

WEST VIRGINIA §18-2-26. Establishment of multicounty regional educational service agencies; purpose; authority of state board; governance; annual performance standards. (a) *Legislative intent.* -- The intent of the Legislature in

providing for establishment of regional education service agencies, hereinafter referred to in this section as agency or agencies, is to provide for high quality, cost effective education programs and services to students, schools and school systems. Since the first enactment of this section in one thousand nine hundred seventy-two, the focus of public education has shifted from a reliance on input models to determine if education programs and services are providing to students a thorough and efficient education to a performance based accountability model which relies on the following: (1) Development and implementation of standards which set forth the things that students should know and be able to do as the result of a thorough and efficient education (2) Development and implementation of assessments to measure student achievement and progress toward meeting the standards; (3) Development and implementation of a system for holding schools and school systems accountable for student performance and progress toward obtaining a high quality education which is delivered in an efficient manner; and (4) Development and implementation of a method for building the capacity and proving the efficiency of schools and school systems to improve student performance and progress. *Purpose.* -- In establishing the agencies the Legislature envisions certain areas of which the agencies can best assist the state board in implementing the standards based accountability model pursuant to subsection (a) of this section and, thereby, in providing high quality education programs. These areas of service include the (1) Providing technical assistance to low performing schools and school systems; (2) Providing high quality, targeted staff development designed to enhance the achievement and progress of students in state public education; (3) Facilitating coordination and cooperation among the county boards within their respective regions in such areas as cooperative purchasing; sharing of specialized personnel, communications and technology; curriculum development; and operation of specialized programs for exceptional children; (4) Installing, maintaining and/or repairing education related technology equipment and software with special attention to the state level basic skills and SUCCESS programs; (5) Receiving and administering grants under the provisions of federal and/or state (6) Developing and/or implementing any other programs or services as directed by law or by the state board. *State board rule.* -- The state board shall reexamine the powers and duties of the agencies in light of the changes in state level education policy that have occurred and establish multicounty regional educational service agencies by rule, promulgated in accordance with the provisions of article three-b, chapter twenty-nine-a of this code. The rule shall contain all information necessary for the effective administration and operation of the agencies. In developing the rule, the state board may not delegate its constitutional authority for the general supervision of schools to the agencies, however, it may allow the agencies greater latitude in the development and implementation of services in the service areas outlined in subsection (b) of this section with the exceptions of providing technical assistance to low performing schools and school systems and providing high quality, targeted staff development designed to enhance the performance and progress of students in state public education. These two areas constitute the most important responsibilities for the agencies. The rule establishing the agencies shall be promulgated before the first day of November, two thousand two, and shall be consistent with the provisions of this section. It shall include, but is not

limited to, the following procedures: (1) Providing for a uniform governance structure for the agencies containing at least one of the following: (A) Selection by the state board of an executive director who shall be responsible for the administration of his or her respective agency. The rule shall provide for the state performsystemim(b) service in wfollowing: performlaw; and (c) shall estabaccordanmaprogramimNoveIt shathese elem board to consult with the appropriate regional council during the selection process; (B) Development of a job description and qualifications for the position of executive director, together with procedures for informing the public of position openings and for taking and evaluating applications for these positions; (C) Provisions for the agencies to employ other staff, as necessary, with the approval of the state board and upon the recommendation of the executive director: That prior to the first day of July, two thousand three, no person who is an ployee of an agency on the effective date of this section may be terminated or have his or her salary and benefit levels reduced as the sole result of the changes made to this section or by state board rule; (D) Appointment by the county boards of a regional council in each agency area consisting of representatives of county boards and county superintendents from within that area for the purpose of advising and assisting the executive director in carrying out his or her duties. The state board may provide for membership on the regional council for representatives from other agencies and institutions who have interest or expertise in the ent or implementation of regional education programs; and (E) Selection by the state superintendent of a representative from the state ent of education to serve on each regional council. These representatives shall eet with their respective regional councils at least quarterly; (2) Establishing statewide standards by the state board for service delivery by the agencies. These standards may be revised annually and shall include, but are not limited s and services to fulfill the purposes set forth in subsection (b) of this section; (3) Establishing procedures for developing and adopting an annual basic operating budget for each agency and for other budgeting and accounting procedures as the state ay require; (4) Establishing procedures to clarifying that agencies may acquire and hold real (5) Dividing the state into appropriate, contiguous geographical areas and designating an agency to serve each area. The rule shall provide that each of the state's counties is contained within a single service area and that all counties located within the boundaries of each agency, as determined by the state board, shall be members of that (6) Such other standards or procedures as the state board finds necessary or *Regional services*. -- In furtherance of the purposes provided for in this section, the state board and the regional council of each agency shall continually explore possibilities for the delivery of services on a regional basis which will facilitate equality in the education offerings among counties in its service area, permit the delivery of high quality education programs at a lower per student cost, strengthen the cost effectiveness of education funding resources, reduce administrative and/or operational costs, including the consolidation of administrative, coordinating and other county level functions into region level functions, and promote the efficient administration and operation of the public school systems generally. Technical, operational, programmatic or professional services are among the types of services appropriate for delivery on a regional basis. (e) *Virtual education*. -- The state board, in conjunction with the various agencies, shall *Provided*,emdevelopmdepartmto, programboard mproperty; agency; andconvenient. (d) develop an effective model for the regional delivery of instruction in subjects where there

exists low student enrollment or a shortage of certified teachers or where the delivery method substantially improves the quality of an instructional program. The model shall incorporate an interactive electronic classroom approach to instruction. To the extent funds are appropriated or otherwise available, county boards or regional educational service agencies may adopt and utilize the model for the delivery of the instruction. (f) *Computer information system.* -- Each county board of education shall use the uniform integrated regional computer information system recommended by the state board for data collection and reporting to the state department of education. County boards of education shall bear the cost of and fully participate in the implementation of the system by using one of the following methods: (1) Acquiring necessary, compatible equipment to participate in the regional computer information system; or (2) Following receipt of a waiver from the state superintendent, operating a comparable management information system at a lower cost which provides at least all integrated regional computer information system software modules and allows on-line, interactive access for schools and the county board office onto the statewide communications network. All data formats shall be the same as for the uniform integrated information system and will reside at the regional computer. Any county granted a waiver shall receive periodic notification of any patibility or deficiency in its system. No county shall expand any system either through the purchase of additional software or hardware that does not advance the goals plementation of the uniform integrated regional computer information system as ended by the state board. *Reports and evaluations.* -- Each agency shall submit to the state superintendent on such date and in such form as specified in the rules adopted by the state board a report and evaluation of the technical assistance and other services provided and utilized by the schools within each respective region and their effectiveness. Additionally, any school y submit an evaluation of the services provided by the agency to the state superintendent at any time. This report shall include an evaluation of the agency program, suggestions on methods to improve utilization and suggestions on the development of new programs and the enhancement of existing programs. The reports and evaluations itted pursuant to this subsection shall be submitted to the state board and shall be de available upon request to the standing committees on education of the West Virginia Senate and House of Delegates and to the secretary of education and the arts. *Funding sources.* -- An agency may receive and disburse funds from the state and federal governments, from member counties, or from gifts and grants. *Employee expenses.* -- Notwithstanding any other provision of this code to the contrary, employees of agencies shall be reimbursed for travel, meals and lodging at the rate as state employees under the travel management office of the department of nistration. A county board member may not be an employee of an agency. *Meetings and compensation.* -- (1) Agencies shall hold at least one half of their regular meetings during hours other f a regular school day. The executive director of each agency shall attend at least one meeting of each of the member county boards of education each year to explain comcompuniformregionaincomand imrecomm(g) masubmma(h) (i) sameadmi(j) than those o the agency's services, garner suggestions for program improvement and provide any other information as may be requested by the county board. (2) Notwithstanding any other provision of this code to the contrary, county board mbers serving on regional councils may receive compensation at a rate not to exceed one hundred dollars per meeting attended, not to exceed fifteen meetings per year. County board members serving on regional councils may be

reimbursed for travel at the rate as state employees under the rules of the travel management office of the ent of administration. *Computer installation, maintenance and repair.* -- Agencies shall serve as the lead agency for computer installation, maintenance and repair for the basic skills and SUCCESS computer programs. Each agency shall submit a quarterly status report on turn e for computer installation, maintenance and repair to the state superintendent of schools who shall then submit a report to the legislative oversight commission on education accountability. The status report for turn around time for computer installation, intenance and repair shall be based on the following suggested time schedules: Network File Servers.....forty-eight hours Local Area Networks.....forty-eight hours West Virginia Education Information System.....twenty-four hours Computer Workstations.....three to five days Printers.....three to five days Other Peripherals.....three to five days Agencies also shall submit an audit report to the legislative oversight commission n accountability each year.

Professional development. -- Pursuant to the processes and provisions of section twenty-three-a, article two, chapter eighteen of this code, each agency shall provide coordinated professional development programs within its region to meet the professional ent goals established by the state board. **Title 126 Legislative Rule Board of Education Series 72**

Establishment and Operation of Regional Education Service Agencies (3233) 126-

72-1. General. 1.1. Scope. -- This legislative rule provides for the establishment of Regional ervice Agencies. 1.2. Authority. -- W. Va. Constitution, Article XII, Section 2; W. Va. Code §§18-2-5 and 18-2-26. 1.3. Filing Date. -- February 15, 2002. 1.4. Effective Date. -- March 17, 2002. mesamedepartm(k) around timmaon educatio(l) *Prodevelopm* Education S 1.5. Repeal of Former Rule. -- Amends 126CSR72, Establishment and Operation of Regional Education Service Agencies, Policy 3233, filed August 11, 2000 and effective September 11, 2000. **§126-72-2. Establishment.** 2.1. The West Virginia Board of Education (State Board) establishes Regional Education Service Agencies (RESAs) as the regional units in the state school system which provide supplementary educational services to the county school systems and which provide opportunities for cooperation and coordination among the county school systems within the educational regions. 2.2. Eight (8) educational regions are designed as indicated on the attached map. Modification of these regions may be made by the State Board. RESAs or county boards may petition the State Board for change. All counties located within the boundaries of each RESA, as determined by the State Board, shall be members of that RESA. 2.3. The RESAs are assigned the responsibility for administering existing regional education programs, insofar as is consistent with state and/or federal law, except for multi-county programs where the attendance areas do not coincide with the established RESA boundaries. 2.4. The RESAs are responsible for making assessments of educational needs and for planning and developing multi-county programs. The programs will be developed and implemented with the approval for the county boards of education for whom the services will be performed. The RESAs will be responsible for administering regional educational programs resulting from such activities. 2.5. RESAs are empowered to contract with county boards of education, the West Virginia Department of Education, persons, companies, or other agencies to implement their objectives and purpose. The RESAs are eligible to participate in and benefit from available federal funds. 2.6. All functions of the RESAs shall be liberally construed to effectuate the intent of the State

Board. §126-72-3. Governance and Administration. 3.1. Each RESA shall be governed by a Board of Directors consisting of the county superintendent and a member of the board of education from each county within the region, and one member appointed by the state superintendent of schools. Each county board shall officially designate the board member representing its board at their first meeting in July. The term of each county board of education member appointment shall be two years, and the member may be reappointed. Each county superintendent and each county board of education member shall be voting members of the Board of Directors. 3.2. The superintendent of schools in each county may designate a member of his/her administrative staff to serve as his/her official representative on the board as his/her voting alternate if he/she is unable to attend a meeting. Each board of education member may designate an alternate member of the board of education as his/her voting alternate if he/she is unable to attend a meeting. The State Superintendent of Schools designee may designate an alternate representative if he/she is unable to attend a meeting. action, direct the RESAs program or substitute its judgment for that of the Board of 3.3. Each RESA Board of Directors may make provisions in its policies for membership on the board for representatives from other agencies and institutions related to the development or implementation of regional education programs. 3.4. The Board of Directors of each RESA shall elect a chairperson from its members and provide for such other officers as it may determine are needed. All officers shall be elected for one-year terms, except that vacancies occurring during a term shall be filled for the remainder of the term. 3.5. Each Board of Directors shall adopt policies, rules or regulations for the governance and efficient operation of the RESA. 3.6. Each Board of Directors shall, by policy, fix a quorum for its meetings. In the absence of policy, Robert's Rules of Order shall apply. 3.7. Each RESA board may establish advisory committees as desired. 3.8. The administration of each RESA shall be under the direction of an Executive Director selected and appointed by the Board of Directors to serve at its will and pleasure. His/her salary shall be determined by the Board of Directors. The Executive Director shall hold a minimum of a master's degree with appropriate graduate courses and shall have at least one year of experience in educational administration. 3.9. Other staff members will be appointed by the Board of Directors upon the recommendation of the Executive Director. All professional staff members shall be required to hold certificates appropriate to their positions or job descriptions, as applicable. 3.10. The location and physical housing arrangement of each RESA office shall be determined by the Board of Directors with the approval of the State Board. 3.11. When mutually agreed, the State Board shall meet with the chairperson of each Regional Educational Service Agency Board of Directors and the Executive Director of each such RESA in order to establish and set such goals and objectives for a particular RESA or RESAs, as the State Board may determine, in general and/or specific areas relating to planning, programs and services, as consistent with statute, and State Board policies, rules and regulations and any suggestions of the State Superintendent of Schools. The State Board also may use any such session or sessions to assess the degree to which a particular RESA has attained any or all identified State Board goals and objectives, using assessment tools the State Board shall cause to be developed. Additionally, any such session or sessions may include receipt of general and specific suggestions from the State Board and/or the State Superintendent of Schools in regard to RESAs' overall missions and objectives as well as the degree to which a particular RESA has attained identified

State Board goals and objectives. **§126-72-4. Finances.** 4.1. The Board of Directors of each RESA shall adopt an annual basic operating budget for the next fiscal year at a meeting held no later than April to be approved by the State Board. 4.2. The RESA Board of Directors may select as its fiscal agent one of the county boards of education comprising the RESA. The county board so selected shall receive and disburse funds in accordance with policies adopted by the Board of Directors and the State Board. A county board of education serving as a RESA fiscal agent may not initiate and must include: (1) an overall evaluation of the RESA's services/programs; (2) suggestions on methods to improve the utilization of existing services/programs; (3) Directors. Control is vested in the Board of Directors. However, the county board of education may reject an action of the Board of Directors on a legal basis. Each RESA shall make provisions for annual audits of its fiscal operations in accordance with that required of county boards of education. 4.3. A special account will be established for RESA funds by any county acting as a fiscal agent. Monthly financial reports shall be made to the Board of Directors and to the State Board. 4.4. In the event a RESA is dissolved or discontinued, any property, furniture, equipment, supplies will be divided equitably among the member counties. **§126-72-5. Services.** 5.1. Educational services to be provided to the member county boards by RESAs may include, but are not limited to the following: 5.1.1. Administrative services such as consultant services in program administration, educational planning, research, cooperative purchasing, educational communications, computer services and personnel services. 5.1.2. Curricular services such as provision of curricular specialists and consultants, curriculum development, staff development for professional and service personnel, demonstration services, experimental programs, cooperative resources acquisition and operation of specialized programs for exceptional children. **§126-76-6. Standards for Service Delivery, Accountability and Reporting.** 6.1. Each RESA shall work in coordination with the State Department and in accordance with the Memorandum of Understanding between the RESAs, the State Department, the Office of Education Performance Audits, and the Center for Professional Development to address the issues and initiatives of school systems within their respective regions in relation to school improvement. 6.2. On or before December 1 of each year, each RESA shall submit to the State Superintendent of Schools and State Board an annual report. The report is to include a summary of all the programs/services provided by the RESA as well as the results of the evaluation described in section 6.3 of this policy. Such report should also give adequate consideration to any non-quantifiable benefits derived from RESA services which the RESA executive director and regional council deem appropriate. The report submitted by the executive director shall be reviewed by the members of the regional council who shall verify by a majority vote that the contents of the report accurately represent the performance of the RESA. 6.3. Each shall submit to the State Superintendent of Schools no later than December 1 of each year, as a part of the RESA's annual report, an evaluation of the services provided within each respective region and their effectiveness. The evaluation is to be completed by schools, school systems and others using the RESA's services/programs the need for a service unit between the school district and the state superintendent. The cooperative educational service agencies are designed to serve educational needs in all suggestions on how existing services/programs may be enhanced; and (4) what new services/programs would be of benefit to schools and school systems. 6.4. The State Superintendent of Schools may direct a review of the

RESA standards of service, performance measures and indicators at any time he or she determines such review is necessary. Such a review is to include the consultation of the RESA executive directors who shall seek advice and assistance of their regional councils in the review process. The State Board will consider results of the review in determining changes needed in the standards of service for the network of RESAs. 6.5. On or before June 1 of each year, the State Superintendent of Schools shall conduct an annual evaluation of each executive director and regional education service agency and report the results of the evaluation to the State Board and the regional council. In conducting this evaluation, the State Superintendent of Schools shall consider (1) the RESA's annual performance report, (2) the leadership of the RESA executive director in developing and implementing the Plan of Services, (3) findings in the RESA's annual budget audit, (4) recommendations of the regional council regarding performance of the RESA, and (5) any other factor the State Superintendent of Schools considers appropriate. 6.6. The executive directors in the network of RESAs shall annually select from their membership one executive director to serve as the communication liaison with the State Board and State Superintendent of Schools. The State Superintendent of Schools' designee shall serve as the liaison for the State Department. The purpose of this communication linkage is to ensure that information exchange occurs between leadership of the RESAs, the State Department, and the State Board that can reveal the benefits, challenges, needs, opportunities and potential partnership roles of the statewide RESA network as an essential technical assistance and professional development provider of services to the state's system of public schools. **§126-72-7. Severability.** 7.1. If any provision of this rule or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.