

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 373

BY SENATORS WALTERS AND GAUNCH

[Originating in the Committee on Education; reported

on February 3, 2016]

1 A BILL to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended, relating
2 to regional education service agencies; modifying legislative vision in establishing
3 agencies; changing the name of regional councils to boards of directors; changing the
4 stated purpose of boards of directors to governing; requiring that board of directors
5 membership provided by State Board of Education be nonvoting; providing for executive
6 director to be selected by board of directors; requiring all of the executive director
7 performance evaluation to be conducted by the board of directors; requiring that
8 employment of other staff be with board of directors approval instead of State Board of
9 Education approval; and removing obsolete agency employee protection provision.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 18. EDUCATION.

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 providing for establishment of
2 regional education service agencies, hereinafter referred to in this section as agency or agencies,
3 is to provide for high quality, cost effective education programs and services to students, schools
4 and school systems.

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

9 (1) Development and implementation of standards which set forth the things that students

10 should know and be able to do as the result of a thorough and efficient education including
11 measurable criteria to evaluate student performance and progress;

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

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

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

19 (b) *Purpose.* -- In establishing the agencies the Legislature envisions certain areas of
20 service in which the agencies can best assist the state board in implementing the standards based
21 accountability model ~~pursuant to subsection (a) of this section~~ and the county boards in meeting
22 the standards which are a part of that model. ~~thereby, in providing high quality education~~
23 ~~programs.~~ These areas of service include the following:

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

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

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

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

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

36 (6) Developing and/or implementing any other programs or services as directed by law,
37 the state board or the ~~regional council~~ board of directors.

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

42 The rule shall contain all information necessary for the effective administration and
43 operation of the agencies. In developing the rule, the state board may not delegate its
44 Constitutional authority for the general supervision of schools to the agencies; however, it may
45 allow the agencies greater latitude in the development and implementation of programs in the
46 service areas outlined in subsection (b) of this section with the exceptions of providing technical
47 assistance to low performing schools and school systems and providing high quality, targeted
48 staff development designed to enhance the performance and progress of students in state public
49 education. These two areas constitute the most important responsibilities for the agencies.

50 The rule establishing the agencies shall be promulgated before November 1, ~~2015~~ 2016,
51 and shall be consistent with the provisions of this section. It shall include, but is not limited to, the
52 following procedures:

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

55 (A) Appointment by the county boards of a board of directors in each agency area
56 consisting of representatives of county boards and county superintendents from within that area
57 for the purpose of governing the regional education service agency. The state board may provide
58 for nonvoting membership on the board of directors of representatives from other agencies and
59 institutions who have interest or expertise in the development or implementation of regional
60 education programs;

61 (B) Development of a job description and qualifications for the position of executive

62 director, together with procedures for informing the public of position openings, for taking and
63 evaluating applications, for making nominations for these positions, and for annually evaluating
64 the performance of persons employed as executive director. The state board shall consult with
65 the regional councils on the development of the job description, qualifications and procedures;

66 ~~(A)~~ (C) Selection by the ~~state board~~ board of directors of an executive director who shall
67 be responsible for the administration of his or her respective agency. ~~The rule shall provide for~~
68 ~~the state board to select the executive director only upon the nomination of one or more~~
69 ~~candidates by the regional council of the agency. In case the board refuses to select any of the~~
70 ~~candidates nominated, the regional council shall nominate others and submit them to the board.~~
71 ~~All candidates nominated must meet the qualifications for the position established by the state~~
72 ~~board. Nothing shall prohibit the timely employment of persons to perform necessary duties.~~

73 ~~(C)~~ (D) Provisions for the annual performance evaluation of the executive director that
74 provide for ~~one-half of~~ the evaluation rating to be determined by the ~~regional council~~ board of
75 directors;

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

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

88 (F) Selection by the state superintendent of a representative from the state Department of
89 Education to serve on each ~~regional council~~ board of directors. These representatives shall meet
90 with their respective ~~regional councils~~ board of directors at least quarterly;

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

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

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

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

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

103 (d) *Regional services.* -- In furtherance of the purposes provided for in this section, the
104 state board and the ~~regional council~~ board of directors of each agency shall continually explore
105 possibilities for the delivery of services on a regional basis which will facilitate equality in the
106 education offerings among counties in its service area, permit the delivery of high quality
107 education programs at a lower per student cost, strengthen the cost effectiveness of education
108 funding resources, reduce administrative and/or operational costs, including the consolidation of
109 administrative, coordinating and other county level functions into region level functions, and
110 promote the efficient administration and operation of the public school systems generally.

111 Technical, operational, programmatic or professional services are among the types of
112 services appropriate for delivery on a regional basis. Nothing in this section prohibits regional
113 education service agencies from cooperating, sharing or combining services or programs with

114 each other, at their discretion, to further the purposes of this section.

115 (e) *Virtual education.* -- The state board, in conjunction with the various agencies, shall
116 develop an effective model for the regional delivery of instruction in subjects where there exists
117 low student enrollment or a shortage of certified teachers or where the delivery method
118 substantially improves the quality of an instructional program. The model shall incorporate an
119 interactive electronic classroom approach to instruction. To the extent funds are appropriated or
120 otherwise available, county boards or regional education service agencies may adopt and utilize
121 the model for the delivery of the instruction.

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

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

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

138 (i) *Employee expenses.* -- Notwithstanding any other provision of this code to the contrary,
139 employees of agencies shall be reimbursed for travel, meals and lodging at the same rate as state

140 employees under the travel management office of the Department of Administration.

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

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

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

148 (2) Notwithstanding any other provision of this code to the contrary, county board
149 members serving on ~~regional councils~~ boards of directors may receive compensation at a rate
150 not to exceed \$100 per meeting attended, not to exceed fifteen meetings per year. County board
151 members serving on ~~regional councils~~ boards of directors may be reimbursed for travel at the
152 same rate as state employees under the rules of the travel management office of the Department
153 of Administration.