

1 **H. B. 4516**

2
3 (By Delegates Poore, Perry, Guthrie, Skaff,
4 Pethtel, L. Phillips, Marshall, Lawrence,
5 Iaquinta, Staggers and Young)
6

7 [Introduced February 13, 2014; referred to the
8 Committee on Education.]
9

10 A BILL to amend and reenact §18-2-26 of the Code of West Virginia,
11 1931, as amended, relating to multicounty regional educational
12 service agencies; and prohibiting the use of these educational
13 service agencies by county boards of education for
14 displacement or employment of service personnel positions and
15 professional instructional personnel positions.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §18-2-26 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 2. STATE BOARD OF EDUCATION.**

20 **§18-2-26. Establishment of multicounty regional educational**
21 **service agencies; purpose; authority of state**
22 **board; governance; annual performance standards.**

23 (a) *Legislative intent.* -- The intent of the Legislature in
24 providing for establishment of regional education service agencies,
25 hereinafter referred to in this section as agency or agencies, is

1 to provide for high quality, cost effective education programs and
2 services to students, schools and school systems.

3 Since the first enactment of this section in 1972, the focus
4 of public education has shifted from a reliance on input models to
5 determine if education programs and services are providing to
6 students a thorough and efficient education to a performance based
7 accountability model which relies on the following:

8 (1) Development and implementation of standards which set
9 forth the things that students should know and be able to do as the
10 result of a thorough and efficient education including measurable
11 criteria to evaluate student performance and progress;

12 (2) Development and implementation of assessments to measure
13 student performance and progress toward meeting the standards;

14 (3) Development and implementation of a system for holding
15 schools and school systems accountable for student performance and
16 progress toward obtaining a high quality education which is
17 delivered in an efficient manner; and

18 (4) Development and implementation of a method for building
19 the capacity and improving the efficiency of schools and school
20 systems to improve student performance and progress.

21 (b) *Purpose.* -- In establishing the agencies the Legislature
22 envisions certain areas of service in which the agencies can best
23 assist the state board in implementing the standards based
24 accountability model pursuant to subsection (a) of this section

1 and, thereby, in providing high quality education programs. These
2 areas of service include the following:

3 (1) Providing technical assistance to low performing schools
4 and school systems;

5 (2) Providing high quality, targeted staff development
6 designed to enhance the performance and progress of students in
7 state public education;

8 (3) Facilitating coordination and cooperation among the county
9 boards within their respective regions in such areas as cooperative
10 purchasing; sharing of specialized personnel, communications and
11 technology; curriculum development; and operation of specialized
12 programs for exceptional children;

13 (4) Installing, maintaining and/or repairing education related
14 technology equipment and software with special attention to the
15 state level basic skills and SUCCESS programs;

16 (5) Receiving and administering grants under the provisions of
17 federal and/or state law; and

18 (6) Developing and/or implementing any other programs or
19 services as directed by law or by the state board.

20 (c) *State board rule.* -- The state board shall reexamine the
21 powers and duties of the agencies in light of the changes in state
22 level education policy that have occurred and shall establish
23 multicounty regional educational service agencies by rule,
24 promulgated in accordance with the provisions of article three-b,

1 chapter twenty-nine-a of this code.

2 The rule shall contain all information necessary for the
3 effective administration and operation of the agencies. In
4 developing the rule, the state board may not delegate its
5 Constitutional authority for the general supervision of schools to
6 the agencies, however, it may allow the agencies greater latitude
7 in the development and implementation of programs in the service
8 areas outlined in subsection (b) of this section with the
9 exceptions of providing technical assistance to low performing
10 schools and school systems and providing high quality, targeted
11 staff development designed to enhance the performance and progress
12 of students in state public education. These two areas constitute
13 the most important responsibilities for the agencies.

14 The rule establishing the agencies shall be promulgated before
15 November 1, 2002, and shall be consistent with the provisions of
16 this section. It shall include, but is not limited to, the
17 following procedures:

18 (1) Providing for a uniform governance structure for the
19 agencies containing at least these elements:

20 (A) Selection by the state board of an executive director who
21 shall be responsible for the administration of his or her
22 respective agency. The rule shall provide for the state board to
23 consult with the appropriate regional council during the selection
24 process;

1 (B) Development of a job description and qualifications for
2 the position of executive director, together with procedures for
3 informing the public of position openings and for taking and
4 evaluating applications for these positions;

5 (C) Provisions for the agencies to employ other staff, as
6 necessary, with the approval of the state board and upon the
7 recommendation of the executive director: *Provided*, That prior to
8 July 1, 2003, no person who is an employee of an agency on the
9 effective date of this section may be terminated or have his or her
10 salary and benefit levels reduced as the sole result of the changes
11 made to this section or by state board rule;

12 (D) Appointment by the county boards of a regional council in
13 each agency area consisting of representatives of county boards and
14 county superintendents from within that area for the purpose of
15 advising and assisting the executive director in carrying out his
16 or her duties. The state board may provide for membership on the
17 regional council for representatives from other agencies and
18 institutions who have interest or expertise in the development or
19 implementation of regional education programs; and

20 (E) Selection by the state superintendent of a representative
21 from the State Department of Education to serve on each regional
22 council. These representatives shall meet with their respective
23 regional councils at least quarterly;

24 (2) Establishing statewide standards by the state board for

1 service delivery by the agencies. These standards may be revised
2 annually and shall include, but are not limited to, programs and
3 services to fulfill the purposes set forth in subsection (b) of
4 this section;

5 (3) Establishing procedures for developing and adopting an
6 annual basic operating budget for each agency and for other
7 budgeting and accounting procedures as the state board may require;

8 (4) Establishing procedures to clarifying that agencies may
9 acquire and hold real property;

10 (5) Dividing the state into appropriate, contiguous
11 geographical areas and designating an agency to serve each area.
12 The rule shall provide that each of the state's counties is
13 contained within a single service area and that all counties
14 located within the boundaries of each agency, as determined by the
15 state board, shall be members of that agency; and

16 (6) Such other standards or procedures as the state board
17 finds necessary or convenient.

18 (d) *Regional services.* -- In furtherance of the purposes
19 provided ~~for~~ in this section, the state board and the regional
20 council of each agency shall continually explore possibilities for
21 the delivery of services on a regional basis which will facilitate
22 equality in the education offerings among counties in its service
23 area, permit the delivery of high quality education programs at a
24 lower per student cost, strengthen the cost effectiveness of

1 education funding resources, reduce administrative and/or
2 operational costs, including the consolidation of administrative,
3 coordinating and other county level functions into region level
4 functions, and promote the efficient administration and operation
5 of the public school systems generally.

6 Technical, operational, programmatic or professional services
7 are among the types of services appropriate for delivery on a
8 regional basis.

9 County boards of education may not utilize the services of an
10 employee of a regional educational service agency to:

11 (1) Displace service personnel positions and professional
12 instructional personnel positions of the county boards of
13 education; or

14 (2) Avoid the employment of additional service personnel and
15 professional instructional personnel of the county boards of
16 education.

17 (e) *Virtual education.* -- The state board, in conjunction with
18 the various agencies, shall develop an effective model for the
19 regional delivery of instruction in subjects where there exists low
20 student enrollment or a shortage of certified teachers or where the
21 delivery method substantially improves the quality of an
22 instructional program. The model shall incorporate an interactive
23 electronic classroom approach to instruction. To the extent funds
24 are appropriated or otherwise available, county boards or regional

1 educational service agencies may adopt and utilize the model for
2 the delivery of the instruction.

3 (f) *Computer information system.* -- Each county board of
4 education shall use the uniform integrated regional computer
5 information system recommended by the state board for data
6 collection and reporting to the state Department of Education.
7 County boards of education shall bear the cost of and fully
8 participate in the implementation of the system by using one of the
9 following methods:

10 (1) Acquiring necessary, compatible equipment to participate
11 in the regional computer information system; or

12 (2) Following receipt of a waiver from the state
13 superintendent, operating a comparable management information
14 system at a lower cost which provides at least all uniform
15 integrated regional computer information system software modules
16 and allows on-line, interactive access for schools and the county
17 board office onto the statewide communications network. All data
18 formats shall be the same as for the uniform integrated regional
19 information system and will reside at the regional computer.

20 Any county granted a waiver shall receive periodic
21 notification of any incompatibility or deficiency in its system.
22 No county shall expand any system either through the purchase of
23 additional software or hardware that does not advance the goals and
24 implementation of the uniform integrated regional computer

1 information system as recommended by the state board.

2 (g) *Reports and evaluations.* -- Each agency shall submit to
3 the state superintendent on such date and in such form as specified
4 in the rules adopted by the state board a report and evaluation of
5 the technical assistance and other services provided and utilized
6 by the schools within each respective region and their
7 effectiveness. Additionally, any school may submit an evaluation
8 of the services provided by the agency to the state superintendent
9 at any time. This report shall include an evaluation of the agency
10 program, suggestions on methods to improve utilization and
11 suggestions on the development of new programs and the enhancement
12 of existing programs. The reports and evaluations submitted
13 pursuant to this subsection shall be submitted to the state board
14 and shall be made available upon request to the standing committees
15 on education of the West Virginia Senate and House of Delegates and
16 to the Secretary of Education and the Arts.

17 (h) *Funding sources.* -- An agency may receive and disburse
18 funds from the state and federal governments, from member counties,
19 or from gifts and grants.

20 (i) *Employee expenses.* -- Notwithstanding any other provision
21 of this code to the contrary, employees of agencies shall be
22 reimbursed for travel, meals and lodging at the same rate as state
23 employees under the travel management office of the Department of
24 Administration.

1 A county board member may not be an employee of an agency.

2 (j) *Meetings and compensation.* --

3 (1) Agencies shall hold at least one half of their regular
4 meetings during hours other than those of a regular school day.
5 The executive director of each agency shall attend at least one
6 meeting of each of the member county boards of education each year
7 to explain the agency's services, garner suggestions for program
8 improvement and provide any other information as may be requested
9 by the county board.

10 (2) Notwithstanding any other provision of this code to the
11 contrary, county board members serving on regional councils may
12 receive compensation at a rate not to exceed \$100 per meeting
13 attended, not to exceed fifteen meetings per year. County board
14 members serving on regional councils may be reimbursed for travel
15 at the same rate as state employees under the rules of the travel
16 management office of the Department of Administration.

17 (k) *Computer installation, maintenance and repair.* --
18 Agencies shall serve as the lead agency for computer installation,
19 maintenance and repair for the basic skills and SUCCESS computer
20 programs. Each agency shall submit a quarterly status report on
21 turn around time for computer installation, maintenance and repair
22 to the State Superintendent of Schools who shall then submit a
23 report to the Legislative Oversight Commission on Education
24 Accountability. The status report for turn around time for

1 computer installation, maintenance and repair shall be based on the
2 following suggested time schedules:

- 3 Network File Servers.....forty-eight hours
- 4 Local Area Networks.....forty-eight hours
- 5 West Virginia Education
- 6 Information System.....twenty-four hours
- 7 Computer Workstations.....three to five days
- 8 Printers.....three to five days
- 9 Other Peripherals.....three to five days

10 Agencies also shall submit an audit report to the Legislative
11 Oversight Commission on Education Accountability each year.

12 (1) *Professional development.* -- Pursuant to the processes and
13 provisions of section twenty-three-a, article two, chapter eighteen
14 of this code, each agency shall provide coordinated professional
15 development programs within its region to meet the professional
16 development goals established by the state board.

NOTE: The purpose of this bill is to prohibit county boards of education from using multicounty regional educational service agencies for displacement or employment of service personnel positions and professional instructional personnel positions.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.