

1 **Senate Bill No. 171**

2 (By Senators Yost, Fitzsimmons and D. Hall)

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4 [Introduced February 15, 2013; referred to the Committee on
5 Education; and then to the Committee on Finance.]

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7 **FISCAL**
8 **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:*

1 That §18-2-26 of the Code of West Virginia, 1931, as amended,
2 be amended and reenacted; and that §18-5-4 of said code be amended
3 and reenacted, all to read as follows:

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

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

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

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

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

22 (2) Development and implementation of assessments to measure

1 student performance and progress toward meeting the standards;

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

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

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

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

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

20 (3) Facilitating coordination and cooperation among the county
21 boards within their respective regions in such areas as cooperative
22 purchasing; sharing of specialized personnel, communications and
23 technology; curriculum development; and operation of specialized

1 programs for exceptional children;

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

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

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

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

15 The rule shall contain all information necessary for the
16 effective administration and operation of the agencies. In
17 developing the rule, the state board may not delegate its
18 constitutional authority for the general supervision of schools to
19 the agencies, however, it may allow the agencies greater latitude
20 in the development and implementation of programs in the service
21 areas outlined in subsection (b) of this section with the
22 exceptions of providing technical assistance to low performing
23 schools and school systems and providing high quality, targeted

1 staff development designed to enhance the performance and progress
2 of students in state public education. These two areas constitute
3 the most important responsibilities for the agencies.

4 The rule establishing the agencies shall be promulgated before
5 November 1, 2002, and shall be consistent with the provisions of
6 this section. It shall include, but is not limited to, the
7 following procedures:

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

10 (A) Selection by the state board of an executive director who
11 shall be responsible for the administration of his or her
12 respective agency. The rule shall provide for the state board to
13 consult with the appropriate regional council during the selection
14 process;

15 (B) Development of a job description and qualifications for
16 the position of executive director, together with procedures for
17 informing the public of position openings and for taking and
18 evaluating applications for these positions;

19 (C) Provisions for the agencies to employ other staff, as
20 necessary, with the approval of the state board and upon the
21 recommendation of the executive director: *Provided*, That prior to
22 July 1, 2003, no person who is an employee of an agency on the
23 effective date of this section may be terminated or have his or her

1 salary and benefit levels reduced as the sole result of the changes
2 made to this section or by state board rule;

3 (D) Appointment by the county boards of a regional council in
4 each agency area consisting of representatives of county boards and
5 county superintendents from within that area for the purpose of
6 advising and assisting the executive director in carrying out his
7 or her duties. The state board may provide for membership on the
8 regional council for representatives from other agencies and
9 institutions who have interest or expertise in the development or
10 implementation of regional education programs; and

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

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

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

23 (4) Establishing procedures to clarifying that agencies may

1 acquire and hold real property;

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

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

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

22 Technical, operational, programmatic or professional services
23 are among the types of services appropriate for delivery on a

1 regional basis.

2 (e) *Virtual education.* -- The state board, in conjunction with
3 the various agencies, shall develop an effective model for the
4 regional delivery of instruction in subjects where there exists low
5 student enrollment or a shortage of certified teachers or where the
6 delivery method substantially improves the quality of an
7 instructional program. The model shall incorporate an interactive
8 electronic classroom approach to instruction. To the extent funds
9 are appropriated or otherwise available, county boards or regional
10 educational service agencies may adopt and utilize the model for
11 the delivery of the instruction.

12 (f) *Computer information system.* -- Each county board of
13 education shall use the uniform integrated regional computer
14 information system recommended by the state board for data
15 collection and reporting to the State Department of Education.
16 County boards of education shall bear the cost of and fully
17 participate in the implementation of the system by using one of the
18 following methods:

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

21 (2) Following receipt of a waiver from the state
22 superintendent, operating a comparable management information
23 system at a lower cost which provides at least all uniform

1 integrated regional computer information system software modules
2 and allows on-line, interactive access for schools and the county
3 board office onto the statewide communications network. All data
4 formats shall be the same as for the uniform integrated regional
5 information system and will reside at the regional computer.

6 Any county granted a waiver shall receive periodic
7 notification of any incompatibility or deficiency in its system.
8 No county shall expand any system either through the purchase of
9 additional software or hardware that does not advance the goals and
10 implementation of the uniform integrated regional computer
11 information system as recommended by the state board.

12 (g) *Reports and evaluations.* -- Each agency shall submit to
13 the state superintendent on such date and in such form as specified
14 in the rules adopted by the state board a report and evaluation of
15 the technical assistance and other services provided and utilized
16 by the schools within each respective region and their
17 effectiveness. Additionally, any school may submit an evaluation
18 of the services provided by the agency to the state superintendent
19 at any time. This report shall include an evaluation of the agency
20 program, suggestions on methods to improve utilization and
21 suggestions on the development of new programs and the enhancement
22 of existing programs. The reports and evaluations submitted
23 pursuant to this subsection shall be submitted to the state board

1 and shall be made available upon request to the standing committees
2 on education of the West Virginia Senate and House of Delegates and
3 to the secretary of education and the arts.

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

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

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

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

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

21 (2) Notwithstanding any other provision of this code to the
22 contrary, county board members serving on regional councils may
23 receive compensation at a rate not to exceed ~~\$100~~ \$200 per meeting

1 attended, not to exceed fifteen meetings per year. County board
2 members serving on regional councils may be reimbursed for travel
3 at the same rate as state employees under the rules of the travel
4 management office of the Department of Administration.

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

6 Agencies shall serve as the lead agency for computer installation,
7 maintenance and repair for the basic skills and SUCCESS computer
8 programs. Each agency shall submit a quarterly status report on
9 turn around time for computer installation, maintenance and repair
10 to the State Superintendent of Schools who shall then submit a
11 report to the Legislative Oversight Commission on Education
12 Accountability. The status report for turn around time for
13 computer installation, maintenance and repair shall be based on the
14 following suggested time schedules:

- 15 Network File Servers.....forty-eight hours
- 16 Local Area Networks.....forty-eight hours
- 17 West Virginia Education
- 18 Information System.....twenty-four hours
- 19 Computer Workstations.....three to five days
- 20 Printers.....three to five days
- 21 Other Peripherals.....three to five days

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

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

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

7 **§18-5-4. Meetings; employment and assignment of teachers; budget**
8 **hearing; compensation of members; training classes;**
9 **affiliation with state and national associations.**

10 (a) The county board shall meet on the first Monday in July,
11 and upon the dates provided by law for the laying of levies, and at
12 any other times the county board fixes upon its records. Subject
13 to adequate public notice, nothing in this section prohibits the
14 county board from conducting regular meetings in facilities within
15 the county other than the county board office. At any meeting as
16 authorized in this section and in compliance with the provisions of
17 chapter eighteen-a of this code, the county board may employ
18 qualified teachers, or those who will qualify by the time they
19 enter upon their duties, necessary to fill existing or anticipated
20 vacancies for the current or next ensuing school year. Meetings of
21 the county board shall be held in compliance with the provisions of
22 chapter eighteen-a of this code for purposes relating to the

1 assignment, transfer, termination and dismissal of teachers and
2 other school employees.

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

6 (c) In addition, a public hearing shall be held concerning the
7 preliminary operating budget for the next fiscal year not fewer
8 than ten days after the budget has been made available to the
9 public for inspection and within a reasonable time prior to the
10 submission of the budget to the state board for approval.
11 Reasonable time shall be granted at the hearing to any person who
12 wishes to speak regarding any part of the budget. Notice of the
13 hearing shall be published as a Class I legal advertisement in
14 compliance with the provisions of article three, chapter fifty-nine
15 of this code.

16 (d) A majority of the members of the county board constitutes
17 the quorum necessary for the transaction of official business.

18 (e) Board members may receive compensation at a rate not to
19 exceed ~~\$160~~ \$200 per meeting attended, but they may not receive pay
20 for more than fifty meetings in any one fiscal year. ~~Board members~~
21 ~~who serve on an administrative council of a multicounty vocational~~
22 ~~center also may receive compensation for attending up to twelve~~
23 ~~meetings of the council at the same rate as for meetings of the~~

1 ~~county board. Meetings of the council are not counted as board~~
2 ~~meetings for purposes of determining the limit on compensable board~~
3 ~~meetings.~~

4 (f) Except as provided in section twenty-six, article two of
5 this chapter, board members who serve on an administrative council
6 of a multicounty vocational center, a county extension service
7 committee or any other public council, committee or governing board
8 to which, by law, the board or its president is authorized to
9 appoint a member may also receive compensation for attending
10 meetings of that council, committee or governing board at the same
11 rate as for meetings of the county board, up to a maximum of twelve
12 meetings of each council, committee or governing board per fiscal
13 year. Council, committee or governing board meetings do not count
14 toward the maximum number of compensable county board meetings.

15 (g) Board members may be compensated at a rate not to exceed
16 \$200 per day for attending training approved by the state board and
17 conducted by the West Virginia School Board Association or other
18 organizations approved by the state board pursuant to section one-a
19 of this article, up to a maximum of six days per fiscal year.

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

1 ~~(g)~~ (i) When, by a majority vote of its members, a county
2 board considers it a matter of public interest, the county board
3 may join the West Virginia School Board Association and the
4 National School Board Association and may pay the dues prescribed
5 by the associations and approved by action of the respective county
6 boards. Membership dues and actual traveling expenses incurred by
7 board members for attending meetings of the West Virginia School
8 Board Association may be paid by their respective county boards out
9 of funds available to meet actual expenses of the members, but no
10 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. 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.