



Memorandum

To: Members West Virginia Legislature Legislative Oversight Commission on Education Accountability (LOCEA)
From: Howard M. O’Cull, Ed.D., West Virginia School Board Association (WVSBA) Executive Director
RE: ***HB2940 Regional Meetings On Shared County Level Services and Functions***
Date: November 29, 2016

Executive Summary.

As suggested by various legislative staff members serving the Education Committees, I have prepared this HB2940 Report Executive Summary. The Executive Summary may prove particularly useful in terms of Report context and the resulting four Recommendations.

The Summary does not focus on the “Data & Results” aspect of the Report (pp. 35-52). The reader, of course, is encouraged to consult this Report information.

HB2940 Provisions

House Bill 2940, legislation adopted in 2013, establishes §18-2-26a, which requires “...all county superintendents of schools and members of county boards belonging to the same regional educational service agency shall meet together to identify administrative, coordinating and other county level services and functions that may be shared between or among the county boards, especially when resignations, retirements, staffing realignments or similar events may occur.”

As specified in statute, “...The (West Virginia School Board Association [WVSBA]) shall conduct the meetings and for that purpose may consult with the regional educational service agencies. The format of the meetings shall be approved by the state board in advance.”

Additionally, the West Virginia School Board Association is responsible for reportage regarding the meetings.

Meetings were held in 2013 and 2014 and, as stated in §18-2-26a, are to be held biennially beginning this year.

Reportage from the 2013 and 2014 regional meetings has been provided to the legislature and state Board of Education.

2016 Report

This report relates to the 2016 meetings.

While the statute is direct in that the regional meetings serve to "...identify administrative, coordinating and other county level services and functions that may be shared between or among the county boards," topics considered can be broadened, thus reportage will be more expansive. Indeed, the 2014 reports broached the role of RESAs in terms of serving as prompts for encouraging sharing of services. The 2016 reportage concentrates greatly on the RESA aspect of shared services primarily because of the directional input of the County Board Member Training Standards Review Committee (TSRC) which is headed by state Board of Education Secretary Beverly Kingery.

WVSBA's report is based on various methodologies and includes four major recommendations which, as stipulated in the statute, address:

- "(1) Identification of the administrative, coordinating and other county level services and functions that may be shared between or among the county boards;
- (2) An analysis of the advantages and disadvantages of sharing services in each instance; and
- (3) A process for implementing recommended changes."

Thus WVSBA's statutory charge is met in terms of this Report as well as the 2013 and 2014 reports.

Note: Page numbers and Endnotes expound upon most citations.

Report Methodologies

The Report methodologies include:

- Table or group work products from 151 table groups having been assembled in the eight regional meetings, as specified in the statute (§18-2-26a), to explore the shared services notion relative to "...(identification) of administrative, coordinating and other county level services and functions that may be shared between or among the county boards, especially when resignations, retirements, staffing realignments or similar events may occur." As noted above, the regional meeting discussions proved more expansive.

Work products were based on "case studies" or "scenarios" regarding sharing of services, including employee benefits, complexities and difficulties as perceived by participants, as well as a question about continuing the regional meetings and the importance of sharing such services as perceived by participants vis-à-vis other issues facing their county boards.

- A post-House Bill 2940 meetings survey of each county board of education member, county schools superintendents, and Regional Education Service Agency (RESA) Executive Directors having participated in the meetings. The survey garnered a 57 percent response rate.
- Assemblage of about three dozen persons who provided comments regarding a report rough draft having been prepared by WVSBA Executive Director Howard M. O'Cull, Ed.D. Participants

included county boards of education members, county superintendents, four RESA Executive Directors selected by Dr. O’Cull and two state Board of Education/state Department of Education staff members who “audited” the session.

Array of Report

Section 1.

The 62-page report includes four distinct sections – A preface, including a major section (Section 1) relating to “Prefatory Remarks” (pp. 2-17), Section 2 which includes Recommendations (pp. 21-30), Section 3 which concerns Data and results (pp. 33-47) and Section 4 which provides an Appendix and Citations (pp.53-60).

Again, this Executive Summary directs the reader to the specific listing of “Data & Results,” which is included in Section 3.

Prefatory Remarks

In order to fully appreciate the Report recommendations, one’s attention is directed to Section 1, especially in regard to “Prefatory Remarks.”

These are among the considerations included in Section 1:

- Various contextual considerations are provided, including on the Strayer Report which was provided to the state Legislature in 1947. Details from this Report, which form much of the contemporary context for public education governance in West Virginia, are discussed in view of historical developments regarding public education, including *The Education Efficiency Audit of West Virginia’s Primary and Secondary Education System* (2012).
- Prefatory Comments include observations regarding the status and condition of RESAs particularly as contrasted with county boards. This approach was taken because county boards are established in statute and are beholden to both the Legislature and state Board of Education. (The state *Constitution* utilizes the term ‘school districts.’) The constitutional provision states, “...the school board of any district shall be elected by the voters of the respective district without reference to political party affiliation. No more than two of the members of such board may be residents of the same magisterial district within any school district - §12-6).”

County Board ‘Settled Science’

- Moreover, the state Board of Education and Legislature have a fairly settled view of in terms of the role, mission, and purpose of county boards – somewhat of a “settled science” to use that term broadly, acknowledging the inherent limitation as applied to both county boards and RESAs. In this sense, county boards operate in terms of “roles” and functions that are pretty well set or defined. Thus, varied interests, certainly not confined to school employee groups, provide a “check” on efforts to heighten county board authority or policy advances. Not surprisingly, however, this “settled science” approach allows county boards to secure “shifting coalitions” to ward proposals such as “public charter” schools, meaning county boards can draw upon

expected allies who also would be threatened by some proposals that disrupt this homeostatic arrangement, including school employee organizations. The same would apply to certain tax schemes which would cost county boards dollars or certain mandated curricula a county board would be required to implement. Thus, the “shifting coalitional” aspect of county boards may buffer these 55 elected entities from additional erosion of authority, albeit constrained authority, if we consider this proposition within the “settled science” stance in which these governance entities operate. (Of course, this is not always the case, certain legislative dictates may be deemed of greater importance than existing county board goals or ends. Major initiatives such as those included in Senate Bill 359 easily come to mind.)

RESAs’ ‘Settled Science’

- RESAs, by contrast, if viewed from the “settled science” analogy of county boards as just described, have few “natural allies.” This appears puzzling because one would conclude the state business community in particular would have an interest in the realization of public educational efficiencies. Moreover, RESAs appear to be surrogates of both the Legislature and State Board – and, to a lesser extent, county boards. This point is illustrated by the fact initial RESA legislation (1972), which included 97 words, “(authorized) and (empowered)” the State Board to “...establish multi-county regional education service agencies for the purpose of providing educational services to the county school systems...” The current “RESA stature” contains 1,826 words. Moreover, the statute is quite prescriptive and states RESAs have two primary responsibilities – despite a litany of listed service tasks the entities also are charged with securing. The statutory role of RESAs, augmented by a State Board legislative rule, is to provide technical assistance to low-performing schools and “high quality” staff development that is “designed to enhance the performance of (the state’s) public educational systems.”
- One must see the existing statute in light the 2002 legislative reorganization of RESAs which occurred in wake of the state’s enactment of the “first” federal No Child Left Behind Act as well as the “settlement” of the state’s long-standing school finance case, *Pauley v. Bailey*. That “settlement” formally established an outputs system for the state’s public education system – using RESAs as key actors to ensure student performance advances. Of course, in terms of “settled science,” one could conclude such is the role of RESAs. However the Audit points to the considerable latitude RESAs have in procuring and concentrating on other discrete (sometime non-public education) missional efforts. Over the years, “entrepreneurial” is the term coined for such, particularly by State Board members. The apologetics for this situation, following the “entrepreneurial” line is that non-commitment of state dollars “forced” RESAs into procuring external funding. Of course, the Audit does not miss or omit this set of circumstances. Thus, RESAs, unlike county boards, find themselves with few identified allies and with less concrete funding. These circumstances are coupled with the notion school employee interest groups or a few legislators also see efforts to beef RESAs as an exercise in encroachment. Besides the legislature and State Board and a gaggle of county superintendents agency supporters are few – a situation further illustrating the ‘settled science’ point relative to allies as coupled with the entrepreneurial notion of hunting and gathering funds. Within this milieu the legislature and State Board serve more as patrons although the State Board, due to rule-making which the legislature cannot undo, appears to have the “edge” in terms of direction for RESAs through

implementing legislature directives concerning to accomplish both legislative and State Board aims.

- As stated in the report, "...RESAs are domiciled in a sand-entrenched expanse by the firmly anchored domiciles of the State Board and legislature (there to) ensure the agencies accomplish state-level missions and aims."
- Again, this report section commences with the acknowledgement "the 'settled science' approach...may prove equivalent to jagged or untidy reasoning."

Persistent Questions about RESA Roles and Functions

- These notions concerning RESAs are amplified by a host of conundrums regarding "what" RESAs do. Often the sentiments are expressed in questions regarding agency communications – "what do RESAs do?" "Could we do without them?" "What is their value-added component for public education?" The "settled science" analogy – RESA roles contrasted with that of county boards – seems to place the agencies in position school boards were prior to generations of reform, beginning in the 1980s. During this time, one should note school boards were referenced as the "Dark Islands of American governance." Restructuring has provided a greater definitional stance for county boards in terms of county board and county board member accountability without disturbing the "settled science" of limited county board policymaking authority.

Systemization

- The report attempts to answer many of these questions by concentrating on "systemization," meaning West Virginia's legislative penchant, largely embedded in the state's reorganization in the 1930s, to view education policy as a state-wide endeavor coupled by the Strayer Report's acknowledgment of education in West Virginia being primarily as "state function." The Audit does not miss a beat, saying the state's educational system provides "...little flexibility to modify policy and operations without changes to the Code." That analogy applies to both county boards and RESAs.

Little external review of RESA outputs

- Two other prescient observations are at hand: The county board is primary employer in 30 counties, although only seven or eight county boards are seeing student enrollment numbers rise.
- RESAs face little external review, although the state Office of Education Performance Audits (OEPA) evaluates RESAs in terms of the agencies' own strategic plans. This matter speaks for itself in terms of external accountability. In fact, the Audit states county boards should be involved in continuous efforts to achieve efficiencies which, of course, should include RESA services.

County board largest employer in 30 counties

- The county board as largest employer matter, which this report does not explore, has bearing on the entire question of shared services due to the array of central office administrators in smaller counties – central office positions being the centerpiece of the HB2940 legislation. Any significant effort to disturb this “economic reality” will prove Herculean.

RESAs, as ‘valued entities,’ can provide significant services to county boards

- Despite these observations, the report concludes RESAs can provide significant services to county boards in terms of shared services and efficiencies.
- As stated in the report “Prefatory” section, “RESAs are valued entities – entities that can and will provide the efficiencies that ensure county boards receive an array of services boards otherwise may not be able to access. RESAs can be utilized to lessen duplication of services between and among county boards; and, most of all, RESAs can provide county boards stability as school districts continue to lose student enrollments. Thus, RESAs, as shored through greater, heightened accountability as we emphasize in the recommendations section of this report, will continue to meet the needs of various constituencies.”

Audit: place to look for efficiencies is ‘district and regional level’

- The report also alludes to remarks of Eric Schnuner whose firm conducted the Audit. At a 2015 legislative interim meeting he told lawmakers, “If you really want to find real money, so to speak, that would also go to improving education performance and the efficiency and effectiveness of your state’s education system, the place to look is at the district and regional level. So that if you looked at total expenses of about \$70 million (by focusing on efficiencies at the school district and RESA levels). That’s \$70 million from cutting programs, not from taking a whack at your schools and what they’re providing students, but from actually improving how they function and helping them deliver better education to your students and their families. So I think this is a fruitful area where you can look for additional savings that would be well rewarded in the quality of education that you would be providing in the schools.”

Section 2.

The second Section of the Report includes the four major recommendations with major recommendation having several sub-parts.

The recommendations include:

- **Recommendation #1 – *Revise Existing Statute Requiring Shared Services Meetings.*** Simply stated, the shared services regional discussions, while valid and timely, should become a function of the RESA Regional Councils, namely providing continuous discussion, including sufficient reportage to county boards of education and other interested educational interests. Considerable mention is made concerning reportage as well as “ownership,” meaning RESA Regional Councils, if assuming responsibility for continually exploring potential regional shared services would have greater ownership as bolstered by reportage and accountability for investigating these services. This recommendation is made within context of §18-2-26 and the ability for the entities to secure such services for county boards.

- **Recommendation #2 – *Configuring RESA Services*** – This Recommendation explores how RESA services, existing and new, can be enhanced or procured for county boards. Issues reviewed include sharing of costs, evaluating services for efficiencies and effectiveness and, to some extent, exploring state-level provision of services – a point made in the Audit.
- **Recommendation #3 – *County-Secured Shared Services*** – This Recommendation refers to a 1989 statute, §18A-4-8d, and its viability to encourage sharing of services between and among county boards – with or without RESA involvement. There is some evidence these type arrangements have or are occurring, based on information provided at the July and August (and previous years’) regional meetings. In terms of this recommendation, the report states, “Thus, careful review of the statute, existing practices, related personnel statutes, and lessons learned is imperative. Moreover, county-secured shared services may prove of greater value to clusters of county boards who face considerable declines in student population and who share geographic proximity.” Technology is cited within this context. The West Virginia School Board Association is sponsoring legislation to encourage this approach.
- **Recommendation #4 – *Innovation*** – This is the most detailed of the Report recommendations, covering a gamut of subjects, including use of pilot projects to encourage collaboration between and among county boards in terms of sharing services, use of various means to ascertain RESA program effectiveness, acknowledgment of constraints that impact sharing of services, including matters of “turf” as well as barriers inherent in state laws (school personnel laws and laws relating to the state’s school financing program).

State-level committee of businesspersons and those of an entrepreneurial bent to continually study efficiencies

Of particular note here, the “innovation recommendation” includes a strongly-promoted recommendation for a “(s)tatutory and/or gubernatorial establishment of a state-level committee of businesspersons and those of an entrepreneurial bent, appointed by the governor, to continually assess matters regarding provision of public education services, including, but not limited to, county level administrative services.” That proposal is expounded within the recommendation. In terms of purely a dreaded extra layer which, while important, may accomplish little or prove cumbersome. If the proposal is viewed in this light it affirms a primary principle of public education reform: Those most firmly embedded in public education support the status quo or, at best, incremental policy changes. It should be noted, however, educational interests must be represented as members of the committee in terms of informing the committee of the impact of its recommendations.

Five observations

- The report concludes with five “Final Observations,” covering issues such as communications, an aforementioned issue plaguing RESAs, “matrix-staffing,” cited earlier in the Report, which would provide the State Board the ability to make greater deployment of West Virginia Department of Education staff to RESAs and/or counties (based on arrangements through the state superintendent of schools’ office) and the importance of recognizing the State Board’s legislative rule-making abilities.

Section 3. Final considerations

The report:

- Consideration for revision in the RESA governing structure. Based on the Post-meetings survey, 59 percent of the respondents concurred with this notion that RESA Regional Council should be “returned” to county board member representatives and county superintendents while about 14 percent of respondents disagreed. About 29 percent of respondents were neutral. Although this is a WVSBA report, which is presented to the Legislature as required by statute, the association’s legislative committee may recommend that the governance of RESAs return to the pre-2002 reforms when the entities were literally placed under aegis of the State Board. Given other recommendations in this report, existing governance may not be a primary matter unless and until the nature and focus of RESAs change in terms of shared services.
- Illustrates the enacting statute “applies” to about 620 individuals (administrative, coordinating and other county level services and functions). In making this observation, the Report cites the state Board of Education’s Commission on School District Governance and Administration’s observation that “back office” employment positions provide the greatest reserve for shared services. That report opines if such services were shared or assumed regionally, county central office administrators could concentrate greater efforts in regard to student achievement issues, especially in regard to the state’s “A-F School Accountability System.”
- Points to the difficulty local officials display in embracing shared services. In terms of the 2013 report, many legislators stated the potential shared services identified were, at most, of the “low-hanging fruit” genre. The report maintains the same but shows incremental progress toward the value of at least more fully exploring shared services.

House-keeping

- Results of the various methodologies having contributed to the report are presented.
- The Appendices include various financial information – most of which is presented without comment.

Last Words.

“... (It) does not follow that you can explain the existence of entities as complex as man by exactly the same principles on their own. It is no good taking the right number of atoms and shaking them together with some external energy till they happen to fall into the right pattern, and out drops Adam!” - Richard Dawkins, British ethologist, evolutionary biologist, author. He was the University of Oxford’s Professor for Public Understanding of Science from 1995-2008. Perhaps his most acclaimed books is *The Selfish Gene* which popularized the gene-centered view of evolution.