms of its bylaws. Member county boards do not participate directly in the governance of an ESC, except through their participation on the Governing Council.	In a cooperative agreement for services, the extent of each member county's rights to make decisions and dictate policies will be provided by the agreement among the county boards.
Administrator	ESC's are required to appoint an individual to serve as the ESC administrator.	Other cooperative agreements will be implemented by the staff of the participating county boards.

<p>Scope of Activity</p>	<p>ESC's may form to provide a variety of services in much the same way that RESA's provide a variety of services. The scope of the services provided by an ESC could expand and contract, depending on the direction chosen by the Governing Council.</p>	<p>Non-ESC cooperative agreements will necessarily be limited in scope to include only those specific purposes for which the participating county boards are seeking to cooperate. As the cooperative nature of the relationship between and among participating county boards changes, the cooperative agreement(s) will need to evolve and be amended to reflect those changed relationships.</p>
<p>Entrepreneurial Options</p>	<p>The enabling statute which provides for ESCs does not limit the ability of an ESC to provide services on a fee-for-services basis to non-member county boards or other entities. Such activities could provide additional resources to the member county boards.</p>	<p>Providing similar services through individual cooperative agreements would likely require a separate agreement between the county board providing the service and each county board receiving the service.</p>