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**ENROLLED**  
**H. B. 2370**

(By Delegates Pasdon, Duke, Rowan, Wagner, Upson, Ambler,  
and Espinosa)

[Passed March 12, 2015; in effect ninety days from passage.]

10 AN ACT to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended, relating  
11 to increasing the powers of regional councils for governance of regional education service  
12 agencies; providing for revision of state board rule; requiring selection of executive director  
13 from nominations with certain limitations; requiring consultation with councils on  
14 development of job description, qualifications and procedures; requiring provisions for  
15 annual performance evaluations with portion of rating determined by council; expanding role  
16 of council; stating ability of agencies to cooperate, share or combine services with each other;  
17 updating references to computer programs and systems and removing outdated provisions;  
18 removing prescriptive provisions for computer installation, maintenance and repair; and  
19 removing provisions relating to repealed section on professional development.

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

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

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

1 **§18-2-26. Establishment of multicounty regional educational service agencies; purpose;**  
2 **authority of state board; governance; annual performance standards.**

3 (a) *Legislative intent.* -- The intent of the Legislature in providing for establishment of  
4 regional education service agencies, hereinafter referred to in this section as agency or agencies, is  
5 to provide for high quality, cost effective education programs and services to students, schools and  
6 school systems.

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

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

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

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

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

21 (b) *Purpose.* -- In establishing the agencies the Legislature envisions certain areas of service  
22 in which the agencies can best assist the state board in implementing the standards based

1 accountability model pursuant to subsection (a) of this section and, thereby, in providing high quality  
2 education programs. These areas of service include the following:

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

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

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

10 (4) Installing, maintaining and/or repairing education related technology equipment and  
11 software with special attention to the state level technology learning tools for public schools  
12 program;

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

14 (6) Developing and/or implementing any other programs or services as directed by law, the  
15 state board or the regional council.

16 (c) *State board rule.* -- The state board shall reexamine the powers and duties of the agencies  
17 in light of the changes in state level education policy that have occurred and shall establish  
18 multicounty regional education service agencies by rule, promulgated in accordance with the  
19 provisions of article three-b, chapter twenty-nine-a of this code.

20 The rule shall contain all information necessary for the effective administration and operation  
21 of the agencies. In developing the rule, the state board may not delegate its Constitutional authority  
22 for the general supervision of schools to the agencies, however, it may allow the agencies greater

1 latitude in the development and implementation of programs in the service areas outlined in  
2 subsection (b) of this section with the exceptions of providing technical assistance to low performing  
3 schools and school systems and providing high quality, targeted staff development designed to  
4 enhance the performance and progress of students in state public education. These two areas  
5 constitute the most important responsibilities for the agencies.

6 The rule establishing the agencies shall be promulgated before November 1, 2015, and shall  
7 be consistent with the provisions of this section. It shall include, but is not limited to, the following  
8 procedures:

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

11 (A) Selection by the state board of an executive director who shall be responsible for the  
12 administration of his or her respective agency. The rule shall provide for the state board to select  
13 the executive director only upon the nomination of one or more candidates by the regional council  
14 of the agency. In case the board refuses to select any of the candidates nominated, the regional  
15 council shall nominate others and submit them to the board. All candidates nominated must meet  
16 the qualifications for the position established by the state board. Nothing shall prohibit the timely  
17 employment of persons to perform necessary duties;

18 (B) Development of a job description and qualifications for the position of executive director,  
19 together with procedures for informing the public of position openings, for taking and evaluating  
20 applications, for making nominations for these positions, and for annually evaluating the  
21 performance of persons employed as executive director. The state board shall consult with the  
22 regional councils on the development of the job description, qualifications and procedures;

1 (C) Provisions for the annual performance evaluation of the executive director that provide  
2 for one half of the evaluation rating to be determined by the regional council;

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

8 (E) Appointment by the county boards of a regional council in each agency area consisting  
9 of representatives of county boards and county superintendents from within that area for the purpose  
10 of advising, assisting and informing the executive director in carrying out his or her duties to achieve  
11 the purposes of this section and provide educational services to the county school systems within the  
12 region. The state board may provide for membership on the regional council for representatives  
13 from other agencies and institutions who have interest or expertise in the development or  
14 implementation of regional education programs; and

15 (F) Selection by the state superintendent of a representative from the state Department of  
16 Education to serve on each regional council. These representatives shall meet with their respective  
17 regional councils at least quarterly;

18 (2) Establishing statewide standards by the state board for service delivery by the agencies.  
19 These standards may be revised annually and shall include, but are not limited to, programs and  
20 services to fulfill the purposes set forth in subsection (b) of this section;

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

1 (4) Establishing procedures clarifying that agencies may acquire and hold real property;

2 (5) Dividing the state into appropriate, contiguous geographical areas and designating an

3 agency to serve each area. The rule shall provide that each of the state's counties is contained within

4 a single service area and that all counties located within the boundaries of each agency, as

5 determined by the state board, shall be members of that agency; and

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

7 (d) *Regional services.* -- In furtherance of the purposes provided for in this section, the state

8 board and the regional council of each agency shall continually explore possibilities for the delivery

9 of services on a regional basis which will facilitate equality in the education offerings among

10 counties in its service area, permit the delivery of high quality education programs at a lower per

11 student cost, strengthen the cost effectiveness of education funding resources, reduce administrative

12 and/or operational costs, including the consolidation of administrative, coordinating and other county

13 level functions into region level functions, and promote the efficient administration and operation

14 of the public school systems generally.

15 Technical, operational, programmatic or professional services are among the types of services

16 appropriate for delivery on a regional basis. Nothing in this section prohibits regional education

17 service agencies from cooperating, sharing or combining services or programs with each other, at

18 their discretion, to further the purposes of this section.

19 (e) *Virtual education.* -- The state board, in conjunction with the various agencies, shall

20 develop an effective model for the regional delivery of instruction in subjects where there exists low

21 student enrollment or a shortage of certified teachers or where the delivery method substantially

22 improves the quality of an instructional program. The model shall incorporate an interactive

1 electronic classroom approach to instruction. To the extent funds are appropriated or otherwise  
2 available, county boards or regional education service agencies may adopt and utilize the model for  
3 the delivery of the instruction.

4 (f) *Computer information system.* -- Each county board of education shall use the statewide  
5 electronic information system established by the state board for data collection and reporting to the  
6 state Department of Education.

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

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

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

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

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

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

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