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**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

**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. – May 13, 2010.

1.4. Effective Date. – July 1, 2010.

1.5. Repeal of Former Rule. – This rule amends W.Va. 126CSR72, Establishment and Operation of Regional Education Service Agencies, Policy 3233, filed April 16, 2007 and effective May 16, 2007.

**§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 lifelong education programs and services to students, schools, school systems, and communities. 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. RESAs shall be recognized individually and collectively as essential administrative agencies responsible for performing a service function(s) to the total community 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 have been designated. 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

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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 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. 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 regular full-time and regular 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.

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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. The RESAs shall develop and adopt consistent and standardized policies, rules and/or regulations for the effective and efficient operation of the RESAs consistent with the provisions in this WVBE rule. The RESAs shall provide a copy of such adopted policies, rules and/or regulations including changes and updates, to the WVBE.

3.9. A quorum for Regional Council meetings shall be consistent with the current edition of Robert's Rules of Order.

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 Superintendent's designee shall serve as the liaison for the WVDE. The purpose

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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 regular full-time and regular part-time staff at a RESA after a majority of the members of a regional council, by vote, verify that such employment is 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 regular full-time and regular 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. RESAs shall develop consistent and standardized personnel policies. The RESAs shall submit a copy of such 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.**

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 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 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

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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 school systems, for 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 21<sup>st</sup> Century Tools for 21<sup>st</sup> Century Schools, WVEIS and other instructional and administrative systems;

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 for all RESAs shall be in a consistent and standardized format.

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.

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 for all RESAs shall be in a consistent and standardized format.

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.**

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.