

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED
1988 AUG 15 AM 9 26
OFFICE OF THE SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Procedural; CITE AUTHORITY W. Va. Code 18-2-26

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 72 (Policy 3233)

TITLE OF RULE BEING AMENDED: Resolution of Establishment for Regional
Education Service Agencies

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 September 26, 1989 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mr. John Cook, Executive Assistant

West Virginia Department of Education

Room B-362, Bldg. #6

Capitol Complex

Charleston, WV 25305

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

Barbara L. Cate

August 14, 1989

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Title 126
Procedural Rule
West Virginia Board of Education
Chapter 18-2
Policy 3233
Series 72

FILED
1989 AUG 15 AM 9:26
OFFICE OF THE CLERK OF THE WEST VIRGINIA STATE
SECRET

Title: Resolution of Establishment for Regional Education Service Agencies

Section 1. General

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

1.2 Authority and Related Code Citation(s) - W. Va. Code 18-2-26

1.3 Filing Date - August 8, 1989

1.4 Effective Date - September 20, 1989

Section 2. Resolution

2.1 WHEREAS, Section 18-2-26 of the West Virginia Code authorizes the West Virginia Board of Education to establish multi-county service agencies in order to consolidate and more effectively administer existing regional education programs and in order to equalize and extend educational opportunities; and

2.2 WHEREAS, the same legislation empowers the West Virginia Board of Education to make such rules and regulations as may be necessary for the effective administration and operation of such agencies; and

2.3 WHEREAS, the West Virginia Code assigns to the West Virginia Board of Education, in conformity with the Constitution and laws of this State, the responsibility to determine the educational policies of the State, to make rules for carrying into effect the laws and policies of the State relating to education and such other matters pertaining to the public schools of the State as may seem to the State Board to be necessary and expedient; and

2.4 THEREFORE BE IT RESOLVED, that the following policy statements are adopted for the establishment and operation of multi-county education service agencies which shall be called "Regional Education Service Agencies":

Section 3. Establishment

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

3.2. For the purpose of this resolution, eight (8) educational regions are designated as indicated on the attached map. Modification of these regions may be made by the West Virginia Board of Education. RESAs or counties may petition the State Board of Education for change. All counties located within the boundaries of each RESA, as determined by the West Virginia Board of Education, shall be members of that RESA.

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

3.4 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 of 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.

3.5 RESAs are empowered to contract with county boards of education, the state 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.

3.6 All functions of the RESAs shall be literally construed to effectuate the intent of the enabling legislation and the rules and regulations of the West Virginia Board of Education.

Section 4. Governance and Administration

4.1 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. The term of each county board of education member appointment shall be two years. He/she may be reappointed. Each superintendent, each county board of education member, and the designee of the state superintendent of schools shall be voting members of the board of directors.

4.2 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 board 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.

4.3 Each RESA board of directors may make provisions for membership on the board in its policies for representatives from other agencies and institutions related to the development or implementation of regional educational programs. These members may be voting members or non-voting members as provided in the policy of the RESA.

4.4 The board of directors of each RESA shall elect a chairperson from its members and provide for such other officers as it may determine are needed. All officers shall be elected for one-year terms, except that vacancies occurring during a term shall be filled for the remainder of the term.

4.5 Each RESA board may establish advisory committees as desired.

4.6 Each board of directors shall adopt policies, rules or regulations for the governance and efficient operation of the RESA.

4.7 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.

4.8 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. Other staff members will be appointed by the board of directors upon the recommendation of the Executive Director.

4.9 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.

4.10 All professional staff members shall be required to hold certificates appropriate to their positions or job descriptions, as applicable.

4.11 The location and physical housing arrangement of each RESA shall be determined by the board of directors.

Section 5. Finances

5.1 At its initial organizational meeting and in subsequent years at a meeting held no later than February, the board of directors of each RESA shall adopt an annual basic operating budget.

5.2 The fiscal agent for each RESA shall be one of the county boards of education comprising the RESA. The county board so selected shall receive and disburse funds in accordance with policies adopted by the board of directors and the West Virginia Board of Education.

5.3 The county board of education serving as the fiscal agent may not initiate action, direct the RESA's program or substitute its judgment for that of the board of directors. Control is vested in the board of directors. However, the county board of education may reject an action of the board of directors on a legal basis.

5.4 A special account will be established for RESA funds by the county acting as fiscal agent. Monthly financial reports shall be made to the board of directors.

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

Section 6. Services

6.1 Educational services to be provided to the member counties by RESAs may include the following:

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

b. 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.

c. Media Services such as regional film library operation, educational and public television services, and audiovisual production and utilization.

d. Instructional Support Services such as psychological services and diagnostic and prescriptive services.

6.2 Cooperative arrangements may be made between RESAs or with other counties outside the RESA.

6.3 In establishing regional educational programs and/or services, the West Virginia Department of Education shall, where possible, utilize Regional Education Service Agencies in the planning and implementation of same.

(Approved by West Virginia Board of Education -- March 8, 1985)

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