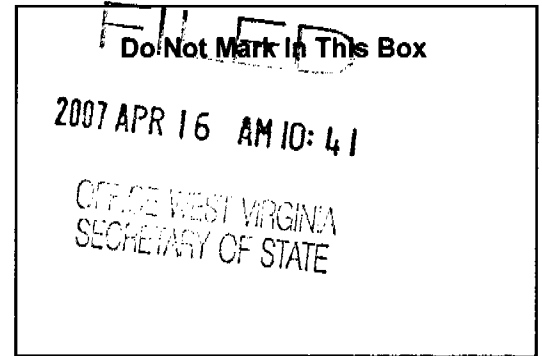


WEST VIRGINIA
SECRETARY OF STATE

BETTY IRELAND

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 X NO _____

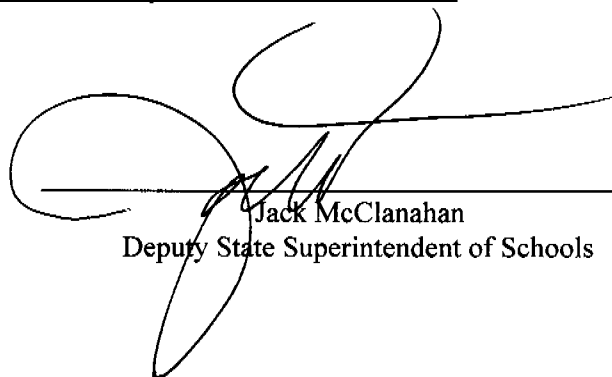
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 72

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 May 16, 2007.



Jack McClanahan
Deputy State Superintendent of Schools

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

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:

- Twelve comments were received during the February 15-March 19 public comment period.
- Revisions made as a result of the public comment serve to clarify the policy in nine instances, correct policy language in one instance and two comments were not accepted for action.

Impact:

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

126CSR72

FILED

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

2007 APR 16 AM 10:41

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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 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. -- April 16, 2007

1.4. Effective Date. -- May 16, 2007

1.5. Repeal of Former Rule. -- This rule amends W.Va. 126CSR72, Establishment and Operation of Regional Education Service Agencies, Policy 3233, filed February 13, 2004 and effective March 15, 2004.

§126-72-2. Establishment.

2.1. The West Virginia Board of Education (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 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 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 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 WVBE, shall be members of that RESA.

2.3. The RESAs are established and assigned the responsibility of 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 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 (hereinafter WVDE), persons, companies, or other agencies to implement their Strategic Plan (see Section 5.3). 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 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 WVBE or State Superintendent of Schools (hereinafter State Superintendent).

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

§126-72-3. Governance and Administration.

3.1. The State Superintendent, as designee of WVBE, is responsible for the general management of the RESAs.

3.2. 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 State Superintendent (see Section 3.4) shall consult with the regional council on the qualifications and leadership qualities important for the position of executive director (job description for the position of RESA executive directors found in Appendix A). Members 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 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 shall recommend to the WVBE the person to fill the position of executive director of the RESA.

3.3. The RESA executive director shall serve at the will and pleasure of the WVBE and be evaluated annually by the State Superintendent 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. Each RESA shall have a regional council for the purpose of advising and assisting the executive director in carrying out his/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 (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.

3.5. The regional council shall make recommendations to the State Superintendent 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.

3.6. 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 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.

3.7. 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.

3.8. 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 of each adopted policy, rule or regulation including changes and updates, to the State Superintendent.

3.9. Each regional council shall, by policy, fix a quorum for its meetings. In the absence of policy specifying other operational rules, the current edition of Robert's Rules of Order shall apply.

3.10. The RESA executive director, with input from the chairperson of the regional council shall establish advisory committees, task forces, and study groups as desired for accomplishing RESA functions and services consistent with this WVBE rule.

3.11. On or before May 1 of each year, the State Superintendent shall conduct an annual evaluation of each executive director and RESA and report the results of the evaluation to the WVBE and the regional council. In conducting this evaluation, the State Superintendent 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 considers appropriate.

3.12. 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. The State

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Superintendent's 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.

3.13. 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, 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 rule. 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.

3.13.1. 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.

3.13.2. 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 to the WVBE.

3.13.3. The regional council shall develop consistent and standardized personnel policies including, but not limited to, those topics listed in Appendix C. Each RESA shall submit a copy of its personnel policies, including any changes or updates, to the WVBE.

3.14. The WVBE, with the advice and assistance of the regional council, the RESA executive director, and the State Superintendent, will determine the location of each RESA. In the event a RESA is dissolved or reconfigured, the State Superintendent 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.

3.15. 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 WVBE.

§126-72-4. Finances.

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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 WVBE. In preparing the budget, the executive director is to (1) allocate expenditures with actions planned to accomplish the Strategic Plan; (2) consult with the Executive Director, WVDE Office of School Finance for ensuring any potential or standing audit issues are considered; and (3) prior to submitting the annual budget to the 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 may maintain a separate bank account or accounts for the receipt and disbursement of all RESA funds and perform the accounting functions specified in the policies adopted by the WVBE. A county board of education serving as a RESA fiscal agent may not initiate action, direct the RESA's 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 arrangements for an annual audit to be conducted in accordance with the requirements of the Single Audit Act (Office of Management and Budget Circular A-133) and the cost of the audit shall be the responsibility of the RESA. Prior to making those arrangements, the executive director must consult with the Executive Director, WVDE Office of School Finance to ensure the audit addresses all applicable issues.

4.3. Each RESA shall employ a competent chief financial officer who meets the qualifications specified in W. Va. 126CSR136, WVBE Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications. Current RESA employees performing financial functions who are deemed competent and are approved by the State Superintendent shall be allowed to continue in their positions. The chief financial officer will prepare monthly and annual financial reports and provide copies of those reports to the RESA executive director, RESA program directors, the chief school business official of the fiscal agent county board, the regional council, and submit a copy to the 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 WVBE recognizes a RESA as an eligible LEA for the purposes of applying, on behalf of

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school systems, for federal grant funds consistent with performing regional services and functions in this rule and/or supportive of education initiatives of the WVBE.

§126-72-5. 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 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 of education 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 students with exceptionalities;

5.1.4. Installing, maintaining and/or repairing education related technology equipment and software with special attention to the state-level basic skills and Student Utilization of Computers in Curriculum for the Enhancement of Scholastic Skills (hereinafter 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 WVBE.

5.2. The WVBE and the regional council of each RESA 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

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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 Strategic Plan to be approved by the WVBE, which at a minimum, shall include the following:

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

5.3.2. The Strategic Plan must be based upon (1) direction from the State Superintendent; (2) findings from five-year strategic plans of low-performing schools in member county systems; (3) findings for member districts from reviews of accountability reports from the Office of Education Performance Audits (hereinafter OEPA); (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 WVBE initiatives. The Strategic Plan must reflect a budget priority 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 Strategic Plan shall include:

- a. Core beliefs;
- b. Mission and vision statements that have been commonly agreed upon by each RESA (see Appendix D);
- c. Data analysis;
- d. Goals which shall include:
 - A. Providing technical assistance to low-performing schools and school systems;
 - B. Providing high quality, targeted staff development;
 - C. Facilitating coordination and cooperation among county boards;

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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. Objectives that address the WVBE's current goals for education;

f. 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. 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 Strategic Plan to the WVDE by October 1 of each year for approval by the WVBE. Recognizing the possible changes that are often necessary to address new legislation, possible changes in student/school achievement and other related factors, the Strategic Plan may be amended at the written request of the RESA executive director and must receive the approval of the 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 RESA services, and to the extent funds are appropriated or otherwise available, RESAs may work with the West Virginia Virtual School to establish a model for the delivery of instruction. RESAs shall cooperate with the WVBE in developing an effective model for the regional delivery of instruction in subjects where there exists low student enrollment, 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 WVDE and in accordance with the Memorandum of Understanding between the RESAs, the WVDE, the OEPA, and the West Virginia Center for Professional Development to address the issues and initiatives of school systems within their respective regions in relation to school improvement.

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6.2. On or before December 1 of each year, each RESA shall submit to the State Superintendent and WVBE an annual report. The report shall include a summary of all the programs/services provided by the RESA, results of the implementation of the Strategic Plan, and results of the evaluation described in section 6.3 of this rule. 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 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 OEPA shall conduct routine on-site reviews of each RESA as directed by the WVBE. The audit process used in the review shall be approved by the WVBE.

6.5. The State Superintendent may also direct his/her own review of the RESA standards of service, performance measures and indicators at any time he/she determines such review is necessary. Such a review shall include consultation with 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.

§126-72-7. Severability.

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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 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 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 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

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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 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

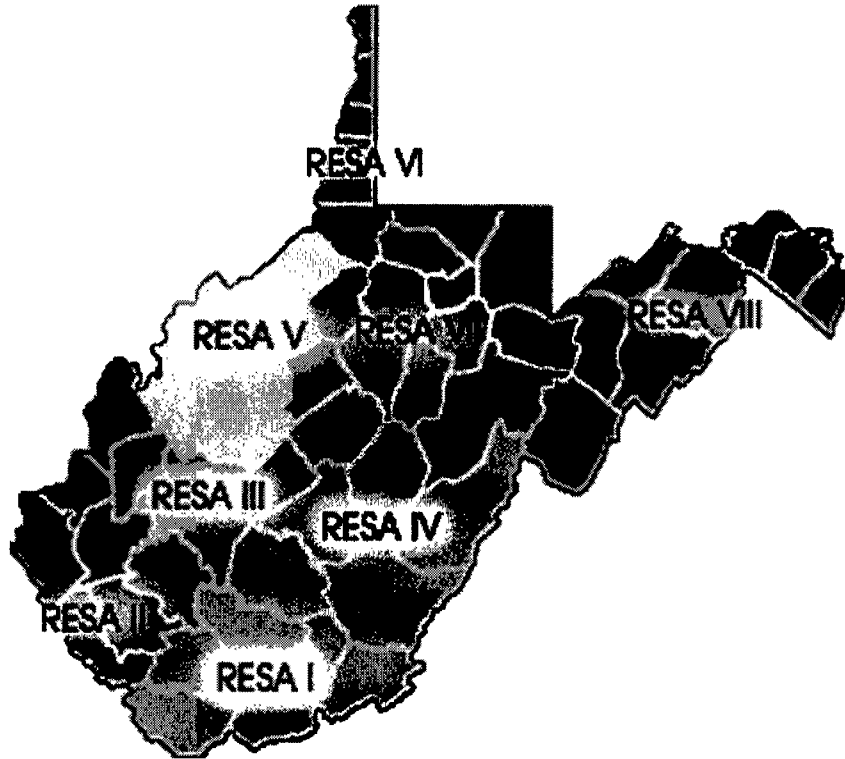
Demonstrates the ability and interest to pursue actively growth in competencies related to providing high quality leadership as a professional administrator

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 WVBE Board and RESA
 - Employment Legal Relationship (At-Will)
 - Organizational Description
- **Employment**
 - Employment Letter
 - 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

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- 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 RESAs 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 RESAs 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, WVDE, higher education, other service agencies, the business community and the statewide community at large.

Gloria Burdette

From: Betty Jo Jordan [bjjordan@access.k12.wv.us]
Sent: Wednesday, April 11, 2007 9:46 PM
To: 'Gloria Burdette'
Subject: FW: Comments
Attachments: Policy3233Comments3-07.doc

Comments from Chuck Nichols/on behalf of RESA directors

From: Charles Nichols [mailto:cnichols@access.k12.wv.us]
Sent: Monday, March 05, 2007 11:18 AM
To: Jack McClanahan; bjjordan@access.k12.wv.us
Subject: Comments

The directors met Thursday during the 21st Century training and decided they wanted to present the attached comments concerning Policy 3233. I e-mailed this to the directors on Friday afternoon for their review and they are to let me know by noon tomorrow if I have included all their concerns. I will know by the time we meet tomorrow if there are any changes. Most are the same as we discussed with Dr. McClanahan when he met with the directors on Feb. 19.

Thanks for agreeing to meet.

Charles E. "Chuck" Nichols
RESA III
501 22nd Street
Dunbar, WV 25064

WVBE Policy 3233
Comments
March 2007

2.7 Change WVDE to WVBE

3.2 Change: “A member of the regional council will be appointed by the regional council to serve on the committee...”

To: “Members of the regional council will be ...”

3.4 and 3.15 There was considerable discussion concerning these two policy areas. It was agreed that 3.4 and 3.4.1 are appropriate as written. There was concern in relation to 3.15 regarding possible implications for RESA personnel including: do employee salary and benefits remain as currently in place or should they be modified to match those of other board employees, i.e. WVDE staff, OEPA staff, Schools for the Deaf and Blind, etc. Also it was noted there could be major implications for those persons RESAs employ on behalf of the counties in their respective regions.

Consideration - fold 3.4 and 3.15 together: “A RESA may employ staff as necessary: 1) to perform services described in the Strategic Plan; 2) as requested by member counties; or 3) to operate demonstration, pilot or other projects that may require staff and support services for effective implementation. Upon recommendation of a RESA Executive Director and the State Superintendent of Schools, the WVBE will consider all personnel matters, including but not limited to employment, termination, and suspension 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 personnel decisions are necessary for effective provision of services to county school systems in the region as set forth in this policy. All RESA employees are non-contractual will and pleasure employees. 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.”

3.13 Change “June 1” to “May 1”

4.2 Change “The county board so selected shall...”

To: “The county board so selected may...”

Discussion between RESAs and their fiscal agents indicate the decision to maintain a separate account for RESAs should be made by the RESA and the fiscal agent. (RESA study - Recommendations 22 and 23)

4.3 Grandfather current financial personnel and change to the 5202 standard when new personnel are employed?

For RESAs who continue to use the chief school business official of the fiscal agent county board, is it necessary to employ a CFO?

5.3.1 Change: “The Strategic Plan must address the first two areas of service for RESAs...”

To: “The Strategic Plan must address the areas of service for RESAs ...”
Delete the words “first two.”

5.3.2 Item (6) is unclear ... It would seem item (6) would be better as a closing sentence instead of an additional number.

“... (5) any other findings and support WVBE initiatives. The Strategic Plan must reflect a budget priority for providing technical assistance...”

5.3.3.d.B. Change “Providing high quality, targeted technical assistance;”

To: Providing high quality, targeted staff development;”

Clarification: The old 4.5 stated “A RESA may acquire and hold property...” This section has been eliminated. WV statute §18-2-26 (c)(4) “Establishing procedures to clarifying that agencies may acquire and hold real property;” The new policy as proposed does not address this issue at all.

Gloria Burdette

From: Betty Jo Jordan [bjjordan@access.k12.wv.us]
Sent: Wednesday, April 11, 2007 9:47 PM
To: 'Gloria Burdette'
Subject: FW: Comment Received for Policy 23233 (2007-02-21 11:07:53)

Here is #3 of 3 of comments I have forwarded to you to print out/make 2 copies for Virginia

thanks

-----Original Message-----

From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Wednesday, February 21, 2007 11:08 AM
To: fibanez@wvde.state.wv.us; bjjordan@access.k12.wv.us
Subject: Comment Received for Policy 23233 (2007-02-21 11:07:53)

Please save this email in a "Comments Received Online" folder. Your folder will be a backup. All comments are saved in our database. The Complete Comments Report from the database can be found here: <http://129.71.2.32/r.html?id=f18afb514c8a7187105b4e31c95aaf7f> This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 23233

#

Name: Carroll Staats
Organization: RESA 5
Email: staatsc@yahoo.com
Title: Board Member
Address1: 715 S. Ritchie Avenue
Address2:
City/State/Zip: Ravenswood, WV 26164
Role: Community Member
Posted: 2007-02-21 11:07:53
Posted from IP: 75.108.86.175

Comments for section 126-(72)-1 General

Comments for section 126-(72)-(2) (Establishment)

Comments for section 126-(72)-(3) (Governance and Administration)

Comments for section 126-(72)-(4) (Finances)

It is my understanding the policy is going to require the employment by RESA of a CPA or SBO to supervise the finances. Could this requirement be relaxed to allow RESA to contract with the county fiscal agent for these services? Sounds much more economical.

Comments for section 126-(72)-(5) (Plan of Services)

Comments for section 126-(72)-(6) (Standards for Service Delivery, Accountability and Reporting)

Comments for section 126-(72)-(7) (Severability)

Gloria Burdette

From: Betty Jo Jordan [bjjordan@access.k12.wv.us]
Sent: Wednesday, April 11, 2007 9:45 PM
To: 'Gloria Burdette'
Subject: FW: RESA Policy

This is one of the "original" email comments for Policy 3233 that you need to print and give to Virginia. I will also be forwarding one from Carroll Staats and a couple from Chuck Nichols

-----Original Message-----

From: Heather Deskins [mailto:hdeskins@access.k12.wv.us]
Sent: Tuesday, March 20, 2007 4:44 PM
To: 'Betty Jo Jordan'; jcmclan@access.k12.wv.us
Subject: FW: RESA Policy

Should we consider this analysis from Kelli Talbott to be an official comment? She has some good points about organization and clarification. The original was received by me on February 15.

I can address some of the issues she has raised if you like (in addition to those raised by Chuck).

Heather L. Deskins
General Counsel
West Virginia Department of Education
Building 6, Room 362
1900 Kanawha Boulevard, East
Charleston, WV 25305-0330

-----Original Message-----

From: Kelli Talbott [mailto:Kelli.Talbott@wvago.gov]
Sent: Thursday, February 15, 2007 10:11 AM
To: hdeskins@access.k12.wv.us
Subject: Re: RESA Policy

Heather, a few thoughts about the RESA policy. In section 3, regarding governance and administration, I think the changes are good, but I think the whole section could be organized in a better way. For example, in one of the earlier parts of section 3, it starts talking about the regional council before we've even stated what a regional council is. I think the language about what a regional council is, needs to come before language that talks about what the regional council does or doesn't do. Also, some of the language about RESA staff could be better organized. I like the clarification that comes toward the end of section 3, that RESA staff are at-will employees. But in an earlier part of section 3 there is also discussion of RESA staff, their hiring and required certification. I think that all of the language discussing the terms and conditions of RESA staff employment probably needs to be in one part of section 3. The way it is now, it is fairly spread out -- which makes it a little harder to follow.

Also, it seems a little contradictory to say that RESA staff are at-will employees of the State Board and then say that the regional council shall develop personnel policies (See 3.15 and 3.16). If RESA staff are going to be employees of the State Board, I think that the State Board needs to develop the personnel policies for these employees. Or if the State Board is going to delegate development of personnel policies to the regional council, maybe that needs to be stated a little more clearly. And maybe the State Board should be required to approve such personnel policies if it is going to delegate development of the policies to the regional councils. The problem is that each regional council may develop different personnel policies for each of their RESAs. I think it would be better for all RESA staff to operate under a uniform personnel policy. Would it be possible for RESA staff to be governed by the personnel policies for Dept. of Ed. employees? Could you say, for example, all RESA staff shall be governed by the personnel policies established for Dept. of Ed. employees?

I think it is an excellent idea to include the language in 6.4 to allow the State Board to direct the OEPA to audit RESAs. I wondered, however, if more language needs to be added to 6.4 to state whether the State Board has to give such direction to the OEPA by vote in a public meeting or whether such direction can be given in executive session. I know that the State Bd. can direct OEPA audits of school systems or schools in executive session. Should this be addressed? Also, in looking at 6.5, regarding the review that the State Supt. can direct to be done on a RESA -- is this different from an OEPA audit? How is it different? Do we need to say that reviews that the State Supt. may order are different from OEPA audits that the State Board can order? Trying to read 6.4 and 6.5 and figure out how they work together, if they do at all, was a little difficult.

I would be happy to sit down and try to work out any of the kinks or help in any way. Thanks.

Kelli D. Talbott
Deputy Attorney General
State Capitol, Bldg. 1, Room E-26
Charleston, West Virginia 25305
Ph: (304) 558-2021
Fax: (304) 558-0140
kelli.talbott@wvago.gov

>>> "Heather Deskins" <hdeskins@access.k12.wv.us> 02/14/07 3:45 PM >>>
Kelli -

This policy is being placed on public comment by the board today. Will you review it for us and let me know if you see any problems? If changes need to be made, we will have to do it after the comment period closes. If you have a chance to do this within the next couple of weeks it would be very helpful to me. Let me know if you have questions.

I haven't read it since some of the last changes were made - so I will be reviewing it again as well.

Thanks,

Heather L. Deskins
General Counsel
West Virginia Department of Education
Building 6, Room 362
1900 Kanawha Boulevard, East
Charleston, WV 25305-0330

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 3233: Establishment and Operation of Regional Education Service Agencies (RESAs) FUND _____

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

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

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

1/31/2007

West Virginia Department of Education

Original Fiscal Note Signed By Dr. Jack McClanahan

Policy 3233: Establishment and Operation of Regional Education Service Agencies

Comment Log

February 15-March 19, 2007

Action
 N: No Response
 NA: Not Accepted
 A: Accepted

Type
 - Negative
 + Positive
 o Neutral

Date	Individual/Organization	Comments	Action/ Type	Rationale
3/07/07	Charles E. "Chuck" Nichols RESA III on behalf of RESA Executive Directors	§126 126-72-3 Governance and Administration 3.2 Change: " <u>A member</u> of the regional council will be appointed by the regional council to serve on the committee..." To: " <u>Members</u> of the regional council will be ..."	A+	Change allows greater voice for regional council
2/15/07	Kelli D. Talbott Deputy Attorney General State Capitol, Bldg. 1, Room E-26 Charleston, West Virginia 25305	§126 126-72-3 Governance and Administration In section 3, regarding governance and administration, I think the changes are good, but I think the whole section could be organized in a better way. For example, in one of the earlier parts of section 3, it starts talking about the regional council before we've even stated what a regional council is. I think the language about what a regional council is, needs to come before language that talks about what the regional council does or doesn't do. Also, some of the language about RESA staff could be better organized. I like the clarification that comes toward the end of section 3, that RESA staff are	A+	Section 3 has been reorganized to group like language together and improve flow of section

		at-will employees. But in an earlier part of section 3 there is also discussion of RESA staff, their hiring and required certification. I think that all of the language discussing the terms and conditions of RESA staff employment probably needs to be in one part of section 3. The way it is now, it is fairly spread out -- which makes it a little harder to follow.		
3/07/07	Charles E. "Chuck" Nichols RESA III on behalf of RESA Executive Directors	§126 126-72-3 Governance and Administration 3.13 Change "June 1" to "May 1"	A+	Change aligns with W/VBE process approved September 2006
2/21/07	Carroll Staats Organization: RESA 5 Title: Board Member	§126 126-72-4 Finances It is my understanding the policy is going to require the employment by RESA of a CPA or SBO to supervise the finances. Could this requirement be relaxed to allow RESA to contract with the county fiscal agent for these services? Sounds much more economical.	NA	See revised Section 4.3 Policy
3/07/07	Charles E. "Chuck" Nichols RESA III on behalf of RESA Executive Directors	§126 126-72-4 Finances For RESAs who continue to use the chief school business official of the fiscal agent county board, is it necessary to employ a CFO?	NA	See revised Section 4.3 of Policy
3/07/07	Charles E. "Chuck" Nichols RESA III on behalf of RESA Executive Directors	§126 126-72-4 Finances 4.2 Change "The county board so selected shall..." To: "The county board so selected may..." Discussion between RESAs and their fiscal agents indicate the decision to maintain a	A+	Change does not affect requirement for separate financial audits of RESA

		separate account for RESAs should be made by the RESA and the fiscal agent. (RESA study - Recommendations 22 and 23)		
3/07/07	Charles E. "Chuck" Nichols RESA III on behalf of RESA Executive Directors	\$126 126-72-4 Finances 4.3 Grandfather current financial personnel and change to the 5202 standard when new personnel are employed?	A+	Addition of new sentence "Current RESA employees performing financial functions.....shall be allowed to continue in this position." addresses this comment
3/07/07	Charles E. "Chuck" Nichols RESA III on behalf of RESA Executive Directors	\$126 126-72-4 Finances Clarification: The old 4.5 stated "A RESA may acquire and hold property...." This section has been eliminated. WV statute §18-2-26 (c)(4) "Establishing procedures to clarifying that agencies may acquire and hold real property;" The new policy as proposed does not address this issue at all.	A+	Previous Section 4.5 has been revised and moved to Section 3.15
3/07/07	Charles E. "Chuck" Nichols RESA III on behalf of RESA Executive Directors	\$126 126-72-5 Strategic Plan 5.3.1 Change: "The Strategic Plan must address the <u>first two</u> areas of service for RESAs..." To: "The Strategic Plan must address the areas of service for RESAs ..." Delete the words "first two." \$126 126-72-5 Strategic Plan 5.3.2 Item (6) is unclear ... It would seem item (6) would be better as a closing sentence instead of an additional number. "... (5) any other findings and support WVBE initiatives. The	A+	Change clarifies policy

		Strategic Plan must reflect a budget priority for providing technical assistance...		
3/07/07	Charles E. "Chuck" Nichols RESA III on behalf of RESA Executive Directors	§126 126-72-5 Strategic Plan 5.3.3.d.B. Change "Providing high quality, targeted technical assistance;" To: Providing high quality, targeted <u>staff development</u> ;"	A+	Change corrects policy
2/15/07	Kelli D. Talbott Deputy Attorney General State Capitol, Bldg. 1, Room E-26 Charleston, West Virginia 25305	§126 126-72-6 Standards for Service Delivery, Accountability and Reporting I think it is an excellent idea to include the language in 6.4 to allow the State Board to direct the OEPA to audit RESAs. I wondered, however, if more language needs to be added to 6.4 to state whether the State Board has to give such direction to the OEPA by vote in a public meeting or whether such direction can be given in executive session. I know that the State Bd. can direct OEPA audits of school systems or schools in executive session. Should this be addressed? Also, in looking at 6.5, regarding the review that the State Supt. can direct to be done on a RESA -- is this different from an OEPA audit? How is it different? Do we need to say that reviews that the State Supt. may order are different from OEPA audits that the State Board can order? Trying to read 6.4 and 6.5 and figure out how they work together, if they do at all, was a little difficult.	A+	The insertion of the word "routine" in Section 6.4 and "also direct his or her own review" in Section 6.5 clarifies the issue raised in this comment