

West Virginia School Board Association (WVSBA) Report prepared for
West Virginia Board of Education RESA Ad Hoc Committee / West
Virginia Board of Education Vice President Dave Perry, Chairman

Report provided by Howard M. O’Cull, Ed.D., WVSBA Executive Director
October 11, 2017 / Charleston, WV

“Growth is a spiral process, doubling back on itself, reassessing and regrouping.” – Julia Margaret Cameron, 19th Century British photographer.

Provisions of House Bill 2711 - adopted by the West Virginia Legislature in the 2017 regular session (effective July 7, 2017) – dissolve Regional Education Service Agencies (RESAs) effective July 1, 2018. The legislation establishes two successor entities county boards may utilize for receipt of shared regional services: (i) Cooperative arrangements or agreements between two or more county boards, (ii) and Educational Services Cooperatives (ESCs).

With the support of the leadership of the State Board of Education’s RESA Ad Hoc Committee, the West Virginia School Board Association assumed a leadership role in developing a series of documents to assist county boards of education and county superintendents in implementing this legislation.

The Ad Hoc Committee, while acknowledging the depth of the work and the thoroughness of the documents, especially the templates for establishing ESCs and cooperative arrangements for county board acquisition of regional shared services, did not endorse the documents per se. Rather, the Committee, acknowledging the instructive nature of the documents, noted the WVSBA’s work product will be placed on the association’s website for use by county boards and county superintendents, as well as for access by others in the state’s public education community and the public.

In its efforts to develop these documents, the WVSBA staff used a porous approach, seeking to involve as many persons as possible. Indeed, people grow organizations. In growing newly-established organizations for procuring regional shared services, local public school leaders will grow, moving from the state’s historical reliance on a compliance approach to educational administration and governance, to a greater entrepreneurial approach.

Of course, this will take time, patience, and a willingness to experiment, seek innovation, and be creative in terms of procuring services.

In order to become more entrepreneurial – admittedly using an incremental approach – the association’s Needs Assessment approach becomes the foundational document we envision county boards utilizing to procure regional shared services, although the other documents WVSBA provides may be considered “stand-alone” if this initial approach is not utilized.

To achieve wide involvement of stakeholders WVSBA sponsored a series of meetings regarding the RESA successor entities:

1. A session held August 5 to increase knowledge of provisions of House Bill 2711 and the RESA successor bodies, i.e., Educational Services Cooperatives (ESCs) and cooperative arrangements. A total 72 persons participated in that session, including 53 county boards of education members from 48 of the state's 55 counties; 10 county superintendents; and four RESA Executive Directors; other participants included a staff member representing the state Board of Education and two presenters – Joan H. Wade, Ed.D., Executive Director / Association of Educational Service Agencies (AESAs) and Howard E. Seuffer Jr., Esq., Bowles Rice LLP, WVSBA Counsel.
2. A Working Group session held August 30 in Parkersburg. The working group was comprised largely of persons who participated in the August 5 session and who volunteered to participate in this session – the major purpose of which was to determine specifics for ESCs/cooperate templates, based on the aforementioned county board needs assessment document. A total of 28 participants, which included 12 county board members; seven county superintendents; three RESA Executive Directors; one legislative staff member and one state Board of Education member. Mr. Seuffer facilitated this session.
3. Additionally, a significant portion of WVSBA's Conference '17 (fall conference) was devoted to this subject, including conference participants work in terms of five case studies and further review of the statutes regarding cooperative arrangements and ESCs. Participants were divided into 28 working groups for purposes of reviewing the five case studies and for determining suggested provisions to include in the templates for ESCs and cooperatives. A total of 182 persons attended the conference, including 150 county board members; 30 county superintendents; one legislative staff member. Mr. Seuffer facilitated the meeting.

Acknowledgement of Leadership

It is difficult to thank all those who made this effort possible and productive. As the association began to consolidate efforts to produce various documents relating to implementing the legislation, we relied on a small working group comprised of

- Torie Jackson, Ed.D., a member of the Ritchie County Board of Education. Dr. Jackson serves as the county board representative to the state Board of Education's RESA Ad Hoc Committee;
- Charlotte Hutchens, Ed.D., a member of the Raleigh County Board of Education;
- Tammy Samples, Ed.D., president of the Upshur County Board of Education; and,
- Gary Price, Marion County Schools Superintendent. Mr. Price serves as president of the state Association of School Administrators.

We also want to thank Jason Butcher, who serves as the state Board of Education's liaison to various organizations and groups; Mr. Seuffer, Dr. Wade, and Ronald S. Fielder, Ph.D., who reviewed the various working documents and who prepared list of regional services provided across the nation. Dr. Fielder also reviewed provisions of House Bill 2711, making several suggestions regarding how to effectively implement the statute. WVSBA contracted with Dr. Fielder due to his nationally-recognized expertise and knowledge of regional services states provide.

Finally, we want to acknowledge the work of Roger G. Hanshaw, Esq., and Joshua A. Cottle, Esq., Bowles Rice attorneys. Mr. Hanshaw and Mr. Cottle were instrumental in preparing the working documents, drawing from suggestions of the association working group. Additionally, Mr. Hanshaw and Mr. Cottle utilized initial documents prepared by Mr. Seufer.

Array of documents:

By clicking on these links you will be directed to five documents:

- West Virginia School Boards Association (WVSBA) Needs Assessment Regarding Shared Services (includes these companion documents – “Matrix of RESA Programs and Services as of June 2016 FY16”; “U. S. Regional Service Cooperative/Agency Functions & Services”; and “Cooperative Agreement FAQ” which was prepared by the State Department of Education’s Office of School Finance.) The final document includes the “Quadrants by RESA Pairs” prepared by the West Virginia Association of School Administrators (WVASA).
- Agreement to Form the [Name] Educational Services Cooperative
- Bylaws of the [Name] Educational Services Cooperative
- Formation of Educational Services Cooperatives: Step-By-Step Procedure and Checklist
- Characteristics of Educational Services Cooperatives and Other Cooperative Agreements Among School Boards in the State of West Virginia
- Finally, the electronic link to House Bill 2711 is http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=HB2711%20SUB%20ENR.htm&r=2017&sesstype=RS&i=2711

“Bylaws of the ABC Cooperative”

An additional document has been prepared by Mr. Butcher relative to bylaws for cooperatives. You may wish to contact Mr. Butcher for a copy of that document - jlbutter@k12.wv.us / telephone 304-558-3660

Documents can serve as a guide or framework for securing regional shared services

Please note the information contained in these documents can serve as a guide or to help establish a framework for counties to receive shared regional services through ESCs or cooperative arrangements.

Thus, the documents are arrayed so intrinsic features of the legislation are addressed. It would be impossible or inadvisable to attempt to address many of the various laws, policies, rules or regulations which also affect these entities, including questions of retirement, Board of Risk and Insurance Management coverage, liability, financial matters, etc.

Contacts for questions that arise in terms of ESCs and cooperative arrangements

As questions may arise when county boards endeavor to implement this legislation, it is advisable to contact your county board attorney.

You also may wish to contact the following state Board of Education staff members:

- Mary Catherine Tuckwiller, Attorney (mctuckwiller@k12.wv.us) / telephone - 304-558-3660
- Jason Butcher, Coordinator, WV Board of Education (jbutcher@k12.wv.us) / telephone 304-558-3660

Additionally, it may be advisable to contact these state Department of Education staff members:

- Heather Hutchens, Esq., General Counsel West Virginia Department of Education (hhutchens@k12.wv.us) / telephone 304-558-3667
- Sarah Stewart, Esq., Staff Attorney West Virginia Department of Education (sarah.a.stewart@k12.wv.us) / telephone 304-558-3667
- Amy Willard, Executive Director Office of School Finance West Virginia Department of Education (awillard@k12.wv.us) / telephone 304-558-6300

Contact information for Mr. Hanshaw, Mr. Cottle, and Mr. Seufer

- Mr. Hanshaw's contact information is rhanshaw@bowlesrice.com / telephone 304-347-2115
- Mr. Cottle's contact information is jcottle@bowlesrice.com / telephone 304-347-2116
- Mr. Seufer's contact information is hseufer@bowles.rice / telephone 304-347-1776

Of course, you may contact WVSBA Offices and association executive director Howard M. O'Cull, Ed.D.: hocull@wvsba.org telephone 304-346-0571 or 304-549-9463 (mobile).

Involvement of other agencies

If making these contacts please realize answers to many questions that may arise in establishing ESCs or cooperative agreements lie outside the realm of the state Board of Education or state Department of Education staff or the WVSBA staff.

When receiving requests for response to questions, the various individuals listed above may be able to provide contact information for resource persons in other state entities who may be able to assist. Moreover, State Board and State Department staff members are making a listing of frequently posed questions.

At this juncture it is also advisable to realize there are varying interpretations regarding sections of House Bill 2711 relating to ESCs and cooperative arrangements.

County boards should become more reliant on their research and understanding

Thus, county boards and county superintendents should realize much of the facilitation occurring at the State Board or other levels may result in local educational officials becoming more reliant upon their own research and understanding to make decisions about shared services.

Finally, please direct any questions to Howard M. O'Cull, Ed.D., West Virginia School Board Association Executive Director, using this contact information:

On behalf of WVSBA we are:

- Torie Jackson, Ed.D. (Ritchie), County School Board Member Representative - West Virginia Board of Education RESA Ad Hoc Committee;
- Charlotte Hutchens, Ed.D., Member – Raleigh County Board of Education;
- Tammy Samples, Ed.D., President – Upshur County Board of Education;
- Gary Price, Superintendent Marion County Schools / President West Virginia Association of School Administrators (WVASA)

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