

**Senate Bill No. 328**

(By Senators Yost, Foster, Unger, Miller and Wills)

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[Introduced January 18, 2012; referred to the Committee on  
Education; and then to the Committee on Finance.]

**FISCAL  
NOTE**

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,

1 be amended and reenacted; and that §18-5-4 of said code be amended  
2 and reenacted, all to read as follows:

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

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

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

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

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

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

23 (3) Development and implementation of a system for holding

1 schools and school systems accountable for student performance and  
2 progress toward obtaining a high quality education which is  
3 delivered in an efficient manner; and

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

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

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

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

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

23 (4) Installing, maintaining and/or repairing education related  
24 technology equipment and software with special attention to the

1 state level basic skills and SUCCESS programs;

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

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

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

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

24 The rule establishing the agencies shall be promulgated before

1 November 1, 2002, and shall be consistent with the provisions of  
2 this section. It shall include, but is not limited to, the  
3 following procedures:

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

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

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

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

22 (D) Appointment by the county boards of a regional council in  
23 each agency area consisting of representatives of county boards and  
24 county superintendents from within that area for the purpose of

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

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

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

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

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

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

1 state board, shall be members of that agency; and

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

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

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

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

1 electronic classroom approach to instruction. To the extent funds  
2 are appropriated or otherwise available, county boards or regional  
3 educational service agencies may adopt and utilize the model for  
4 the delivery of the instruction.

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

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

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

22 Any county granted a waiver shall receive periodic  
23 notification of any incompatibility or deficiency in its system.  
24 No county shall expand any system either through the purchase of



1 additional software or hardware that does not advance the goals and  
2 implementation of the uniform integrated regional computer  
3 information system as recommended by the state board.

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

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

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

1 employees under the travel management office of the Department of  
2 Administration.

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

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

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

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

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

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

1 report to the Legislative Oversight Commission on education  
2 accountability. The status report for turn around time for  
3 computer installation, maintenance and repair shall be based on the  
4 following suggested time schedules:

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

12 Agencies also shall submit an audit report to the Legislative  
13 Oversight Commission on education accountability each year.

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

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

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

23 (a) The county board shall meet on the first Monday in July,

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

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

18       (c) In addition, a public hearing shall be held concerning the  
19 preliminary operating budget for the next fiscal year not fewer  
20 than ten days after the budget has been made available to the  
21 public for inspection and within a reasonable time prior to the  
22 submission of the budget to the state board for approval.  
23 Reasonable time shall be granted at the hearing to any person who  
24 wishes to speak regarding any part of the budget. Notice of the

1 hearing shall be published as a Class I legal advertisement in  
2 compliance with the provisions of article three, chapter fifty-nine  
3 of this code.

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

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

15 (f) Except as provided in section twenty-six, article two of  
16 this chapter, board members who serve on an administrative council  
17 of a multicounty vocational center, a county extension service  
18 committee or any other public council, committee or governing board  
19 to which, by law, the board or its president is authorized to  
20 appoint a member may also receive compensation for attending  
21 meetings of that council, committee or governing board at the same  
22 rate as for meetings of the county board, up to a maximum of twelve  
23 meetings of each council, committee or governing board per fiscal  
24 year. Council, committee or governing board meetings do not count

1 toward the maximum number of compensable county board meetings.

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. 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.