

1 **H. B. 2919**

2
3 (By Delegates Stowers, M. Poling, Perry, Eldridge,
4 Williams, Ferns and Barrett)

5
6 [Introduced March 13, 2013; referred to the
7 Committee on Education then Finance.]

8 **FISCAL**
NOTE

9
10 A BILL to amend and reenact §18-2-26 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §18-5-4 of said
12 code, all relating to increasing the amount of compensation a
13 member of a county board of education may receive for
14 attending certain meetings; increasing by \$100 the amount a
15 board member may receive for attending regional education
16 council meetings if he or she also serves on that council;
17 increasing by \$40 the amount board members may receive for
18 each board meeting attended; permitting board members to also
19 be compensated at the same rate for other specific meetings
20 attended; establishing a maximum number of compensable
21 meetings; and permitting board members to be compensated for
22 attending a maximum of six days of approved training classes.

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

24 That §18-2-26 of the Code of West Virginia, 1931, as amended,
25 be amended and reenacted; and that §18-5-4 of said code be amended

1 and reenacted, all to read as follows:

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

3 **§18-2-26. Establishment of multicounty regional educational**
4 **service agencies; purpose; authority of state**
5 **board; governance; annual performance standards.**

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

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

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

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

22 (3) Development and implementation of a system for holding
23 schools and school systems accountable for student performance and

1 progress toward obtaining a high quality education which is
2 delivered in an efficient manner; and

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

6 (b) *Purpose.* -- In establishing the agencies the Legislature
7 envisions certain areas of service in which the agencies can best
8 assist the state board in implementing the standards based
9 accountability model pursuant to subsection (a) of this section
10 and, thereby, in providing high quality education programs. These
11 areas of service include the following:

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

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

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

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

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

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

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

11 The rule shall contain all information necessary for the
12 effective administration and operation of the agencies. In
13 developing the rule, the state board may not delegate its
14 constitutional authority for the general supervision of schools to
15 the agencies, however, it may allow the agencies greater latitude
16 in the development and implementation of programs in the service
17 areas outlined in subsection (b) of this section with the
18 exceptions of providing technical assistance to low performing
19 schools and school systems and providing high quality, targeted
20 staff development designed to enhance the performance and progress
21 of students in state public education. These two areas constitute
22 the most important responsibilities for the agencies.

23 The rule establishing the agencies shall be promulgated before
24 November 1, 2002, and shall be consistent with the provisions of

1 this section. It shall include, but is not limited to, the
2 following procedures:

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

5 (A) Selection by the state board of an executive director who
6 shall be responsible for the administration of his or her
7 respective agency. The rule shall provide for the state board to
8 consult with the appropriate regional council during the selection
9 process;

10 (B) Development of a job description and qualifications for
11 the position of executive director, together with procedures for
12 informing the public of position openings and for taking and
13 evaluating applications for these positions;

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

21 (D) Appointment by the county boards of a regional council in
22 each agency area consisting of representatives of county boards and
23 county superintendents from within that area for the purpose of
24 advising and assisting the executive director in carrying out his

1 or her duties. The state board may provide for membership on the
2 regional council for representatives from other agencies and
3 institutions who have interest or expertise in the development or
4 implementation of regional education programs; and

5 (E) Selection by the State Superintendent of a representative
6 from the State Department of Education to serve on each regional
7 council. These representatives shall meet with their respective
8 regional councils at least quarterly;

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

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

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

19 (5) Dividing the state into appropriate, contiguous
20 geographical areas and designating an agency to serve each area.
21 The rule shall provide that each of the state's counties is
22 contained within a single service area and that all counties
23 located within the boundaries of each agency, as determined by the
24 state board, shall be members of that agency; and

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

3 (d) *Regional services.* -- In furtherance of the purposes
4 provided for in this section, the state board and the regional
5 council of each agency shall continually explore possibilities for
6 the delivery of services on a regional basis which will facilitate
7 equality in the education offerings among counties in its service
8 area, permit the delivery of high quality education programs at a
9 lower per student cost, strengthen the cost effectiveness of
10 education funding resources, reduce administrative and/or
11 operational costs, including the consolidation of administrative,
12 coordinating and other county level functions into region level
13 functions, and promote the efficient administration and operation
14 of the public school systems generally.

15 Technical, operational, programmatic or professional services
16 are among the types of services appropriate for delivery on a
17 regional basis.

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

1 are appropriated or otherwise available, county boards or regional
2 educational service agencies may adopt and utilize the model for
3 the delivery of the instruction.

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

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

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

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

1 implementation of the uniform integrated regional computer
2 information system as recommended by the state board.

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

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

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

1 Administration.

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

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

4 (1) Agencies shall hold at least one half of their regular
5 meetings during hours other than those of a regular school day.

6 The executive director of each agency shall attend at least one
7 meeting of each of the member county boards of education each year
8 to explain the agency's services, garner suggestions for program
9 improvement and provide any other information as may be requested
10 by the county board.

11 (2) Notwithstanding any other provision of this code to the
12 contrary, county board members serving on regional councils may
13 receive compensation at a rate not to exceed ~~\$100~~ \$200 per meeting
14 attended, not to exceed fifteen meetings per year. County board
15 members serving on regional councils may be reimbursed for travel
16 at the same rate as state employees under the rules of the travel
17 management office of the Department of Administration.

18 (k) *Computer installation, maintenance and repair.* --

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

1 Accountability. The status report for turn around time for
2 computer installation, maintenance and repair shall be based on the
3 following suggested time schedules:

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

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

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

18 **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

19 **§18-5-4. Meetings; employment and assignment of teachers; budget**
20 **hearing; compensation of members; affiliation with**
21 **state and national associations.**

22 (a) The county board shall meet upon the dates provided by
23 law, and at any other times the county board fixes upon its

1 records. Subject to adequate public notice, nothing in this
2 section prohibits the county board from conducting regular meetings
3 in facilities within the county other than the county board office.
4 At any meeting as authorized in this section and in compliance with
5 the provisions of chapter eighteen-a of this code, the county board
6 may employ qualified teachers, or those who will qualify by the
7 time they enter upon their duties, necessary to fill existing or
8 anticipated vacancies for the current or next ensuing school year.
9 Meetings of the county board shall be held in compliance with the
10 provisions of chapter eighteen-a of this code for purposes relating
11 to the assignment, transfer, termination and dismissal of teachers
12 and other school employees.

13 (b) Special meetings may be called by the president or any
14 three members, but no business may be transacted other than that
15 designated in the call.

16 (c) In addition, a public hearing shall be held concerning the
17 preliminary operating budget for the next fiscal year not fewer
18 than ten days after the budget has been made available to the
19 public for inspection and within a reasonable time prior to the
20 submission of the budget to the state board for approval.
21 Reasonable time shall be granted at the hearing to any person who
22 wishes to speak regarding any part of the budget. Notice of the
23 hearing shall be published as a Class I legal advertisement in
24 compliance with the provisions of article three, chapter fifty-nine

1 of this code.

2 (d) A majority of the members of the county board is the
3 quorum necessary for the transaction of official business.

4 (e) Board members may receive compensation at a rate not to
5 exceed ~~\$160~~ \$200 per meeting attended, but they may not receive pay
6 for more than fifty meetings in any one fiscal year. ~~Board members~~
7 ~~who serve on an administrative council of a multicounty vocational~~
8 ~~center also may receive compensation for attending up to twelve~~
9 ~~meetings of the council at the same rate as for meetings of the~~
10 ~~county board. Meetings of the council are not counted as board~~
11 ~~meetings for purposes of determining the limit on compensable board~~
12 ~~meetings.~~

13 (f) A board member who serves on an administrative council of
14 a multicounty vocational center, a county extension service
15 committee or any other public council, committee or governing board
16 to which, by law, the board or its president is authorized to
17 appoint a member may also receive compensation for attending
18 meetings of that council, committee or governing board at the same
19 rate as for meetings of the county board. Except as provided by
20 section twenty-six, article two of this chapter, compensation
21 received by the member is limited to twelve meetings of any single
22 council, committee or governing board in any one fiscal year.
23 Meetings of those councils, committees or governing boards do not
24 count as county board meetings for purposes of determining the

1 limit on compensable meetings of a county board.

2 (g) Board members may be compensated at a rate not to exceed
3 \$200 per day for attending training approved by the state board and
4 conducted by the West Virginia School Board Association or other
5 organizations approved by the state board pursuant to section one-a
6 of this article, up to a maximum of six days per fiscal year.

7 ~~(f)~~ (h) Members also shall be paid, upon the presentation of
8 an itemized sworn statement, for all necessary traveling expenses,
9 including all authorized meetings, incurred on official business,
10 at the order of the county board.

11 ~~(g)~~ (i) When, by a majority vote of its members, a county
12 board considers it a matter of public interest, the county board
13 may join the West Virginia School Board Association and the
14 National School Board Association and may pay the dues prescribed
15 by the associations and approved by action of the respective county
16 boards. Membership dues and actual traveling expenses incurred by
17 board members for attending meetings of the West Virginia School
18 Board Association may be paid by their respective county boards out
19 of funds available to meet actual expenses of the members, but no
20 allowance may be made except upon sworn itemized statements.

NOTE: The purpose of this bill is to increase the amount of compensation members of county boards of education may receive for attending certain meetings. The bill increases from \$100 to \$200 the amount a board member may receive for attending council meetings of a regional education service agency if he or she also

serves on that council. The bill increases the amount of compensation from \$160 to \$200 a board member may receive for each board meeting attended. The bill permits board members who serve on an administrative council of a multicounty vocational center, a county extension service committee or any other public council, committee or governing board, under specified conditions, to receive up to \$200 per meeting. The bill limits the number of compensable meetings of each council, committee or governing board to twelve per fiscal year and provides for an exception. The bill also permits county board members to be compensated up to \$200 per day for approved training classes, up to a maximum of six days per fiscal year.

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