

H. B. 2370

(BY DELEGATE(S) PASDON, DUKE, ROWAN,
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[Introduced January 26, 2015; referred to the
Committee on Education.]

A BILL to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended, relating to increasing the powers of regional councils for governance of regional education service agencies; providing for revision of state board rule; requiring selection of executive director from nominations with certain limitations; requiring consultation with councils on development of job description, qualifications and procedures; requiring provisions for annual performance evaluations with portion of rating determined by council; expanding role of council; stating ability of agencies to cooperate, share or combine services with each other; updating references to computer programs and systems and removing

outdated provisions; removing prescriptive provisions for computer installation, maintenance and repair; and removing provisions relating to repealed section on professional development.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. STATE BOARD OF EDUCATION.

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

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

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

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

16 (2) Development and implementation of assessments to
17 measure student performance and progress toward meeting the
18 standards;

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

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

27 (b) *Purpose.* — In establishing the agencies the Legislature
28 envisions certain areas of service in which the agencies can best
29 assist the state board in implementing the standards based

30 accountability model pursuant to subsection (a) of this section
31 and, thereby, in providing high quality education programs.

32 These areas of service include the following:

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

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

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

43 (4) Installing, maintaining and/or repairing education related
44 technology equipment and software with special attention to the
45 state level ~~basic skills and SUCCESS programs~~ technology
46 learning tools for public schools program;

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

49 (6) Developing and/or implementing any other programs or
50 services as directed by law, ~~or by~~ the state board or the regional
51 council.

52 (c) *State board rule.* — The state board shall reexamine the
53 powers and duties of the agencies in light of the changes in state
54 level education policy that have occurred and shall establish
55 multicounty regional educational service agencies by rule,
56 promulgated in accordance with the provisions of article three-b,
57 chapter twenty-nine-a of this code.

58 The rule shall contain all information necessary for the
59 effective administration and operation of the agencies. In
60 developing the rule, the state board may not delegate its
61 Constitutional authority for the general supervision of schools to
62 the agencies, however, it may allow the agencies greater latitude
63 in the development and implementation of programs in the
64 service areas outlined in subsection (b) of this section with the
65 exceptions of providing technical assistance to low performing
66 schools and school systems and providing high quality, targeted
67 staff development designed to enhance the performance and

68 progress of students in state public education. These two areas
69 constitute the most important responsibilities for the agencies.

70 The rule establishing the agencies shall be promulgated
71 before ~~November 1, 2002~~ November 1, 2015, and shall be
72 consistent with the provisions of this section. It shall include, but
73 is not limited to, the following procedures:

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

76 (A) Selection by the state board of an executive director who
77 shall be responsible for the administration of his or her
78 respective agency. The rule shall provide for the state board to
79 ~~consult with the appropriate regional council during the selection~~
80 process select the executive director only upon the nomination
81 of one or more candidates by the regional council of the agency.
82 In case the board refuses to select any of the candidates
83 nominated, the regional council shall nominate others and submit
84 them to the board. All candidates nominated must meet the
85 qualifications for the position established by the state board.
86 Nothing shall prohibit the timely employment of persons to
87 perform necessary duties;

88 (B) Development of a job description and qualifications for
89 the position of executive director, together with procedures for
90 informing the public of position openings, ~~and~~ for taking and
91 evaluating applications, for making nominations for these
92 positions, and for annually evaluating the performance of
93 persons employed as executive director. The state board shall
94 consult with the regional councils on the development of the job
95 description, qualifications and procedures;

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

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

106 ~~(D)~~ (E) Appointment by the county boards of a regional
107 council in each agency area consisting of representatives of

108 county boards and county superintendents from within that area
109 for the purpose of advising, ~~and~~ assisting and informing the
110 executive director in carrying out his or her duties to achieve the
111 purposes of this section and provide educational services to the
112 county school systems within the region. The state board may
113 provide for membership on the regional council for
114 representatives from other agencies and institutions who have
115 interest or expertise in the development or implementation of
116 regional education programs; and

117 ~~(E)~~ (F) Selection by the state superintendent of a
118 representative from the state Department of Education to serve
119 on each regional council. These representatives shall meet with
120 their respective regional councils at least quarterly;

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

126 (3) Establishing procedures for developing and adopting an
127 annual basic operating budget for each agency and for other

128 budgeting and accounting procedures as the state board may
129 require;

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

132 (5) Dividing the state into appropriate, contiguous
133 geographical areas and designating an agency to serve each area.

134 The rule shall provide that each of the state's counties is
135 contained within a single service area and that all counties
136 located within the boundaries of each agency, as determined by
137 the state board, shall be members of that agency; and

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

140 (d) *Regional services.* — In furtherance of the purposes
141 provided for in this section, the state board and the regional
142 council of each agency shall continually explore possibilities for
143 the delivery of services on a regional basis which will facilitate
144 equality in the education offerings among counties in its service
145 area, permit the delivery of high quality education programs at
146 a lower per student cost, strengthen the cost effectiveness of
147 education funding resources, reduce administrative and/or

148 operational costs, including the consolidation of administrative,
149 coordinating and other county level functions into region level
150 functions, and promote the efficient administration and operation
151 of the public school systems generally.

152 Technical, operational, programmatic or professional
153 services are among the types of services appropriate for delivery
154 on a regional basis. Nothing in this section prohibits regional
155 education service agencies from cooperating, sharing or
156 combining services or programs with each other, at their
157 discretion, to further the purposes of this section.

158 (e) *Virtual education.* — The state board, in conjunction
159 with the various agencies, shall develop an effective model for
160 the regional delivery of instruction in subjects where there exists
161 low student enrollment or a shortage of certified teachers or
162 where the delivery method substantially improves the quality of
163 an instructional program. The model shall incorporate an
164 interactive electronic classroom approach to instruction. To the
165 extent funds are appropriated or otherwise available, county
166 boards or regional educational service agencies may adopt and
167 utilize the model for the delivery of the instruction.

168 (f) *Computer information system.* — Each county board of
169 education shall use the ~~uniform integrated regional computer~~
170 statewide electronic information system ~~recommended~~
171 established by the state board for data collection and reporting to
172 the state Department of Education. County boards of education
173 shall bear the cost of and fully participate in the implementation
174 of the system by using one of the following methods:

175 (1) ~~Acquiring necessary, compatible equipment to~~
176 ~~participate in the regional computer information system; or~~

177 (2) ~~Following receipt of a waiver from the state~~
178 ~~superintendent, operating a comparable management information~~
179 ~~system at a lower cost which provides at least all uniform~~
180 ~~integrated regional computer information system software~~
181 ~~modules and allows on-line, interactive access for schools and~~
182 ~~the county board office onto the statewide communications~~
183 ~~network. All data formats shall be the same as for the uniform~~
184 ~~integrated regional information system and will reside at the~~
185 ~~regional computer.~~

186 ~~Any county granted a waiver shall receive periodic~~
187 ~~notification of any incompatibility or deficiency in its system.~~

188 ~~No county shall expand any system either through the purchase~~
189 ~~of additional software or hardware that does not advance the~~
190 ~~goals and implementation of the uniform integrated regional~~
191 ~~computer information system as recommended by the state~~
192 ~~board.~~

193 (g) *Reports and evaluations.* — Each agency shall submit to
194 the state superintendent on such date and in such form as
195 specified in the rules adopted by the state board a report and
196 evaluation of the technical assistance and other services provided
197 and utilized by the schools within each respective region and
198 their effectiveness. Additionally, any school may submit an
199 evaluation of the services provided by the agency to the state
200 superintendent at any time. This report shall include an
201 evaluation of the agency program, suggestions on methods to
202 improve utilization and suggestions on the development of new
203 programs and the enhancement of existing programs. The reports
204 and evaluations submitted pursuant to this subsection shall be
205 submitted to the state board and shall be made available upon
206 request to the standing committees on education of the West

207 Virginia Senate and House of Delegates and to the secretary of
208 education and the arts.

209 (h) *Funding sources.* — An agency may receive and disburse
210 funds from the state and federal governments, from member
211 counties, or from gifts and grants.

212 (i) *Employee expenses.* — Notwithstanding any other
213 provision of this code to the contrary, employees of agencies
214 shall be reimbursed for travel, meals and lodging at the same rate
215 as state employees under the travel management office of the
216 Department of Administration.

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

219 (j) *Meetings and compensation.* —

220 (1) Agencies shall hold at least one half of their regular
221 meetings during hours other than those of a regular school day.
222 The executive director of each agency shall attend at least one
223 meeting of each of the member county boards of education each
224 year to explain the agency's services, garner suggestions for

225 program improvement and provide any other information as may
226 be requested by the county board.

227 (2) Notwithstanding any other provision of this code to the
228 contrary, county board members serving on regional councils
229 may receive compensation at a rate not to exceed \$100 per
230 meeting attended, not to exceed fifteen meetings per year.

231 County board members serving on regional councils may be
232 reimbursed for travel at the same rate as state employees under
233 the rules of the travel management office of the Department of
234 Administration.

235 ~~(k) Computer installation, maintenance and repair. —~~
236 ~~Agencies shall serve as the lead agency for computer~~
237 ~~installation, maintenance and repair for the basic skills and~~
238 ~~SUCCESS computer programs. Each agency shall submit a~~
239 ~~quarterly status report on turn around time for computer~~
240 ~~installation, maintenance and repair to the state Superintendent~~
241 ~~of Schools who shall then submit a report to the Legislative~~
242 ~~Oversight commission on education accountability. The status~~
243 ~~report for turn around time for computer installation,~~

244 ~~maintenance and repair shall be based on the following~~

245 ~~suggested time schedules:~~

246 ~~Network File Servers.....forty-eight hours~~

247 ~~Local Area Networks.....forty-eight hours~~

248 ~~West Virginia Education~~

249 ~~Information System.....twenty-four hours~~

250 ~~Computer Workstations.....three to five days~~

251 ~~Printers.....three to five days~~

252 ~~Other Peripherals.....three to five days~~

253 ~~Agencies also shall submit an audit report to the Legislative~~

254 ~~Oversight commission on education accountability each year.~~

255 ~~(f) *Professional development.* — Pursuant to the processes~~

256 ~~and provisions of section twenty-three-a, article two, chapter~~

257 ~~eighteen of this code, each agency shall provide coordinated~~

258 ~~professional development programs within its region to meet the~~

259 ~~professional development goals established by the state board.~~

NOTE: The purpose of this bill is to expand the powers of the regional councils comprised of superintendents, county board members and others in the governance of regional education service agencies. The executive director must be selected from nominations of the regional council and the council determines one half of the director’s annual performance evaluation. The role of the council also is expanded

through required consultation on developing the job description and qualification for the director position and informing the director in carrying out his or her duties to achieve the purposes of the section and provide services to school systems within the region. Several references to computer programs and systems are updated and outdated and prescriptive provisions are removed.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.