ENROLLED

House Bill No. 4413
(By Delegates Mezzatesta, Williams, Paxton, Davis, Fletcher, Houston and Calvert)

Passed March 9, 2000
In Effect from Passage
ENROLLED

H. B. 4413

(BY DELEGATES MEZZATESTA, WILLIAMS, PAXTON, DAVIS, FLETCHER, HOUSTON AND CALVERT)

[Passed March 9, 2000; in effect from passage.]

AN ACT to amend and reenact section twenty-six, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to establishing regional education service agencies; purposes; authority to implement regional services; and compensation.

Be it enacted by the Legislature of West Virginia:

That section twenty-six, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-26. Establishment of multicounty regional educational service agencies; purposes; authority to implement regional services.

1 (a) In order to consolidate and administer more effectively existing educational programs and services so individual
districts will have more discretionary moneys for educational improvement and in order to equalize and extend educational opportunities, the state board of education shall establish multicounty regional educational service agencies for the purpose of providing high quality, cost effective educational programs and services to the county school systems, and shall make such rules as may be necessary for the effective administration and operation of the agencies.

(b) In furtherance of these purposes, the board of directors of each regional educational service agency shall continually explore possibilities for the delivery of services on a regional basis which will facilitate equality in the educational offerings among counties in its service area, permit the delivery of high quality educational 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.

(c) In addition to performing the services and functions required by the provisions of this or any other section of this code, a regional educational service agency may implement regional programs and services by a majority vote of its board of directors. When the vote is not unanimous, the board of directors shall file a plan for the service or program delivery with the state board describing the program or service, the manner of delivery and the projected savings and/or the improved quality of the program or service. The state board shall promulgate rules requiring a county board that declines to
participate in the programs or services to show just cause for
not participating and the estimated savings accruing to the
county from the program or services. If a county board fails to
show that savings will accrue to the county or that the quality
of the program will be significantly and positively affected as
a result of its decision not to participate, the state board shall
withhold from the county’s foundation allowance for adminis-
trative cost the lesser of the amount of the estimated savings or
the allocation for the county’s foundation allowance for
administrative cost.

(d) The state board, in conjunction with the various regional
educational service agencies, shall 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.

(e) Each county board of education shall use the uniform
integrated regional computer information system recommended
by the state board of education for data collection and reporting
to the state department of education. County boards of educa-
tion shall bear the cost of and fully participate in the implemen-
tation of the system by: (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 informa-
tion system at a lower cost which provides at least all uniform
integrated regional computer information system software
modules and allows on-line, interactive access for schools and
the county board of education office onto the statewide commu-
nications network. All data formats shall be the same as for the
uniform integrated regional information system and will reside at the regional computer. Any county granted a waiver shall receive periodic notification of any incompatibility 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 and implementation of the uniform integrated regional computer information system as recommended by the state board.

(f) Each regional educational service agency shall submit a report and evaluation of the services provided and utilized by the schools within each respective region. Furthermore, each school shall submit an evaluation of the services provided by the regional educational service agency, which shall include an evaluation of the regional educational service agency program, suggestions as to how to improve utilization and the individual school’s plan as to development of new programs and enhancement of existing programs. The reports is due by the first day of January of each year and shall be made available to the state board of education, the standing committees on education of the West Virginia Senate and House of Delegates and to the secretary of education and the arts.

(g) A regional board may receive and disburse funds from the state and federal governments, member counties, gifts and grants.

(h) Notwithstanding any other provision of this code to the contrary, employees of regional educational service agencies shall be reimbursed for travel, meals and lodging at the same rate as state employees under the travel management office of the department of administration.

(i) Regional educational service agencies shall hold at least one half of their regular meetings during hours other than those of a regular school day.
(j) Regional educational service agencies shall serve as the lead agency for computer installation, maintenance and repair for the basic skills computer program. Each regional educational service agency shall submit a quarterly status report on turn around time 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, maintenance 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

Regional educational service agencies shall also submit an audit report to the legislative oversight commission on education accountability each year.

(k) Pursuant to the processes and provisions of section twenty-three-a, article two, chapter eighteen of this code, each regional educational service agency shall provide coordinated professional development programs within its region to meet the professional development goals established by the state board.

(l) Notwithstanding any other provision of the code to the contrary, county board members serving on regional education
service agency boards 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 education service agency boards may be reimbursed for travel at the same rate as state employees under the rules of the travel management office of the department of administration.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 17th day of March, 2000.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/4/00
Time 10:12 AM