

MEMORANDUM

TO: Indiana State Board of Education

FROM: Kevin C. McDowell, General Counsel

RE: Interlocal Cooperation Agreement: Old National Trail Special Services Cooperative

DATE: February 19, 2007

The Old National Trail Special Services Cooperative coordinates special education services to six Indiana public school corporations located in Putnam, Morgan, and Hendricks Counties. Currently, the cooperative operates under a joint service and supply agreement. See I.C. § 20-26-10 *et seq.* Such agreements are in the nature of partnerships, with one school corporation acting as the administrator.

The participating school corporations wish to create an Interlocal under I.C. § 36-1-7 *et seq.* As an Interlocal, the cooperative would be a separate corporate entity but without taxing authority. It would have its own executive director, who would be answerable to a board representing the participating school corporations. The Interlocal could hold and sell property and hire personnel.

As a part of the approval process, the State Board of Education would have to approve of the Interlocal, as required by I.C. § 36-1-7-5(a). The Indiana Attorney General's approval will also be required under I.C. § 36-1-7-4(b) for reasons unrelated to the State Board's consideration. Also, because the Interlocal involves the coordination and delivery of special education services to the participating school corporations, the Interlocal will also need to be approved by the Division of Exceptional Learners through the Advisory Council on the Education of Children with Disabilities, as required by I.C. § 20-35-4-10.

The Interlocal has been reviewed and does comply with the requirements of I.C. § 36-1-7 *et seq.* The State Board's approval is recommended.

Enclosure (Interlocal Cooperation Agreement)
File