

ERIE COUNTY SPECIAL EDUCATION TRANSITION PROGRAM OPERATING AGREEMENT

WHEREAS, the Erie County Technical School has been created and operated by the Erie County School Districts including: Fairview School District, Fort LeBoeuf School District General McLane School District, Girard School District, Harbor Creek School District, Iroquois School District, Millcreek Township School District, North East School District, Northwestern School District, Union City Area School District, and Wattsburg Area School District;

WHEREAS the Erie County Technical School is operated pursuant to the Restated Articles of Agreement for Operation;

WHEREAS Article X of the Restated Articles of Operation provide as follows:

A. Special Programs

1. Definitions: Special programs shall be those programs offered by the Erie County Technical School Committee in addition to the regular day school and evening adult programs at the Erie County Technical School at the request of fewer than the total number of districts signatory to this agreement. Such special programs may be requested by:

a. One or more districts where such programs are to be conducted at the Erie County Technical School; or

b. One or more districts where such programs are to be conducted at facilities other than the Erie County Technical School. In this instance all capital and lease costs shall be the responsibility of the district or districts requesting the program.

2. Authorization: Participating Districts desiring to participate in a special program shall adopt a resolution authorizing Erie County Technical School Committee to institute such a program and to charge the district with their prorated share of the cost of operating the program. A copy of this resolution signed by the President and Secretary of the Board shall be filed with the Secretary of the Erie County Technical School Committee.

3. Implementation: Special programs may be implemented by the Erie County Technical School Committee in accordance with authorization received from the Participating Districts.

WHEREAS pursuant to Article X the Erie County Technical School (School) was authorized to create the Erie County Special Education Transition Program (Transition Program) which qualifies as a special program;

WHEREAS the School Districts desiring to participate in the Transition Program have approved and paid for the Capital Improvements to the Transition Program and identified the Cost Sharing for the Capital Improvements by Resolution (the “Participating Districts”);

WHEREAS, the Participating Districts wish to enter into this Operating Agreement to further define the obligations of the parties in regard to the Transition Program.

AND NOW therefore, in consideration of the mutual covenants and promises herein contained, and with the intention to be legally bound hereby the parties agree as follows:

1. Recitals. The above referenced recitals are incorporated by reference as if more fully set forth herein.
2. Term. The term of this Agreement shall begin on July 1, 2018 and shall terminate on June 30, 2019. This Operating Agreement may be renewed on a yearly basis by resolution of each Participating District.
3. Budget. The budget for the Transition Program shall be adopted by the Joint Board as provided in Section 687 and 1850.1 (b)(4) of the Pennsylvania Public School Code and shall be prepared by the Director of the Erie County Technical School. The budget shall be approved by two-thirds of the Operating Committee.
4. Assignments of Students. Participating Districts shall maintain responsibility for assignment and withdrawal of students in the Transition Program.
5. Support Services. Erie County Technical School shall provide supporting services, such as custodial, guidance, discipline, health and library services at their facilities for the Transition Program. The Participating Districts shall work cooperatively with the School to support these and all required services.
6. Compliance. Erie County Technical School shall conduct the program so that it remains compliant with all appropriate laws and regulations including special education and child accounting.
7. Expenses. The Participating Districts will pay an assessment for the Transition Program to be determined by per pupil fixed-cost, based on current expenses. The Participating Districts shall be responsible to pay any additional expenses which result from excess costs of such Transition Program. Excess costs will be billed directly to Participating Districts on the per pupil fixed cost basis in such Program, as calculated by the Erie County Technical School.
8. Quotas. Quotas for students in the Transition Program shall be established on an equal basis per Participating District.
9. Transportation. The Participating Districts shall be responsible for transporting their students to the Erie County Technical School to participate in the Transition Program.
10. Supervisor. The Erie County Technical School shall supervise the students and educational staff.

11. Curriculum. The Erie County Technical School will work cooperatively with the Participating Districts in the design and maintenance of the curriculum and ensure that a program of safety is incorporated in the curriculum in regard to the Transition Program.

12. Staff. Instructional and other staff members employed for these educational services in the Transition Program will be employees of the Erie County Technical School. The Erie County Technical School shall be responsible for their salary and benefits.

13. Law. The terms and conditions of this Agreement shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.

14. Amendment. No modification, amendment, or alteration of the terms of this Operating Agreement shall be binding unless the same shall be in writing dated subsequent to the date hereof and duly executed by all Participating Districts.

15. Terms and Conditions. All other terms and conditions not fully set forth herein shall be interpreted in accordance with the Restated Articles of Agreement for Operation for the Erie County Area Technical School.

16. Budget Notification. A Participating District may not withdraw from the Transition Program during the current fiscal year. It is anticipated that the Participating Districts will continue with the renewal of the Transition Program on a yearly basis. However, a Participating District which intends not to renew the Transition Program is required to provide a written notice to the Erie County Technical School by December 1 of each year to allow for proper budgeting for the subsequent renewal term. A Participating District who withdraws from the Transition Program shall not be entitled to any remuneration of their proportional construction or start up costs.

17. Competition. A withdrawing Participating District agrees not to solicit other Participating Districts to join a similar special program in competition with the Transition Program for a period of two (2) years from the date of withdrawal.

IN WITNESS WHEREOF, the duly authorized officers of the Operating Committee of the Erie County Technical School and the officers of each Participating District have executed this Operating Agreement pursuant to authorizing resolutions.

ERIE COUNTY TECHNICAL SCHOOL

FAIRVIEW SCHOOL DISTRICT

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FORT LEBOEUF SCHOOL DISTRICT

1805236.v1

GENERAL MCLANE SCHOOL DISTRICT

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GIRARD SCHOOL DISTRICT

1805236.v1

HARBOR CREEK SCHOOL DISTRICT

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IROQUOIS SCHOOL DISTRICT

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NORTH EAST SCHOOL DISTRICT

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UNION CITY AREA SCHOOL DISTRICT

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WATTSBURG AREA SCHOOL DISTRICT

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