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2015 MAR 26 P 1:48

OFFICE WEST VIRGINIA
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WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2015

ENROLLED

House Bill No. 2370

(By Delegate(s) Pasdon, Duke, Rowan,
Wagner, Upson, Ambler, and Espinosa)

Passed March 12, 2015

In effect ninety days from passage.

HB 2370

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H. B. 2370

(BY DELEGATE(S) PASDON, DUKE, ROWAN,
WAGNER, UPSON, AMBLER, AND ESPINOSA)

[Passed March 12, 2015;
in effect ninety days from passage.]

AN ACT to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended, relating to increasing the powers of regional councils for governance of regional education service agencies; providing for revision of state board rule; requiring selection of executive director from nominations with certain limitations; requiring consultation with councils on development of job description, qualifications and procedures; requiring provisions for annual performance evaluations with portion of rating determined by council; expanding role of council; stating ability of agencies to cooperate, share or combine services with each other; updating references to computer programs and systems and removing outdated provisions; removing prescriptive provisions for computer installation, maintenance and repair; and removing provisions relating to repealed section on professional development.

Be it enacted by the Legislature of West Virginia:

That §18-2-26 of the Code of West Virginia, 1931, 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; purpose; authority of state board; governance; annual performance standards.

1 (a) *Legislative intent.* — The intent of the Legislature in
2 providing for establishment of regional education service
3 agencies, hereinafter referred to in this section as agency or
4 agencies, is to provide for high quality, cost effective education
5 programs and services to students, schools and school systems.

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

11 (1) Development and implementation of standards which set
12 forth the things that students should know and be able to do as
13 the result of a thorough and efficient education including
14 measurable criteria to evaluate student performance and
15 progress;

16 (2) Development and implementation of assessments to
17 measure student performance and progress toward meeting the
18 standards;

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

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

27 (b) *Purpose.* — In establishing the agencies the Legislature
28 envisions certain areas of service in which the agencies can best
29 assist the state board in implementing the standards based
30 accountability model pursuant to subsection (a) of this section
31 and, thereby, in providing high quality education programs.
32 These areas of service include the following:

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

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

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

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

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

48 (6) Developing and/or implementing any other programs or
49 services as directed by law, the state board or the regional
50 council.

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

57 The rule shall contain all information necessary for the
58 effective administration and operation of the agencies. In
59 developing the rule, the state board may not delegate its
60 Constitutional authority for the general supervision of schools to
61 the agencies, however, it may allow the agencies greater latitude
62 in the development and implementation of programs in the
63 service areas outlined in subsection (b) of this section with the
64 exceptions of providing technical assistance to low performing
65 schools and school systems and providing high quality, targeted
66 staff development designed to enhance the performance and
67 progress of students in state public education. These two areas
68 constitute the most important responsibilities for the agencies.

69 The rule establishing the agencies shall be promulgated
70 before November 1, 2015, and shall be consistent with the
71 provisions of this section. It shall include, but is not limited to,
72 the following procedures:

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

75 (A) Selection by the state board of an executive director who
76 shall be responsible for the administration of his or her
77 respective agency. The rule shall provide for the state board to
78 select the executive director only upon the nomination of one or
79 more candidates by the regional council of the agency. In case
80 the board refuses to select any of the candidates nominated, the
81 regional council shall nominate others and submit them to the
82 board. All candidates nominated must meet the qualifications for

83 the position established by the state board. Nothing shall prohibit
84 the timely employment of persons to perform necessary duties;

85 (B) Development of a job description and qualifications for
86 the position of executive director, together with procedures for
87 informing the public of position openings, for taking and
88 evaluating applications, for making nominations for these
89 positions, and for annually evaluating the performance of
90 persons employed as executive director. The state board shall
91 consult with the regional councils on the development of the job
92 description, qualifications and procedures;

93 (C) Provisions for the annual performance evaluation of the
94 executive director that provide for one half of the evaluation
95 rating to be determined by the regional council;

96 (D) Provisions for the agencies to employ other staff, as
97 necessary, with the approval of the state board and upon the
98 recommendation of the executive director: *Provided*, That prior
99 to July 1, 2003, no person who is an employee of an agency on
100 the effective date of this section may be terminated or have his
101 or her salary and benefit levels reduced as the sole result of the
102 changes made to this section or by state board rule;

103 (E) Appointment by the county boards of a regional council
104 in each agency area consisting of representatives of county
105 boards and county superintendents from within that area for the
106 purpose of advising, assisting and informing the executive
107 director in carrying out his or her duties to achieve the purposes
108 of this section and provide educational services to the county
109 school systems within the region. The state board may provide
110 for membership on the regional council for representatives from
111 other agencies and institutions who have interest or expertise in
112 the development or implementation of regional education
113 programs; and

114 (F) Selection by the state superintendent of a representative
115 from the state Department of Education to serve on each regional
116 council. These representatives shall meet with their respective
117 regional councils at least quarterly;

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

123 (3) Establishing procedures for developing and adopting an
124 annual basic operating budget for each agency and for other
125 budgeting and accounting procedures as the state board may
126 require;

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

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

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

137 (d) *Regional services.* — In furtherance of the purposes
138 provided for in this section, the state board and the regional
139 council of each agency shall continually explore possibilities for
140 the delivery of services on a regional basis which will facilitate
141 equality in the education offerings among counties in its service
142 area, permit the delivery of high quality education programs at
143 a lower per student cost, strengthen the cost effectiveness of

144 education funding resources, reduce administrative and/or
145 operational costs, including the consolidation of administrative,
146 coordinating and other county level functions into region level
147 functions, and promote the efficient administration and operation
148 of the public school systems generally.

149 Technical, operational, programmatic or professional
150 services are among the types of services appropriate for delivery
151 on a regional basis. Nothing in this section prohibits regional
152 education service agencies from cooperating, sharing or
153 combining services or programs with each other, at their
154 discretion, to further the purposes of this section.

155 (e) *Virtual education.* — The state board, in conjunction
156 with the various agencies, shall develop an effective model for
157 the regional delivery of instruction in subjects where there exists
158 low student enrollment or a shortage of certified teachers or
159 where the delivery method substantially improves the quality of
160 an instructional program. The model shall incorporate an
161 interactive electronic classroom approach to instruction. To the
162 extent funds are appropriated or otherwise available, county
163 boards or regional education service agencies may adopt and
164 utilize the model for the delivery of the instruction.

165 (f) *Computer information system.* — Each county board of
166 education shall use the statewide electronic information system
167 established by the state board for data collection and reporting to
168 the state Department of Education.

169 (g) *Reports and evaluations.* — Each agency shall submit to
170 the state superintendent on such date and in such form as
171 specified in the rules adopted by the state board a report and
172 evaluation of the technical assistance and other services provided
173 and utilized by the schools within each respective region and
174 their effectiveness. Additionally, any school may submit an
175 evaluation of the services provided by the agency to the state

176 superintendent at any time. This report shall include an
177 evaluation of the agency program, suggestions on methods to
178 improve utilization and suggestions on the development of new
179 programs and the enhancement of existing programs. The reports
180 and evaluations submitted pursuant to this subsection shall be
181 submitted to the state board and shall be made available upon
182 request to the standing committees on education of the West
183 Virginia Senate and House of Delegates and to the secretary of
184 education and the arts.

185 (h) *Funding sources.* — An agency may receive and disburse
186 funds from the state and federal governments, from member
187 counties, or from gifts and grants.

188 (i) *Employee expenses.* — Notwithstanding any other
189 provision of this code to the contrary, employees of agencies
190 shall be reimbursed for travel, meals and lodging at the same rate
191 as state employees under the travel management office of the
192 Department of Administration.

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

195 (j) *Meetings and compensation.* —

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

203 (2) Notwithstanding any other provision of this code to the
204 contrary, county board members serving on regional councils
205 may receive compensation at a rate not to exceed \$100 per

206 meeting attended, not to exceed fifteen meetings per year.
207 County board members serving on regional councils may be
208 reimbursed for travel at the same rate as state employees under
209 the rules of the travel management office of the Department of
210 Administration.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

John B. Mc...
Chairman, House Committee

Paul R. ...
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

John J. ...
Clerk of the House of Delegates

Clark ...
Clerk of the Senate

... ..
Speaker of the House of Delegates

... ..
President of the Senate

The within is approved this the 24
day of March, 2015.

Earl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2015

Time 4.55 Pm