

SESSION OF 2002

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2844

As Recommended by House Committee on
Education

Brief*

HB 2844 permits High Plains Educational Cooperative and Southwest Kansas Area Cooperative, by majority vote of the governing board of each cooperative, to enter into an interlocal agreement to create a separate legal entity and to conduct business as provided in an interlocal agreement.

This separate legal entity will have the powers and duration as provided in KSA 12-2904a, and amendments thereto. The interlocal agreement must be submitted to the Attorney General for approval. If the agreement is not approved, the Attorney General must give a written explanation of where the proposed agreement does not meet requirements of law. If the Attorney General does not disapprove an agreement within 90 days of its submission, then the agreement is deemed to be approved. The State Board of Education is not required to approve the agreement.

Background

Conferees were Representative Ward Loyd and the Director of the Southwest Plains Regional Service Center. The conferees explained that the main purpose of the bill is to provide for continuation of the Service Center.

Conferees explained that in 1989 two special education cooperatives in Southwest Kansas recognized a need to provide services beyond special education such as staff inservice opportunities for regular education. These cooperatives then joined their efforts with the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

Southwest Plains Regional Service Center in Sublette to serve both cooperatives and their individual districts.

When originally established, the Service Center interlocal agreement was entered into between the two special education cooperatives identified in the bill and the Board of Education of Liberal (USD 480). Liberal was a "public agency" as is required under the Interlocal Cooperation Act. Liberal is no longer a party to the agreement for interlocal cooperation and the term of the approved agreement has run. Only the two special education cooperatives remain as parties to the agreement. The Attorney General has raised concerns about the ability to approve the agreement for interlocal cooperation, because there is no "public agency" which is a party as required by law. The Attorney General has reviewed the language of HB 2844 and has indicated that the language in the bill addresses the General's concerns.

The State Department of Education reports that the bill would have no fiscal effect.