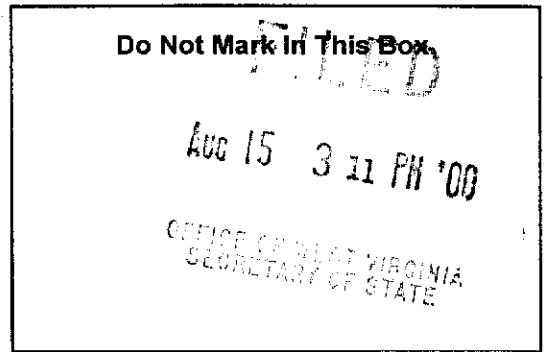


WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5



NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Constitution, Article XII, §2, W.Va. Code §18-2-5 and §18-2-26

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES XX NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 72

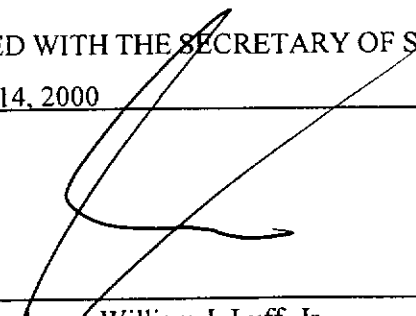
TITLE OF RULE BEING AMENDED: Establishment and Operation of Regional Education

Service Agencies (3233)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 14, 2000



William J. Luff, Jr.
Associate State Superintendent of Schools

Title 126
Legislative Rule
Board of Education

FILED
Aug 15 3 11 PM '00

Series 72

Establishment and Operation of Regional Education Service
Agencies (3233)

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

§126-72-1. General.

1.1. Scope. -- This legislative rule provides for the establishment of Regional Education Service 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. August 15, 2000

1.4. Effective Date. September 14, 2000

§126-72-2. Establishment.

2.1. The West Virginia Board of Education hereby 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 West Virginia Board of Education. RESAs or county boards may petition the State Board of Education for change. All counties located within the boundaries of each RESA, as determined by the West Virginia Board of Education, 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 enabling legislation and the rules and regulations of the West Virginia Board of Education.

§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. He/she 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 designee may designate an alternate representative if he/she is unable to attend a meeting.

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. At least semiannually, the State Board, including the State Superintendent of Schools shall meet with the chairman and/or co-chairman 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 Board shall cause to be developed. Additionally, any such session or sessions may include receipt of general and specific suggestions from the State Superintendent of Schools in regard to RESAs' overall missions and objectives as well as the degree to which the State Superintendent determines a particular RESA has or RESAs have attained identified state board goals and objectives.

3.11.1. The above meetings also may include a specific allotment of time in which an individual RESA or RESAs may present a report or other general or specific information in regard to programs, services and other matters deemed of concern to a particular RESA or RESAs and/or the State Board.

§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 West Virginia Board of Education. A county board of education serving as a RESA fiscal agent may not initiate action, direct the RESA's program or substitute its judgment for that of the board of 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.

126CSR72

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, etc., will be divided equitably among the member counties.

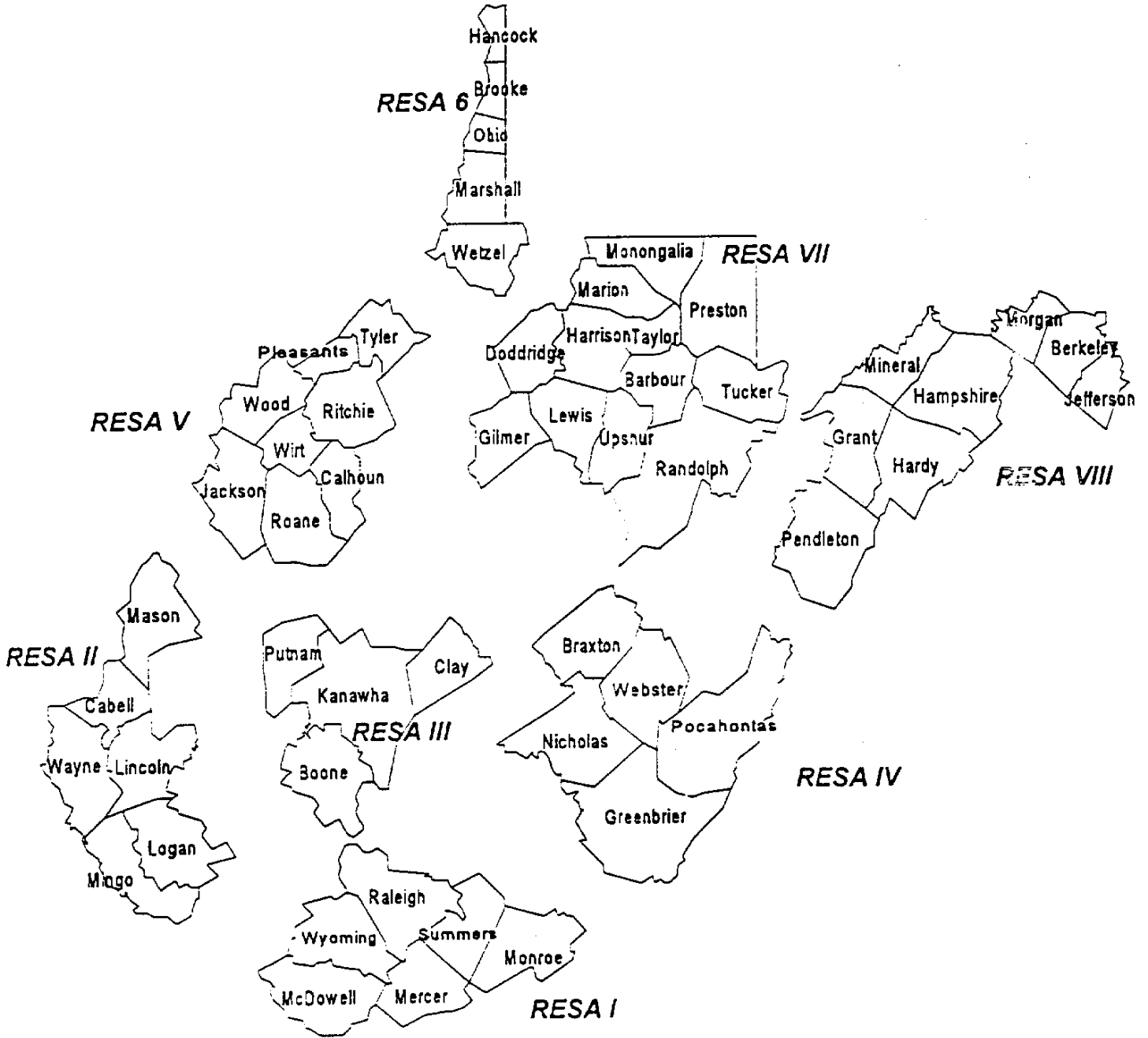
§126-72-5. Services.

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.

Regional Education Service Agencies
RESA



FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HO NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 3233: Establishment and Operation of Regional Education Service Agencies
FUND General

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

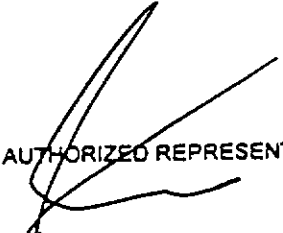
DATE

AGENCY

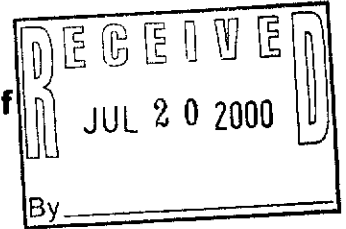
AUTHORIZED REPRESENTATIVE

May 24, 2000

West Virginia Department of Education



**POLICY 3233: Establishment and Operation of
Regional Education Service Agencies**



Comments/Suggestions

Directions: Please use this form in commenting on proposed Policy 3233. Additional sheets may be attached if needed.

Individual/Organization: RESA IV Board of Directors

Position: _____

Name of County, School, Business, etc: _____

Street Address: 404 Old Main Drive

City/State/Zip: Summersville, WV 26651

Comments/Suggestions

126-72-1. General.

126-72-2. Establishment.

126-72-3. Governance and Administration. Delete:

3.11 ~~"in-order-to-establish-and-set-such-goals-and-objectives-for-a
particular-RESA-or-RESAs,--as-the-state-Board-may-determine,--in-
schools,--The-State-Board--developed,--Additionally,--any-
objectives.~~

126-72-4. Finances.

126-72-5. Services.

Return comments by July 21, 2000 to:

***Adam Sponaugle
Assistant State Superintendent
West Virginia Department of Education
Building 6, Room 221
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-mail: asponaug@access.k12.wv.us
Fax: (304) 558-2346***

126-72-3. Governance and Administration. Delete:

3.11 ~~"in order to establish and set such goals and objectives for a particular RESA or RESAs, as the state Board may determine, in schools. The State Board developed. Additionally, any objectives.~~

126-72-4. Finances.

126-72-5. Services.

Return comments by July 21, 2000 to:

***Adam Sponaugle
Assistant State Superintendent
West Virginia Department of Education
Building 6, Room 221
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-mail: asponaug@access.k12.wv.us
Fax: (304) 558-2346***

✓

**POLICY 3233: Establishment and Operation of
Regional Education Service Agencies**

Comments/Suggestions

Directions: Please use this form in commenting on proposed Policy 3233. Additional sheets may be attached if needed.

Individual/Organization: _____ Rick P. Powell _____

Position: _____ Executive Director _____

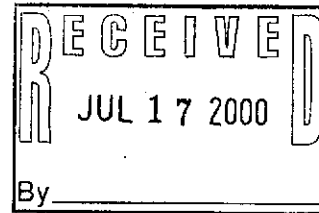
Name of County, School, Business, etc: _____ RESA II _____

Street Address: _____ 2001 McCoy Road _____

City/State/Zip: _____ Huntington WV 25701 _____

Comments/Suggestions

126-72-1. General.



126-72-2. Establishment.

126-72-3. Governance and Administration.

The Policy Review Committee diligently reviewed the Policy henceforth the Policy should be adopted as presented by the committee.

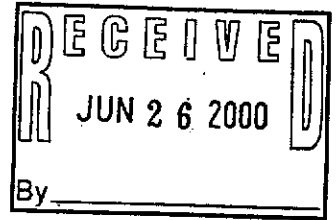
126-72-4. Finances.

126-72-5. Services.

Return comments by July 21, 2000 to:

***Adam Sponaugle
Assistant State Superintendent
West Virginia Department of Education
Building 6, Room 221
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-mail: asponaug@access.k12.wv.us
Fax: (304) 558-3946***

**POLICY 3233: Establishment and Operation of
Regional Education Service Agencies**



Comments/Suggestions

Directions: Please use this form in commenting on proposed Policy 3233. Additional sheets may be attached if needed.

Individual/Organization: Charles Duffy

Position: Executive Director

Name of County, School, Business, etc: RESA VII

Street Address: 109 S College St.

City/State/Zip: Martinsburg, WV 25401

Comments/Suggestions

126-72-1. General.

No changes

126-72-2. Establishment.

No Changes

126-72-3. Governance and Administration.

The proposed amendment in 3-1 corrects a serious problem.

The proposed amendments to 3-8, 3-10 and 3-11 improve the ~~past~~ policy

126-72-4. Finances.

126-72-5. Services.

This section leaves out statements from the original policy that were both positive and clarifying.

Return comments by July 21, 2000 to:

**Adam Sponaugle
Assistant State Superintendent
West Virginia Department of Education
Building 6, Room 221
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-mail: asponaug@access.k12.wv.us
Fax: (304) 558-3946**

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

**POLICY 3233
ESTABLISHMENT AND OPERATION OF REGIONAL EDUCATION
SERVICE AGENCIES**

Background:

Policy 3233 establishes and sets forth in policy the operation procedures for Regional Education Service Agencies (RESAs). The Policy was initially passed in 1972 and was last revised in March 2000. The State Board of Education requested that the Department review the Policy as to its consistency with the recommendations contained in a report from the Policy Review Committee.

Proposed Changes:

The following are changes proposed to Policy 3233:

- a. The state superintendent's designee to the board will be a non-voting member;
- b. Deletes the provision in the Policy that would require representatives from a county to abstain from voting on the selection of a RESA Director when a superintendent or county board member was an applicant for the position;
- c. Requires that the RESA director's qualifications include at least one-year experience in educational administration;
- d. Deletes the provision that the state superintendent of schools' designee could meet in place of the superintendent at the semi-annual meeting with the State Board of Education, chair and/or co-chair of each Regional Education Service Agency, and the executive director of each RESA in order to establish and set goals; and,
- e. County boards of education will designate their representative to the RESA board at their first meeting in July.