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INTER-LOCAL AGREEMENTS: A TOOL FOR EXPANDED LEARNING OPPORTUNITIES?

Nebraska's Interlocal Cooperation Act (1963)¹ allows public entities and others² to enter into agreements to provide services and share in facilities for mutual benefit. Interlocal agreements have been discussed as a way that school districts and municipalities may structure collaboration on expanded learning opportunities for students in their communities.

WHO CURRENTLY USES INTERLOCAL AGREEMENTS?

Many of Nebraska's public entities (counties, municipalities, school districts, other districts, authorities/societies, health care facilities, other subdivisions) regularly use interlocal agreements (Avery, Francis, Loebig, & Rice, 2002; Blair & Janousek, 2013). Interlocal agreements cover a wide range of purposes. For example, counties and municipalities use interlocal agreements to collaborate on law enforcement, cooperative extension services, road top maintenance, mowing and snow removal, dispatching services, and ambulance services. School districts use interlocal agreements for purposes such as distance learning cooperatives, personnel sharing, insurance, alternative education, shared facility use, transportation cooperatives, utility agreements, equipment/supplies procurement, and fund management (Sharp, 2005).

¹ Interlocal Cooperation Act, 13 Nebraska Revised Statute §§ 801-827 (1963).

² An interlocal agreement may have members that are not public agencies. 1997 Op. Att'y Gen. No. 11.

ARE INTERLOCAL AGREEMENTS BEING USED TO SUPPORT EXPANDED LEARNING OPPORTUNITIES?

Expanded Learning Opportunities (ELOs) are programs for school-age children and youth (preschool through Grade 12) that take place during out-of-school hours. *Out-of-school hours programs* include those that operate before and after school, during school breaks, and over the summer. Interlocal agreements may be used to document and structure collaboration on Expanded Learning Opportunities ELOs. It is unknown how widely interlocal agreements are used in Nebraska to support ELOs because, although public entities report interlocal agreements on an annual basis to the Secretary of State, the information is not easily searchable. Other states have used interlocal agreements to support expanded learning opportunities in a variety of ways, such as:

- Alachua County (FL) and the school board of Alachua County use an interlocal agreement to direct city federal grant funds to the afterschool program operated by the schools.
- A private, not-for-profit childcare center, Palm Beach County schools (FL), and the City of Delray Beach use an interlocal agreement to provide funding and facilities for out of school services.
- The Austin (TX) Independent School District, the City of Austin, and the Eastside-Story-Austin Police Department have an interlocal agreement in which the school district provides space for the police to provide after school and summer camp programs.

In a recent innovative project in Nebraska, Whole Child Project (Reist, 2014), interlocal agreements are being used to create a joint entity that will serve as a clearinghouse and support for school boards and communities interested in promoting student fitness.

HOW ARE INTERLOCAL AGREEMENTS IMPLEMENTED?

The Interlocal Cooperation Act requires public entities to formally approve and sign an agreement that contains information as outlined by the Act. For example, an interlocal agreement must name the public agencies involved in the agreement, the duration of the agreement, the purpose of the agreement, the manner of financing, whether a separate entity will be created, and so on.

WHO OPERATES AN INTERLOCAL AGREEMENT?

An interlocal agreement may create a separate joint entity responsible for the day-to-day operations of the purposes of the interlocal agreement. If a joint entity is created, it must be described in the interlocal agreement. The joint entity becomes a separate public body and so must observe all related laws. Joint entities may enter into contracts, employ staff, acquire and dispose of real and personal property, and engage in a wide variety of activities, as allowed by the interlocal agreement.

WHAT FUNDING IS AVAILABLE THROUGH INTERLOCAL AGREEMENTS?

Interlocal agreements may be a means to aggregate money for a joint purpose. Participating public entities may levy for additional revenue to support their agreement, but may not exceed taxing authorities (revenue lids) to do so. Interlocal agreements do not allow any separate or extended taxing authorities beyond what is available to participating public entities. Similarly, joint entities may issue bonds on behalf of their partnering public agencies and may also enter into financing agreements with the Nebraska Investment Finance Authority. Funding through interlocal agreements is not limited to public funds, nor only to funds contributed by participating member of the interlocal agreement.

WHAT MAY BE LEARNED FROM OTHERS' EXPERIENCES WITH INTERLOCAL AGREEMENTS?

Interviews with Nebraska school district leaders suggest five major themes in engaging in interlocal agreements (Sharp, 2005):

- Interlocal agreements spur future opportunities with those partners.
- Public trust is needed to support interlocal agreements.
- Community Endearment – the outcomes of interlocal agreements may garner praise
- Partners should be selected carefully.
- Interlocal agreements are effective tools with boundless potential.

HOW MIGHT INTERLOCAL AGREEMENTS BE A USEFUL TOOL FOR NEBRASKA'S EXPANDED LEARNING OPPORTUNITIES?

Interlocal agreements may be useful tools for some of the following reasons:

- Public entities have experience with using interlocal agreements as a means of formalizing support and operations for important services to their communities.
- Interlocal agreements are flexible tools that allow partners to construct according to their specific needs and interests.
- The interlocal agreement provides a framework for public entities to collaborate on immediate solutions with longterm positive outcomes.
- Interlocal agreements may create a framework for communication and commitment among partners and within the community.

CONCLUSION

Interlocal agreements may be useful tools for local governmental bodies to structure collaborations on ELOs.

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