

# ENROLLED

## H. B. 2370

---

(BY DELEGATE(S) PASDON, DUKE, ROWAN,  
WAGNER, UPSON, AMBLER, AND ESPINOSA)

---

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

---

AN ACT 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cooperate, share or combine services with each other; updating references to computer programs and systems and removing outdated provisions; removing prescriptive provisions for computer installation, maintenance and repair; and removing provisions relating to repealed section on professional development.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 technology learning tools for public schools program;

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

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

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

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

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

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

75       (A) Selection by the state board of an executive director who  
76 shall be responsible for the administration of his or her  
77 respective agency. The rule shall provide for the state board to  
78 select the executive director only upon the nomination of one or  
79 more candidates by the regional council of the agency. In case  
80 the board refuses to select any of the candidates nominated, the  
81 regional council shall nominate others and submit them to the  
82 board. All candidates nominated must meet the qualifications for

83 the position established by the state board. Nothing shall prohibit  
84 the timely employment of persons to perform necessary duties;

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

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

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

103 (E) Appointment by the county boards of a regional council  
104 in each agency area consisting of representatives of county  
105 boards and county superintendents from within that area for the  
106 purpose of advising, assisting and informing the executive  
107 director in carrying out his or her duties to achieve the purposes  
108 of this section and provide educational services to the county  
109 school systems within the region. The state board may provide  
110 for membership on the regional council for representatives from  
111 other agencies and institutions who have interest or expertise in  
112 the development or implementation of regional education  
113 programs; and

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

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

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

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

129 (5) Dividing the state into appropriate, contiguous  
130 geographical areas and designating an agency to serve each area.  
131 The rule shall provide that each of the state's counties is  
132 contained within a single service area and that all counties  
133 located within the boundaries of each agency, as determined by  
134 the state board, shall be members of that agency; and

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

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

144 education funding resources, reduce administrative and/or  
145 operational costs, including the consolidation of administrative,  
146 coordinating and other county level functions into region level  
147 functions, and promote the efficient administration and operation  
148 of the public school systems generally.

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

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

165 (f) *Computer information system.* — Each county board of  
166 education shall use the statewide electronic information system  
167 established by the state board for data collection and reporting to  
168 the state Department of Education.

169 (g) *Reports and evaluations.* — Each agency shall submit to  
170 the state superintendent on such date and in such form as  
171 specified in the rules adopted by the state board a report and  
172 evaluation of the technical assistance and other services provided  
173 and utilized by the schools within each respective region and  
174 their effectiveness. Additionally, any school may submit an  
175 evaluation of the services provided by the agency to the state

176 superintendent at any time. This report shall include an  
177 evaluation of the agency program, suggestions on methods to  
178 improve utilization and suggestions on the development of new  
179 programs and the enhancement of existing programs. The reports  
180 and evaluations submitted pursuant to this subsection shall be  
181 submitted to the state board and shall be made available upon  
182 request to the standing committees on education of the West  
183 Virginia Senate and House of Delegates and to the secretary of  
184 education and the arts.

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

188 (i) *Employee expenses.* — Notwithstanding any other  
189 provision of this code to the contrary, employees of agencies  
190 shall be reimbursed for travel, meals and lodging at the same rate  
191 as state employees under the travel management office of the  
192 Department of Administration.

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

195 (j) *Meetings and compensation.* —

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

203 (2) Notwithstanding any other provision of this code to the  
204 contrary, county board members serving on regional councils  
205 may receive compensation at a rate not to exceed \$100 per



206 meeting attended, not to exceed fifteen meetings per year.  
207 County board members serving on regional councils may be  
208 reimbursed for travel at the same rate as state employees under  
209 the rules of the travel management office of the Department of  
210 Administration.



That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

---

*Chairman, House Committee*

---

*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

---

*Clerk of the House of Delegates*

---

*Clerk of the Senate*

---

*Speaker of the House of Delegates*

---

*President of the Senate*

---

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2015.

---

*Governor*

