126CSR71
TITLE 126
PROCEDURAL RULE
BOARD OF EDUCATION
SERIES 71

ESTABLISHMENT PROCEDURES AND OPERATING POLICIES FOR MULTI-COUNTY CAREER AND TECHNICAL EDUCATION CENTERS (3232)

§126-71-1. General.

1.1. Scope. – This policy provides for the organization and operation of career and technical education centers serving more than one county.

1.2. Authority. – W. Va. Constitution, Article XII, §2 and W. Va. Code §§18-2-5, 18-2B-2, et seq., 18-9D-19(e) and 18A-4-8c.

1.3. Filing Date. – August 12, 2005

1.4. Effective Date. – September 11, 2005

1.5. Repeal of Former Rule. – This procedural rule repeals and replaces W. Va. §126CSR71 "Establishment Procedures and Operating Policies for Multi-County Vocational-Technical Centers (3232)" filed May 28, 1982 and effective July 27, 1982.

§126-71-2. Purpose.

2.1. The West Virginia Board of Education (hereinafter WVBE) is committed to providing high quality career and technical education programs to students in West Virginia's public schools. The WVBE also recognizes that these programs can sometimes be delivered more effectively and efficiently when two (2) or more contiguous county school districts join together to provide programs at a career and technical education center that serves students from all participating districts.

2.2. The objective of this policy is to provide the procedures for establishing and operating multi-county career and technical education centers.

§126-71-3. Definitions.

3.1. Administrative Council - the governing body of the multi-county center, with representation from participating counties and the West Virginia Department of Education, Division of Technical and Adult Education Services.

3.2. Advisory Council - a group of local employers and other community representatives that advises the center director on the career and technical offerings of the school. Each program area within the center will maintain an advisory council to advise the instructor(s) on curriculum, equipment, supplies, etc., necessary to operate the program to

industry standards.

3.3. Career and Technical Student Organizations - students in the center should participate in the school, state, and national chapters of the student organizations related to their program area. These may include the Technology Students of America, Health Occupations Students of America, Future Business Leaders of America/Phi Beta Lambda, Skills USA, FFA, DECA, and Family, Career and Community Leaders of America.

3.4. Co-Curricular Activities - activities related to the curriculum of the program. Career and technical student organization activities are co-curricular. It is permissible to use class time for these activities.

3.5. Extra-Curricular - extra-curricular activities are those not directly related to curriculum. They cannot take place during class time.

3.6. Fiscal Agent - the participating county that maintains all fiscal records of the center.

§126-71-4. Establishment.

4.1. Letter of Intent. Each county board of education that wishes to join in a multi-county career and technical education center (hereinafter Center) shall notify the WVBE of its intent to do so via a letter sent to the Assistant State Superintendent for the Division of Technical and Adult Education Services.

4.2. Resolution to Participate. Each county board of education desiring to join in a Center shall adopt and include in its minutes a resolution to join with one (1) or more other counties to operate a Center and to support it financially through its Administrative Council.

4.3. Policies. A written agreement setting forth the policies under which an Administrative Council shall operate shall be agreed upon by each participating county board of education at the time it joins. Such agreement may be amended by agreement of all participating counties.

§126-71-5. Operation.

5.1. Administrative Council. Each Center shall be administered by an Administrative Council.

5.1.1. The Administrative Council shall be composed of:

a. One (1) member of the board of education of each county involved, selected by each respective board of education and certified by its president and secretary;

b. The county superintendent of each county;

c. The Assistant State Superintendent, Division of Technical and Adult

Education Services, or his or her designated representative; and,

d. The Director of the Center, who shall attend all meetings and serve as secretary of the Administrative Council.

5.1.2. A policy for appointment of alternate or substitute members may be adopted by each Administrative Council.

5.1.3. Appointment and Term: Members of the Administrative Council from the respective boards of education shall be appointed terms of three (3) years. In the event that any member of an Administrative Council is unable to fulfill his or her term of office, a replacement shall be appointed by the respective board of education for the un-expired term.

5.1.4. Duties: The Administrative Council shall be the governing body of the Center. The Administrative Council shall make all decisions related to personnel, policy, programs, and control of the Center.

5.1.5. Organizational, Regular, and Special Meetings:

a. An organizational meeting of the Administrative Council shall be held annually during the month of July at which time a chairperson and vice-chairperson shall be elected.

b. A minimum of six (6) meetings shall be held annually.

c. The secretary shall notify each member of the Administrative Council of the agenda for each regular meeting at least five (5) days in advance of said meeting.

d. A simple majority of the members of the Administrative Council shall constitute a quorum. All decisions shall require a simple majority vote for passage.

e. Special meetings may be called by the chairperson or a majority of the members.

f. The WVBE grants authority to the Administrative Council to enter into contracts. These contracts must be consummated through the fiscal agent, which is the county board of education in which the Center is located.

g. The secretary of the Administrative Council shall record the proceedings of each meeting and provide each council member with a copy of minutes and attachments within ten (10) working days after each meeting.

5.2. Fiscal Agent.

5.2.1. The Administrative Council may select one (1) of the participating counties to be the Fiscal Agent. If the county selected is other than the county in which the Center is

located, the selection must be approved by the WVBE.

5.2.2. The Fiscal Agent shall maintain all fiscal records relative to the Center and shall make records available to all members of the Administrative Council.

5.2.3. The Fiscal Agent cannot initiate action, control, or direct the Center. The Fiscal Agent's approval authority is limited to the question of the action's legality, the Administrative Council having sole discretionary authority.

5.2.4. Because the Center operation does not represent educational expenses and benefits reserved to the Fiscal Agent, the Fiscal Agent's county board shall establish and maintain separate accounts in the General Current Expense Fund apart from all other funds of the county board. By this means, the county board's normal financial report will not be distorted, and the Center accounts will be clearly visible for accounting and auditing purposes. Purchase order forms, transmittals, invoices, checks, and records may be the same as those of the Fiscal Agent, but must be separately maintained. The Administrative Council will act, in general, as a county board now acts in approving fiscal actions, with the Fiscal Agent's responsibilities being limited as provided in the foregoing paragraph.

5.2.5. The Fiscal Agent shall be responsible for audits. Costs of audits shall be an allowable cost in the operations budget for the Center.

5.3. Procedures for Purchasing. The Director of the Center shall adhere to the purchasing policies established by the Fiscal Agent and shall maintain a record of encumbrances. The Fiscal Agent shall approve and authorize all purchasing recommendations submitted by the Administrative Council, so long as said purchases and procedures are in accordance with established policies, West Virginia school law, and are within the budget.

5.4. Administration.

5.4.1. The Administrative Council shall employ a Director of the Center. The Director shall administer, supervise, and promote, under the policies and regulations established by the Administrative Council, the career, technical and adult programs to be provided at the Center.

5.4.2. The Director shall prepare and present the annual budget to the Administrative Council for review and approval. Revisions of the budget must be approved by the Administrative Council before presentation to the Fiscal Agent.

5.4.3. The Director shall be responsible for the recommendation of personnel for appropriate positions. Such recommendation shall be submitted to the Administrative Council for its approval. The Director shall be responsible for recommendation of school personnel actions as prescribed in W. Va. Code §18A-2 et seq. Assignment, transfer, promotion, demotion, reduction in force, suspension, and dismissal will be in accordance with West Virginia school law governing the employment of professional and service school

personnel.

5.4.4. The Director shall recommend a salary for the personnel of the Center. Such recommendation shall be submitted to the Administrative Council for approval.

5.4.5. The Director shall prepare and present to the Administrative Council a ten (10) year Comprehensive Educational Facilities Plan, hereinafter CEFP, and any subsequent revisions necessary.

5.5. Personnel.

5.5.1. Professional personnel shall meet the state requirements for certification in the field in which they are assigned. Decisions relating to the employment of personnel will be made by the Administrative Council upon recommendation by the Director. Personnel shall be employed at the Center as approved by the Administrative Council in accordance with West Virginia school law governing employment of service and professional school personnel.

5.5.2. The Administrative Council must afford its employees the same benefits (sick leave, vacation, insurance, retirement, continuing contract, etc.) as those to which the employees of the fiscal agent are entitled.

5.5.3. In the administration of grievances of employees, the Director will serve as Level I and Level II and the Administrative Council as Level III.

5.5.4. Employees of multi-county centers shall accrue seniority and continuing contract status in accordance with W. Va. Code §18A-4-8c.

5.5.5. Employees of multi-county centers are not eligible to serve on the boards of education of participating counties.

5.6. Extracurricular Activities. Extracurricular activities for high school students shall be disassociated from the Center. Students attending the Center shall be entitled to participate in extracurricular activities in their home schools.

5.7. Program of Instruction. The Administrative Council shall be the sole authority, subject to the rules of the WVBE, in determining the program of instruction to be offered at the Center. The Director shall be responsible for implementation of the program approved by the Administrative Council.

5.8. School Year. The calendar for the school year of the Center shall be established by the Administrative Council in accordance with the program purposes. The instructional terms for the Center's high school students shall correspond with the instructional terms of the participating counties to the extent possible.

5.9. Transportation. Transportation responsibilities and expenses for each public

school student attending the Center shall be assumed by the county board of education sending the student to the Center.

5.10. Records and Reports.

5.10.1. The Director shall certify the credits earned at the Center to the principals of the high schools in which the students are enrolled.

5.10.2. The Director shall prepare such other records and reports as are deemed necessary by him/her or the Administrative Council.

5.11. Advisory Council. Each Center shall establish an Advisory Council to provide advice on current job needs and the relevancy of courses being offered by the Center in meeting such needs. Such an Advisory Council shall be composed of members of the general public, and shall include representatives of business, industry, and labor. The Director shall serve as secretary of the Advisory Council. Each county shall have representation on the council and each Advisory Council member representing a county shall have his/her appointment approved by that county's board of education. The term of office of the chairperson shall be one (1) year. The chairperson shall be elected by the membership. In addition, the Director of the Center shall see that individual Advisory Committees with representatives of business, industry, and labor are established for each career and technical concentration offered.

5.12. Finance. The Center shall be financed as follows:

5.12.1. The Administrative Council shall request state and federal financial assistance for support of instruction, administration, supervision, operational expenses, and other services associated with the operation of the Center.

5.12.2. The following "steps" of the state foundation program shall be included in the sources of revenue for the operation costs of Centers: Step I, Step II, Step III, Step VI and allowances for Public Employees Insurance Agency (PEIA) and retirement.

5.12.3. The local share shall be the total budget (expenditures) for the operation of the Center minus anticipated (received) revenues from federal and state sources, and the local share shall be proportioned among the participating counties based on the previous year's enrollment (second month) in the Center.

5.12.4. The Fiscal Agent county is also eligible to receive, from state vocational funds, an allocation for administrative costs. This amount shall be equal to the county's current restricted indirect cost rate times the amount of revenue received toward operation of the Center from the state foundation program and other state and federal vocational funds.

5.12.5. The Administrative Council may accept gifts, grants, other state and federal funds, tuition, and other allocations of funds for purposes of erecting, repairing,

equipping buildings, and operating the Center.

5.13. Withdrawal. W. Va. Code §18-2B-2(a) states that any county participating in the operation of a Center shall not be permitted to withdraw from such participation.

5.14. Duplication of Center Programs. When planning the construction of a high school in a county that is served by a Center, the county may not be required to include the construction of a comprehensive career and technical facility in the CEFP. If the county board elects to construct a comprehensive career and technical facility, the board shall include the Director and Administrative Council in the planning of programs to be offered at the career and technical facility which complement the programs offered at the Center. The programs offered at the career and technical facility may not replace the programs offered at the existing Center without the consent of the Center's Administrative Council. (W. Va. Code §18-9D-19(e).)

§126-71-6. Severability.

6.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.