

## Frequently Asked Questions on Joint Powers Agreements For Education Leadership in North Dakota

These are some of the questions most often asked by school district leaders about joint powers agreements as a tool for meeting school district and state interests for future education leadership in North Dakota:

**Definition:** What is a joint powers agreement (JPA)?

A JPA is a contract among units of local government to do whatever any one of those units of local government is authorized to do. A JPA permits school districts to meet their goals and state goals.

**Characteristics:** What are the characteristics of a JPA?

A JPA provides *flexibility* to meet school district goals, *protection* for local identity interests and *opportunity* to meet school district needs and state needs for fiscal, construction and opportunity equity for students.

**Control:** Who controls the JPA?

The JPA can be organized in any way the members wish. Most JPAs in North Dakota have a Governing Board made up of elected school board members of member school districts and representatives of other participating government or private entities. The Governing Board sets the policy direction for the JPA.

**Implementation:** How are decisions of the JPA implemented?

The JPA can be organized in any way the members wish. Most JPAs have an Administrative Board made up of the superintendents of the school districts. The Administrative Board implements the policies set by the Governing Board. A lead administrator is selected by the superintendents and approved by the Governing Board to coordinate the work of the Administrative Board for the Governing Board.

**Core Local Interest Protections:** What are the protections for the core local identity interests of small school districts?

The JPA can provide as many protections as the members want. Most JPAs have a rule for all decisions of unanimity in the Governing Board, free exit provisions for each school district and agreement on what subjects will be administered together (Attachment No. 1) and what subjects will be administered separately (Attachment No. 2). These protections assure the protection of the smallest school districts from big district or majority control of such important issues as school buildings, mill levies and negotiations.

**Benefits:** What are the benefits for school districts?

The JPA provides:

- protection for **local authority** in education decision making;
- respect for local **community identity values**;
- means to meet property **taxpayer goals**;
- improved student **education opportunities**;
- increased **efficient use of education funding**;
- links between K-12 and **area colleges and universities**;

- a grassroots tool to meet constitutional and strategic **needs of legislative leaders** for student course opportunity equity, financial equity, capital construction equity, litigation avoidance and administrative efficiency; and
- avoidance of significant additional **state mandates**.

This joint powers agreement experience also provides a model for statewide grassroots education legislative initiatives that support both local needs and state needs.

**Entry:** How does a school district join a JPA?

Each school board passes a resolution to join the JPA and identifies a representative to serve on the Governing Board and Administrative Board.

**Risks:** What are the risks for school districts?

The JPA agreement, without a practical and significant track record of shared programs, risks dismissal by state legislators and disappointment by local citizens.

**Necessity:** Is a JPA necessary for schools to work together?

No, it is not a necessity and many avenues for collaboration have been used by school districts over the years. However, JPAs do utilize a comprehensive, “big picture” look at planning regionally as opposed to some consortia that deal strictly with one issue. JPAs also build trust among school administrators and school board members as they work together on issues of joint concern. JPAs also encourage the partnership of nontraditional entities to increase regional strength.

**Exit:** Is it easy to get out of the JPA?

School districts and cooperating parties make the JPA work through their agreements benefiting the region's education as a whole and the individual schools. If the JPA direction does not benefit the students of any school district, the member gives notice of withdrawal as set out in the JPA.

**Current Cooperative Program Effects:** What effects will the JPA have on our current specialty partnerships and coop arrangements?

None. The JPA can accommodate the current partnerships and coop arrangements and provide opportunity for their coordination and improvement to meet local school district needs, with less administrative effort.

**References:** Who has experience with JPAs in North Dakota?

The Mid-Dakota Education Council (MDEC) (around Minot), the Roughrider Education Services Program (RESP) (around Dickinson), the Northeast Education Service Cooperative (NESC) (around Devils Lake), and the Missouri River Educational Cooperative (MREC) (around Bismarck) have made significant use of the joint powers agreement tool to meet education service goals, serving over 60 school districts, 45% of K-12 students and 50% of the land area of North Dakota.

For more area information about the JPA experience, contact JPA Lead Administrators Dave Looyen (Minot, 857-4400), Dean Koppelman (Dickinson,

456-0002), Martin Schock (Elgin/New Leipzig, 584-2374) or ElRoy Burkle (Starkweather, 292-4381).

**Newness:** Are JPAs new or old tools?

JPAs have been used between school districts before for specific partnerships and subjects. JPAs have not been used, until recently, by education leaders to position themselves for providing comprehensive and strategic education services.

**Governing Powers:** What powers do individual Governing Board members have?

On behalf of their school district, any Governing Board member may decide to support the idea and participate in its implementation, support the idea for the JPA without participating in its implementation, or veto any action by the JPA as a whole on that subject. All Governing Board members work to support the services of the joint powers agreement to all the students in the area.

**Challenges:** How can a JPA assist education leaders in meeting education challenges?

JPAs can provide the mechanism to address together the current challenges of enrollment, teacher recruitment and retention, curriculum development, No Child Left Behind (NCLB), school buildings and funding. Current JPAs are planning and coordinating their combined approach to the implementation, reporting and remediation steps for NCLB accountability. JPAs are focusing now on the coordination of curriculum development planning and in-service education programs.

**Avoidance:** Is this JPA a strategy for school consolidation avoidance?

The JPA is a supplemental tool available to education leaders for providing education services for the sustainable future. The JPA does not replace or compromise the use of other tools, including consolidation, annexation, reorganization and dissolution. The JPA can be used together with these tools or it can provide a framework to address important issues in a different way that can more effectively serve the local community identity values of education leaders.

**State Education Leader goals:** Can the JPA contribute to meeting state education leader goals?

JPAs are beneficial for the long-term improvement of education services. JPAs are compatible and helpful with any other initiatives for improving the administration of education or can become the central model for these improvements. JPAs can assist education leaders in efficiently and effectively meeting the standards and requirements of No Child Left Behind and state standards. JPAs can increase the efficiency of public fund usage for education services. JPAs can contribute to the overall adequacy of education services within regions of the state.