

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

2002 FEB 15 P 2: 54

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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 _____

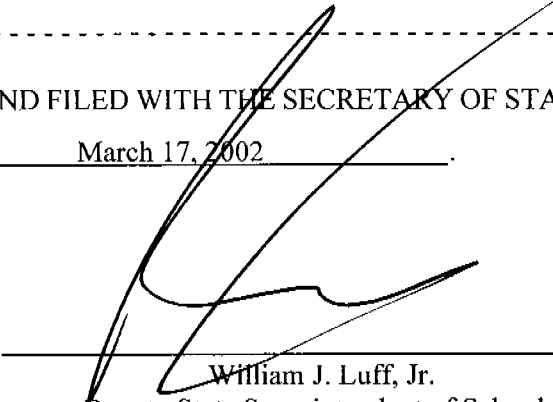
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 72

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 March 17, 2002.



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

SCANNED

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

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

Background:

Policy 3233 establishes and sets forth in policy the operation procedures for Regional Education Service Agencies (RESAs). The Policy was initially passed in 1972 and was last revised in August 2000.

Proposed Change:

The only substantive change in this policy may be found at Section 3.11 which provides the West Virginia Board of Education more flexibility in scheduling meetings with the RESA representatives.

No comments were received during the comment period.

**Title 126
Legislative Rule
Board of Education**

FILED

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

OFFICE WEST VIRGINIA
STATE

§126-72-1. General.

1.1. Scope. -- This legislative rule provides for the establishment of Regional Education Service Agencies.

1.2. Authority. -- W.Va. Constitution, Article XII, Section 2; W.Va. Code §18-2-5 and §18-2-26.

1.3. Filing Date. February 15, 2002

1.4. Effective Date. March 17, 2002

1.5. Repeal of Former Rule. Amends 126CSR72, Establishment and Operation of Regional Education Service Agencies, Policy 3233, filed August 11, 2000 and effective September 11, 2000.

§126-72-2. Establishment.

2.1. The West Virginia Board of Education (State Board) establishes Regional Education Service Agencies (RESAs) as the regional units in the state school system which provide supplementary educational services to the county school systems and which provide opportunities for cooperation and coordination among the county school systems within the educational regions.

2.2. Eight (8) educational regions are designed as indicated on the attached map. Modification of these regions may be made by the State Board. RESAs or county boards may petition the State Board for change. All counties located within the boundaries of each RESA, as determined by the State Board, shall be members of that RESA.

2.3. The RESAs are assigned the responsibility for administering existing regional education programs, insofar as is consistent with state and/or federal law, except for multi-county programs where the attendance areas do not coincide with the established RESA boundaries.

126CSR72

2.4. The RESAs are responsible for making assessments of educational needs and for planning and developing multi-county programs. The programs will be developed and implemented with the approval for the county boards of education for whom the services will be performed. The RESAs will be responsible for administering regional educational programs resulting from such activities.

2.5. RESAs are empowered to contract with county boards of education, the West Virginia Department of Education, persons, companies, or other agencies to implement their objectives and purpose. The RESAs are eligible to participate in and benefit from available federal funds.

2.6. All functions of the RESAs shall be liberally construed to effectuate the intent of the State Board.

§126-72-3. Governance and Administration.

3.1. Each RESA shall be governed by a Board of Directors consisting of the county superintendent and a member of the board of education from each county within the region, and one member appointed by the state superintendent of schools. Each county board shall officially designate the board member representing its board at their first meeting in July. The term of each county board of education member appointment shall be two years, and the member may be reappointed. Each county superintendent and each county board of education member shall be voting members of the Board of Directors.

3.2. The superintendent of schools in each county may designate a member of his/her administrative staff to serve as his/her official representative on the board as his/her voting alternate if he/she is unable to attend a meeting. Each board of education member may designate an alternate member of the board of education as his/her voting alternate if he/she is unable to attend a meeting. The State Superintendent of Schools designee may designate an alternate representative if he/she is unable to attend a meeting.

3.3. Each RESA Board of Directors may make provisions in its policies for membership on the board for representatives from other agencies and institutions related to the development or implementation of regional education programs.

3.4. The Board of Directors of each RESA shall elect a chairperson from its members and provide for such other officers as it may determine are needed. All officers

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shall be elected for one-year terms, except that vacancies occurring during a term shall be filled for the remainder of the term.

3.5. Each Board of Directors shall adopt policies, rules or regulations for the governance and efficient operation of the RESA.

3.6. Each Board of Directors shall, by policy, fix a quorum for its meetings. In the absence of policy, Robert's Rules of Order shall apply.

3.7. Each RESA board may establish advisory committees as desired.

3.8. The administration of each RESA shall be under the direction of an Executive Director selected and appointed by the Board of Directors to serve at its will and pleasure. His/her salary shall be determined by the Board of Directors. The Executive Director shall hold a minimum of a master's degree with appropriate graduate courses and shall have at least one year of experience in educational administration.

3.9. Other staff members will be appointed by the Board of Directors upon the recommendation of the Executive Director. All professional staff members shall be required to hold certificates appropriate to their positions or job descriptions, as applicable.

3.10. The location and physical housing arrangement of each RESA office shall be determined by the Board of Directors with the approval of the State Board.

3.11. When mutually agreed, the State Board shall meet with the chairperson of each Regional Educational Service Agency Board of Directors and the Executive Director of each such RESA in order to establish and set such goals and objectives for a particular RESA or RESAs, as the State Board may determine, in general and/or specific areas relating to planning, programs and services, as consistent with statute, and State Board policies, rules and regulations and any suggestions of the State Superintendent of Schools. The State Board also may use any such session or sessions to assess the degree to which a particular RESA has attained any or all identified State Board goals and objectives, using assessment tools the State Board shall cause to be developed. Additionally, any such session or sessions may include receipt of general and specific suggestions from the State Board and/or the State Superintendent of Schools in regard to RESAs' overall missions and objectives as well as the degree to which a particular RESA has attained identified State Board goals and objectives.

126CSR72

§126-72-4. Finances.

4.1. The Board of Directors of each RESA shall adopt an annual basic operating budget for the next fiscal year at a meeting held no later than April to be approved by the State Board.

4.2. The RESA Board of Directors may select as its fiscal agent one of the county boards of education comprising the RESA. The county board so selected shall receive and disburse funds in accordance with policies adopted by the Board of Directors and the State Board. A county board of education serving as a RESA fiscal agent may not initiate action, direct the RESAs program or substitute its judgment for that of the Board of Directors. Control is vested in the Board of Directors. However, the county board of education may reject an action of the Board of Directors on a legal basis. Each RESA shall make provisions for annual audits of its fiscal operations in accordance with that required of county boards of education.

4.3. A special account will be established for RESA funds by any county acting as a fiscal agent. Monthly financial reports shall be made to the Board of Directors and to the State Board.

4.4. In the event a RESA is dissolved or discontinued, any property, furniture, equipment, supplies will be divided equitably among the member counties.

§126-72-5. Services.

5.1. Educational services to be provided to the member county boards by RESAs may include, but are not limited to the following:

5.1.1. Administrative services such as consultant services in program administration, educational planning, research, cooperative purchasing, educational communications, computer services and personnel services.

5.1.2. Curricular services such as provision of curricular specialists and consultants, curriculum development, staff development for professional and service personnel, demonstration services, experimental programs, cooperative resources acquisition and operation of specialized programs for exceptional children.

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 FUND General

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

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

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

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

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

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

DATE

January 31, 2002

AGENCY

West Virginia Department of Education

AUTHORIZED REPRESENTATIVE

