

WEST VIRGINIA  
SECRETARY OF STATE

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

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

AMENDMENT TO AN EXISTING RULE: YES  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: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON March 19, 2007 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Betty Jo Jordan, Executive Director

Office of Technical and Secondary Program Improvement

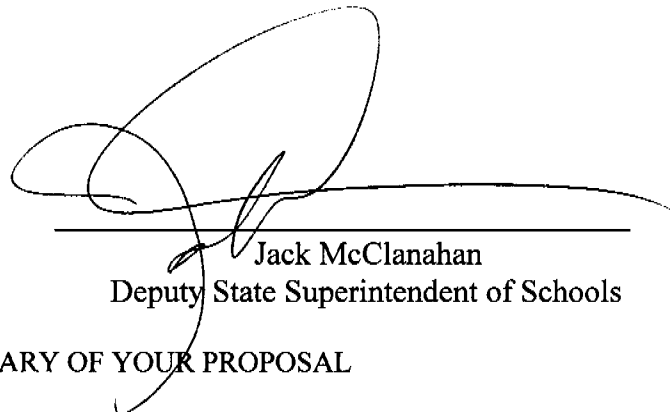
West Virginia Department of Education

Capitol Building 6, Room 221

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305

THE ISSUES TO BE HEARD WILL BE LIMITED TO THIS PROPOSED RULE.



Jack McClanahan  
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$6.80

**Executive Summary**  
**FOR**  
**WEST VIRGINIA BOARD OF EDUCATION POLICY**

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**Policy Number and Title: Policy 3233: Establishment and Operation of Regional Education Service Agencies**

**Background:**

- West Virginia Code §18-2-26 provides for the West Virginia Board of Education (WVBE) to establish multi-county Regional Education Service Agencies (RESAs) to provide high quality, cost effective education programs and services to students, schools and school systems. The resulting policy is 3233, Establishment and Operation of Regional Education Service Agencies.
- The 2006 West Virginia Legislature enacted Senate Bill 127 charging the State Superintendent to conduct a comprehensive study of the programs, governance and administration of the RESAs.
- A State Task Force was convened to make specific recommendations to the State Superintendent and WVBE.

**Major Revisions or Reasons for New Policy:**

- Revisions are being recommended to clarify the role of the State Superintendent of Schools, establish additional requirements for personnel and fiscal policies, replace the Plan of Services with a Strategic Plan, and implement on-site reviews of each RESA by the Office of Educational Performance Audits.

**Impact:**

- Revisions of the policy clarify and strengthen procedures and accountability for the effective and efficient operation, governance, administration, and evaluation of the Regional Education Service Agencies.

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

SERIES 72  
Establishment and Operation of  
Regional Education Service Agencies (3233)

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SECRETARY OF STATE

**§126-72-1. General.**

1.1. Scope. -- This legislative rule provides for the establishment and operation of Regional Education Service Agencies (RESAs).

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 13, 2004.~~

1.4. Effective Date. -- ~~March 15, 2004.~~

1.5. Repeal of Former Rule. -- This rule amends W.Va. 126CSR72, Establishment and Operation of Regional Education Service Agencies, Policy 3233, filed ~~December 13, 2002~~ and effective ~~January 12, 2003~~.

**§126-72-2. Establishment.**

2.1. The West Virginia Board of Education (~~State Board~~ hereinafter WVBE) establishes multi-county Regional Education Service Agencies (hereinafter, RESAs) as the regional units in the state school system to provide for high quality, cost effective education programs and services to students, schools, and school systems. As part of a statewide network of RESAs, each RESA is established as a regional public multi-service agency to develop, manage, and provide services or programs to county school systems. RESAs shall be recognized individually and collectively as essential administrative agencies responsible for performing a service function(s) to public school districts consistent with the ~~State Board's~~ WVBE's commitment to high quality programs and services for all students in a state educational system that is thorough, efficient and performance-based.

2.2. Eight (8) educational regions are designated as indicated in Appendix B. The ~~State Board~~ WVBE may make modification of these regions based on performance of the RESAs in achieving results consistent with this rule or any other factors intended to ensure that the network of RESAs can deliver equitable, efficient and high quality standards of services to county school systems. RESAs

or county boards may petition the ~~State Board~~ WVBE for change where evidence exists such a change could improve effectiveness or efficiency of services intended to build capacity through technical assistance and professional development that results in the continuous improvement of student performance. All county school systems located within the boundaries of each RESA, as determined by the ~~State Board~~ WVBE, shall be members of that RESA.

2.3. The RESAs are established and assigned the responsibility 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 executive director of each RESA, with the advice and assistance of the RESA's regional council, is responsible for implementing a strategic planning process that assesses the needs for planning and developing multi-county programs. The executive director of the RESA will be responsible for administering and implementing regional educational programs resulting from the strategic planning process. To the extent funds are available at the RESA, or offered on a fee basis by a RESA, the RESA executive director is to give priority to any request for programs or services needed to implement the unified Five Year Strategic county or school improvement plan of a low-performing school system or school.

2.5. RESAs are empowered to contract with county boards of education, the West Virginia Department of Education (~~State Department~~ hereinafter, WVDE), persons, companies, or other agencies to implement their ~~Plan of Services~~ Strategic Plan. A RESA is eligible as a local education agency (LEA) to participate in partnership with or on behalf of any county school system or school in those federal programs that will accomplish implementation of the strategic plan and/or state education initiative.

2.6. A RESA is established to serve as a repository of research-based teaching and learning practices. The RESA shall use technology, particularly web-based technology and the ~~State Department's~~ WVDE's e-portal (web site), to ensure maximum access to such practices by public schools in the region and state.

2.7. A RESA may not perform a regulatory function; however, this does not prohibit a RESA from offering technical assistance, including targeted comprehensive staff development services, or other technical assistance to a low-performing school or school system that is found to be out of compliance with a state law or federal law, or as directed by the ~~State Board~~ WVBE or State Superintendent of Schools.

2.8. All functions of the RESAs shall be liberally construed to effectuate the intent of the ~~State Board~~ WVBE.

### **§126-72-3. Governance and Administration.**

~~3.1. Each RESA shall have a regional council for the purpose of advising and assisting the executive director in carrying out his or her duties. The regional council shall consist of the county superintendent and a member of the board of education from each county school system within the region; one representative from the State Department selected by the State Superintendent of Schools; and, to be selected by the RESA executive director, one chief instructional leader who is not a superintendent, one school principal, and one teacher in the region. The RESA executive director may also select additional members to serve on the regional council to represent higher education, business and industry, or other entities. At the first meeting in July after each biennial election each county board shall officially designate the board member representing its board on the regional council. The term of each county board of education member appointment shall be two years, and the member may be reappointed. The term of each person selected by the executive director shall be two years and the member may be reappointed. The State Superintendent of Schools, as designee of WVBE, is responsible for the general management of the RESAs.~~

~~3.2. Each member of the regional council shall be a voting member of the regional council. Recommendations of the regional council on the following issues are binding on the RESA and executive director for the following purposes, subject to final approval by the State Board: nomination of the RESA executive director, employment of RESA full-time professional/supervisory staff, development of an annual budget, creation of the RESA Plan of Services, and evaluation of RESA performance. The daily administration of each RESA shall be under the direction of an executive director who shall be appointed by the WVBE. In filling a vacancy in the position of executive director for the RESA, the regional council shall consult with the State Superintendent of Schools on the qualifications and leadership qualities important for the position of executive director (job description for the position of RESA executive director found in Appendix A). A member of the regional council will be appointed by the regional council to serve on the committee that interviews the applicants for executive director of the RESA. The State Superintendent of Schools or his/her designee shall serve on the selection committee. The President of the WVBE shall appoint WVBE members to serve on the selection committee. The State Superintendent of Schools shall recommend to the WVBE the person to fill the position of executive director of the RESA.~~

~~3.3. 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 regional council 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. If the State Department representative is unable to attend a RESA~~

~~meeting, the State Superintendent of Schools may designate an alternate representative to attend the meeting. Persons selected by the executive director on the regional council who are unable to attend a meeting may provide a substitute to represent him/her at the meeting if approved by the executive director. The RESA executive director shall serve at the will and pleasure of the WVBE and be evaluated annually by the State Superintendent of Schools as the WVBE's designee. The State Superintendent shall consider input from the regional council when conducting the evaluation. The WVBE shall determine the salary of the executive director at each RESA.~~

~~3.4. The regional council 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 by a majority vote of members on the regional council. A RESA may employ staff, as necessary, to perform services described in the Strategic Plan or to operate demonstration, pilot, or other projects that may require staff and support services for effective implementation. Upon the recommendation of a RESA Executive Director and the State Superintendent of Schools, the WVBE will consider the approval of all full-time and part-time staff at a RESA after a majority of the members of a regional council, by vote, verify that such positions are necessary for effective provision of services to county school systems in the region as set forth in this policy. The WVBE delegates to the State Superintendent the authority to authorize the temporary hiring of full and part-time staff, pending final approval of the WVBE.~~

~~3.4.1 RESA staff who are hired into a position that requires a specified certification must maintain the certification while employed in that same position at the RESA.~~

~~3.5. Each regional council shall adopt policies, rules or regulations for the effective and efficient operation of the RESA consistent with the provisions in this State Board rule. The WVBE with the advice and assistance of the regional council, the RESA Executive Director, and the State Superintendent of Schools will determine the location of each RESA. In the event a RESA is dissolved or reconfigured, the State Superintendent of Schools will consult with the regional council and the executive director to develop a plan to address the changes and present it to the WVBE for approval.~~

~~3.6. Each regional council shall, by policy, fix a quorum for its meetings. In the absence of policy, Robert's Rules of Order shall apply. Each RESA shall have a regional council for the purpose of advising and assisting the executive director in carrying out his or her duties. The regional council shall consist of the county superintendent and a member of the board of education from each county school system within the region; one representative from the WVDE selected by the State Superintendent of Schools (will serve as an ex-officio, non-voting~~

member); and, to be selected by the RESA executive director, one chief instructional leader who is not a superintendent, one school principal, and one teacher in the region. The RESA executive director may also select additional members to serve on the regional council to represent higher education, business and industry, or other entities. At the first meeting in July after each biennial election each county board shall officially designate the board member representing its board on the regional council. The term of each county board of education member appointment shall be two years, and the member may be reappointed. The term of each person selected by the executive director shall be two years and the member may be reappointed.

~~3.7. The RESA executive director, with input from the chairperson of the regional council shall establish advisory committees, taskforces, and study groups as desired for accomplishing RESA functions and services consistent with this State Board rule. The regional council shall make recommendations to the State Superintendent of Schools and the WVBE in the following areas: qualifications and leadership characteristics of a new RESA executive director, employment of full-time and part-time professional and associate staff, development of an annual budget, development of the RESA strategic plan, the evaluation of the RESA(s) performance, and the evaluation of the RESA executive director.~~

~~3.8. The administration of each RESA shall be under the direction of an executive director who shall be appointed by the State Board in consultation with the regional council and the State Superintendent of Schools. In filling a vacancy in the position of executive director for the RESA, the regional council shall solicit, screen and nominate two candidates for consideration by the State Superintendent of Schools and State Board. If no candidate is acceptable to the State Board, the regional council shall submit two new candidates. 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 regional council 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. If the WVDE representative is unable to attend a RESA meeting, the State Superintendent of Schools may designate an alternate representative to attend the meeting. Persons selected by the executive director on the regional council who are unable to attend a meeting may provide a substitute to represent him/her at the meeting if approved by the executive director.~~

~~3.9. In soliciting candidates for the position of executive director, the regional council shall follow procedures of the State Department. In soliciting and nominating candidates for the position of executive director, the regional council shall use the job description for the position of RESA executive director found in Appendix A of this rule. The regional council 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 by a majority vote of members on the regional council.

~~3.10. The RESA executive director shall serve at the will and pleasure of the State Board and be evaluated annually by the State Superintendent of Schools as the State Board's designee with input from the regional council. The State Board shall determine the salary of the executive director at each RESA. Termination of a RESA executive director shall be by the State Board with input from the regional council and the State Superintendent of Schools. Each regional council shall adopt policies, rules or regulations for the effective and efficient operation of the RESA consistent with the provisions in this WVBE rule. Each RESA Executive Director shall provide a copy each adopted policy, rule or regulation to the State Superintendent of Schools.~~

~~3.11. A RESA may employ staff, as necessary, to perform services described in the Plan of Services, or to operate demonstration, pilot or other projects that may require staff and support services for effective implementation. The State Board will consider the recommendations for staff employment by the RESA when a majority of the members of the regional council, by vote, verify that such positions are necessary for effective provision of services to county school systems in the region and consistent with this rule and/or State Board initiative(s) and recommendations of the RESA executive director. The State Board may delegate to the State Superintendent of Schools the authority to authorize, prior to State Board approval, the hiring of emergency or part-time staff. Each regional council shall, by policy, fix a quorum for its meetings. In the absence of policy specifying other operational rules, Robert's Rules of Order shall apply.~~

~~3.12. The executive director of the RESA, with the advice and assistance of the regional council, shall determine the location and physical housing arrangement of each RESA office. The State Board shall review the recommendation of the RESA executive director and consider approval of the request in consultation with the executive director and chairperson of the regional council. A RESA office location in effect on November 1, 2002, shall remain the location of the RESA office unless the State Board approves a change. The RESA executive director, with input from the chairperson of the regional council shall establish advisory committees, taskforces, and study groups as desired for accomplishing RESA functions and services consistent with this WVBE rule.~~

3.13 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 serve agency and report the results of the evaluation to the WVBE 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 Strategic Plan, (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.

3.14 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 WVBE and State Superintendent of Schools. The State Superintendent of Schools' designee shall serve as the liaison for the WVDE. The purpose of this communication linkage is to ensure that information exchange occurs between leadership of the RESAs, the WVDE, and WVBE 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.

3.15 All RESA regular full-time and regular-part time personnel are non-contractual will and pleasure employees of the WVBE. Recommendations for termination and suspension of RESA regular full-time and regular part-time personnel will be made by the State Superintendent of Schools to the WVBE.

3.16 The regional council shall develop consistent and standardized personnel policies including, but not limited to, those topics listed in Appendix C.

#### **§126-72-4. Finances.**

4.1. The executive director of the RESA shall prepare and submit an annual basic operating budget for the next fiscal year at a regional council meeting held no later than April. The budget must be approved by the State Board WVBE. In preparing the budget, the executive director is to (1) allocate expenditures with actions planned to accomplish the Plan of Services Strategic Plan; (2) consult with the Assistant State Superintendent of the State Department's Division of Administrative Services Executive Director, WVDE Office of School Finance for ensuring any potential or standing audit issues are considered; and (3) ~~reflect in the budget a priority expenditure of funds for providing technical assistance to low-performing schools and school systems, and for providing high quality targeted staff development designed to enhance the performance and progress of students in public schools; and~~ (4) prior to submitting the annual budget to the State Board WVBE for approval, obtain a majority vote by a quorum of members on the regional council regarding the budget's appropriateness for meeting needs of school systems in the region.

4.2. The RESA executive director, with advice and assistance of the regional council, may select as its fiscal agent one of the county boards of education comprising the RESA. The county board so selected shall maintain a separate bank account or accounts for the receipt and disbursement of all RESA

~~funds and perform the accounting functions specified in the receive and disburse funds in accordance with policies adopted by the State Board WVBE. A county board of education serving as a RESA fiscal agent may not initiate action, direct the RESAs programs or substitute its judgment for that of the executive director as advised by the regional council. The county board of education may reject an action of the executive director on a legal basis or in cases where sufficient funds are not available. The executive director of the RESA shall make provisions arrangements for an annual audit to be conducted in accordance with the requirements of the Single Audit Act and the cost of the audit will be the responsibility of the RESA. of RESA fiscal operations in accordance with that required of county boards of education. However, Prior to making those arrangements, the executive director is to must consult with the Assistant State Superintendent of the State Department's Division of Administrative Services Executive Director, WVDE Office of School Finance to ensure the audit process addresses all issues germane to tracking budget activities applicable issues.~~

4.3. ~~A special account will be established for RESA funds by any county acting as a fiscal agent. Each RESA shall employ a competent chief financial officer who meets the qualifications specified in WVBE Policy 5202. The chief financial officer will prepare Mmonthly and annual financial reports and provide copies of those reports shall be made to the RESA executive director, RESA program directors, the chief school business official of the fiscal agent county board, and who shall review such reports with the regional council, and submit such reports a copy to the State Board WVBE.~~

4.4. A RESA may receive and disburse funds from the state and federal governments, from member counties, or from gifts and grants. Each RESA is encouraged to partner with member school systems, particularly those designated as low-performing, and other organizations as appropriate to attract and leverage resources available from federal programs to maximize its capacity for meeting the needs of member schools and school systems. The State Board WVBE recognizes a RESA as an eligible LEA for the purposes of applying, on behalf of school systems, for federal grant funds consistent with performing regional services and functions in this rule and/or supportive of education initiatives of the State Board WVBE.

4.5. ~~A RESA may acquire and hold property considered necessary by the executive director for achieving the purpose and functions for which RESAs are established, as advised by the regional council and subject to approval by the State Board WVBE. In the event a RESA is dissolved or discontinued, any property, furniture, equipment, and supplies will be divided equitably among the member counties. In the event a RESA is reconfigured, the executive director and regional council shall consider such change in the equitable distribution decision recommended by the executive director for approval by the State Board WVBE.~~

**§126-72-5. ~~Plan of Services~~ Strategic Plan.**

5.1. Educational services to be provided to the member county boards by RESAs include areas of service in which the agencies can best assist the ~~State Board~~ WVBE in implementing the standards-based accountability model pursuant to subsection (a) of W.Va. Code §18-2-26 in providing high quality education programs. These areas of service, with the first two areas constituting the most important responsibilities for the agencies, include:

5.1.1. Providing technical assistance to low-performing schools and school systems;

5.1.2. Providing high quality, targeted staff development designed to enhance the performance and progress of students;

5.1.3. 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;

5.1.4. Installing, maintaining and/or repairing education related technology equipment and software with special attention to the state-level basic skills and SUCCESS programs;

5.1.5. Receiving and administering grants under the provisions of federal and/or state law; and

5.1.6. Developing and/or implementing any other programs or services as directed by law or by the ~~State Board~~ WVBE.

5.2. The ~~State Board~~ WVBE and the regional council of each agency shall continually explore possibilities for the delivery of services on a regional basis that 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.

5.3. The RESA executive director, with advice and assistance of the regional council, shall prepare an annual ~~Plan of Services~~ Strategic Plan to be approved by the ~~State Board~~ WVBE, which at a minimum, shall include the following:

5.3.1. ~~The Plan of Services Strategic Plan~~ must address the first two areas of service for RESAs as described in sections 5.1.1 through 5.1.6 of this policy. Priority must be given to providing technical assistance to low-performing schools and school systems and providing high quality, targeted professional development designed to enhance the performance and progress of students.

5.3.2. ~~The Plan of Services must be based upon:~~ (1) findings from review of unified county district and school improvement plans of low-performing schools in member county systems; (2) findings for member districts from review of accountability reports of the Office of Education Performance Audits; (3) requests from superintendents of member systems for technical assistance to low-performing schools and targeted staff development designed to improve student performance; and (4) The Strategic Plan must be based upon: (1) direction from the State Superintendent of Schools; and (2) findings from five-year strategic plans of low-performing schools in member county systems; and (3) findings for member districts from reviews of accountability reports from the Office of Education Performance Audits (hereinafter OEPA); and (4) requests from superintendents of low-performing schools; and (5) any other findings considered appropriate by the RESA executive director for planning programs and services that address the needs of member county systems and that are consistent with and support State Board WVBE initiatives; and (6) reflect in the budget a priority expenditure of funds for providing technical assistance to low-performing schools and school systems, and for providing high quality targeted staff development designed to enhance the performance and progress of students in public schools.

5.3.3. ~~The Plan of Services Strategic Plan~~ shall include:

- a. ~~The desired objectives~~ Core beliefs;
- b. ~~The State Board "Goals for Education" being addressed by each objective~~ Mission and vision statements that have been commonly agreed upon by each RESA (see Appendix D);
- c. ~~An action plan, including activities and responsible personnel~~ Data analysis;
- d. ~~The projected time line for completion of the activities~~ Goals which shall reflect the following six areas of service identified for RESAs
  - A. Providing technical assistance to low-performing schools and school systems;
  - B. Providing high quality, targeted technical assistance;
  - C. Facilitating coordination and cooperation among county boards;

D. Installing, maintaining and/or repairing education related technology equipment and software with special attention to the state-level basic skills and SUCCESS programs;

E. Receiving and administrating grants under the provision of federal and/or state law; and

F. Developing and/or implementing any other programs or services as directed by law or by the WVBE.

e. How progress will be monitored and evaluated Objectives and the WVBE "Goals for Education" being addressed by each of those objectives;

f. The source and amount of funding necessary (if any) Work plan that includes step-by-step activities to implement the plan, including personnel, projected time lines and how progress will be monitored and evaluated; and

g. A plan for the dissemination of best practices Budget, including the source and amount of funding necessary to implement each part of the work plan.

5.4. Each RESA shall submit, with recommendations from and approval by a majority vote of the regional council, the Plan of Services Strategic Plan to the State Department WVDE by September October 1 of each year for approval by the State Board WVBE. Recognizing the possible changes that are often necessary to address new legislation, possible changes in student/school achievement and other related factors, the Plan of Services Strategic Plan may be amended at the written request of the RESA executive director and must receive the approval of the State Board WVBE. An amendment request shall include the signature of the regional council chairperson verifying that the amendment requested is consistent with the needs of the RESA and member school systems.

5.5. As part of the statewide network of RESAs services, and to the extent funds are appropriated or otherwise available, regional educational service agencies may work with the West Virginia Virtual School to establish a model for the delivery of instruction. RESAs shall cooperate with the State Board WVBE in developing 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 may incorporate an interactive electronic classroom approach to instruction.

**§126-72-6. Standards for Service Delivery, Accountability and Reporting.**

6.1. Each RESA shall work in coordination with the ~~State Department~~ WVDE and in accordance with the Memorandum of Understanding between the RESAs, the ~~State Department~~ WVDE, the ~~Office of Education Performance Audits~~ OEPA, 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~~ WVBE an annual report. The report is to include a summary of all the programs/services provided by the RESA, results of the implementation of the Strategic Plan, 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. The Annual Report shall consist of two parts for each RESA program.

6.2.1. Part One shall identify each specific program including: Program Title; Funding Source; Contact Person; Purpose; Major Accomplishments for the Year Being Reported; and the titles of personnel supported by the program.

6.2.2. Part Two shall include a table identifying for each RESA goal: 1) objectives of the program included in the Strategic Plan; 2) activities identified in the Strategic Plan to achieve the objectives; 3) an evaluation of each activity designed to achieve the objective based upon the identified method of evaluation included in the Strategic Plan; and 4) WVBE goals addressed.

6.3. Each RESA 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 RESAs' services/programs and must include: (1) an overall evaluation of the RESAs' services/programs; (2) suggestions on methods to improve the utilization of existing services/programs; (3) 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. The OEPA shall conduct an on-site review of each RESA, as directed by the WVBE. The audit process used in the review will be approved by the WVBE.~~

~~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. 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 WVBE will consider results of the review in determining changes needed in the standards of service for the network of RESAs.~~

~~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.

**Appendix A**  
**Job Description of**  
**Regional Education Service Agency (RESA) Executive Director**

**Expectations:**

Works effectively as a member of an educational leadership team

Demonstrates self-control and exhibits an attitude of mutual respect

Is ethical and demonstrates good work habits

Demonstrates an ability to work effectively with numerous entities, including county school systems, West Virginia Department of Education officials, higher education, regional and local community organizations, various associations, and federal agencies

**Article I. Duties and Responsibilities:**

Provide leadership for the RESA in developing and implementing a ~~Plan of Services~~ Strategic Plan for serving school systems in the region

Evaluate (measure) and report performance of the RESA on standards of services delivered

Identify and direct delivery of services needed by low-performing schools

Identify and direct high quality, targeted staff development designed to enhance the performance and progress of students in public schools of the region

Leverage and attract federal, state, regional and local resources needed to accomplish the RESA ~~Plan of Services~~ Strategic Plan

Plan and execute the RESA budget and maintain all records consistent with state and federal laws, rules and regulations

Work collaboratively with the RESA regional council in establishing policies and executing actions consistent with ~~West Virginia Board of Education~~ WVBE Policy 3233

Supervise and evaluate RESA personnel

Maintain a repository of research-based best practices for supporting effective teaching and learning and school improvement in the region

Provide leadership for the RESA to function as a full partner in the statewide network of RESAs

Represent the RESA in local, state, and national meetings

Perform other duties as may be assigned by the State Superintendent of Schools and/or ~~West Virginia Board of Education~~ WVBE

**Qualifications:**

**Section 1.01. Doctorate preferred in a field related to education; Master's degree required**

Holds or is eligible for a West Virginia Professional Teaching, Administrative or Service Certificate

Has a minimum of three years of full time professional education experiences in the public schools

Demonstrates knowledge of and significant experiences in directing or assisting improvement of low performing schools, or in successfully designing and implementing a model of continuous school improvement

Demonstrates a knowledge of and experiences with research-based school improvement practices, including supportive comprehensive professional (staff) development models and or practices

Demonstrates a knowledge of the accreditation practices and goals for public education in West Virginia

Demonstrates the ability to interact collaboratively with an advisory board or council with broad representation related to education

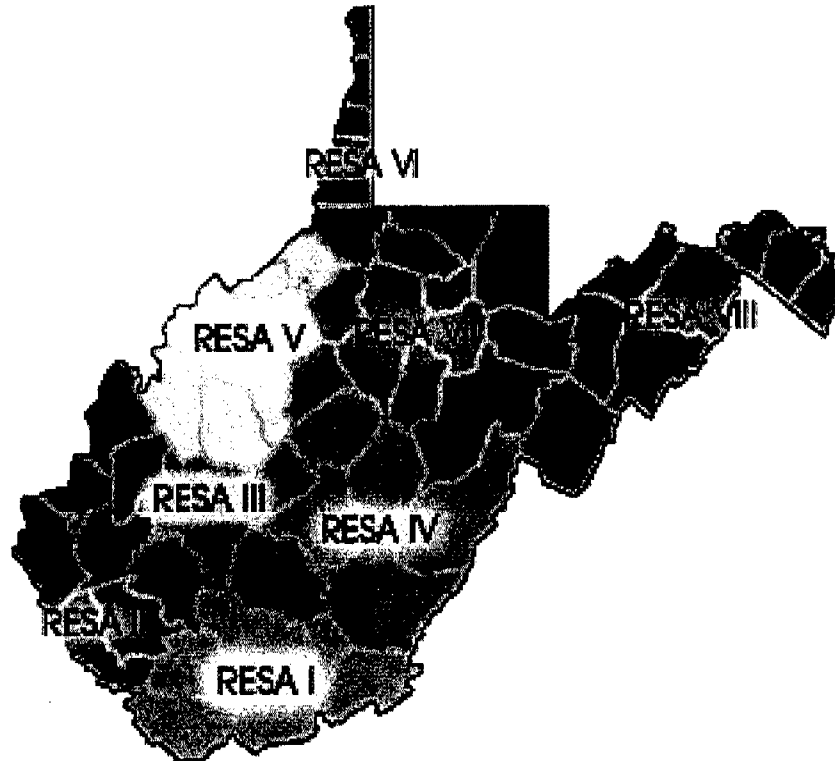
Demonstrates the ability and interest to pursue actively growth in competencies related to providing high quality leadership as a professional administrator

Demonstrates a knowledge of and/or experiences with a regional educational service agency as part of a statewide network of such technical assistance providers

Demonstrates the ability to plan, implement, and evaluate staff

Demonstrates the written, oral, and technology communication skills for the position

**Appendix B – Policy 3233  
Eight Educational Regions**



**Appendix C**  
**RESA Personnel Policy Procedures Manual**

RESA's shall be required to develop consistent and standardized personnel procedures including, but not limited to:

- Organizational Structure
  - Overview of State Board & RESA
  - Employment Legal Relationship (At-Will)
  - Organizational Description
- Employment
  - Equal Employment Opportunity
  - New Employee Orientation
  - Hiring of Relatives
  - Medical Examinations/Background Checks
  - Conflicts of Interest
  - Outside Employment
  - Non-Disclosure
  - Disability Accommodation
  - Job Postings
  - Employee Acknowledgement of RESA Policy Requirements
- Employment Status & Records
  - Employment Categories
  - Access to Personnel Files
  - Employment Reference Checks
  - Personnel Data Changes
  - Performance Evaluation
  - Job Descriptions
  - Salary Schedule
- Employee Benefit Programs
  - Employee Benefits
  - Vacation/Release Day Benefits
  - Holidays
  - Worker's Compensation
  - Sick Leave
  - Bereavement Leave
  - Jury Duty
  - Benefits Continuation (COBRA)
  - Health Insurance
  - Life Insurance

- Payroll/Timekeeping
  - Timekeeping
  - Paydays
  - Pay Deductions
  - Employment Separations
- Work Conditions & Hours
  - Health & Safety
  - Work Schedules
  - Use of Phone & Mail Systems
  - Smoking
  - Meal/Break Periods
  - Overtime/Adjusted Work Schedule
  - Use of Equipment & Vehicles
  - Business Travel Expenses
  - Computer & Email Usage
  - Internet Usage
  - Cell Phone Usage
- Leaves of Absence
  - Medical Leave
  - Family Leave
  - Personal Leave
  - Military Leave
- Employee Conduct & Disciplinary Actions
  - Employee Conduct & Work Rules
  - Drug & Alcohol Use
  - Sexual & Other Unlawful Harassment
  - Attendance & Punctuality
  - Personal Appearance
  - Resignation
  - Security Inspections
  - Solicitation
  - Drug Testing
  - Grievance Procedure

**Appendix D**  
**West Virginia RESA Mission and Vision Statements**

**Mission**

West Virginia Regional Education Service Agencies serve as a collection of separate, nonhierarchical organizational entities established and supported in part by the state to serve as a statewide system for the development, production and/or delivery of programs and services deemed essential for promoting a common set of needs for the schools and school systems within their respective region. As such RESAs constitute a systemic statewide network within the state system of education.

**Vision**

West Virginia Regional Education Service Agencies shall serve as the intermediate educational unit between state and local school systems and as such shall cooperate with both to initiate, coordinate and/or facilitate services and programs which promote equity, excellence and efficiency in education with student achievement being the ultimate goal. RESAs shall promote cooperation and coordination among local school systems, the state department of education, higher education, other service agencies, the business community and the statewide community at large.

**FISCAL NOTE WORKSHEET**  
(Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Policy 3233: Establishment and Operation FUND \_\_\_\_\_

SOURCE OF REVENUE:  of Regional Education Service Agencies  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	\$	\$
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

DATE

February 2, 2007

West Virginia Department of Education

AGENCY  
AUTHORIZED REPRESENTATIVE

  
Dr. Jack McClanahan

126CSR72

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

**COMMENT PERIOD ENDS: March 19, 2007**

**COMMENT RESPONSE FORM**

The following form is provided to assist those who choose to comment on Policy 3233: Establishment and Operation of Regional Education Service Agencies. Additional sheets may be attached, if necessary.

Name : \_\_\_\_\_ Organization: \_\_\_\_\_

Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Please check the box below that best describes your role.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family     |
| <input type="checkbox"/> Principal                    | <input type="checkbox"/> Teacher             | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff   | <input type="checkbox"/> Service Personnel   | <input type="checkbox"/> Community Member  |

**COMMENTS/SUGGESTIONS**

**§126-(72)-1. General.**

**§126-(72)-(2). (Establishment.)**

126CSR72

§126-(72)-(3). (Governance and Administration.)

§126-(72)-(4). (Finances.)

§126-(72)-(5). (Plan of Services.)

§126-(72)-(6). (Standards for Service Delivery, Accountability and Reporting.)

§126-(72)-(7). (Severability.)

Please direct all comments to:

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