“Brick Walls”

Report to

West Virginia Legislature Joint Standing Committee on Education

Senate Concurrent Resolution 61

Requesting study on consolidating county boards of education to provide efficiencies and direct cost savings

Sen. Eric Nelson, R-Kanawha, Lead sponsor

Sen. Rollan Roberts, R-Raleigh

Senate Adopted April 10, 2021

By

West Virginia School Board Association (WVSBA)

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October 13, 2021
“Brick Walls”

“The brick walls are there for a reason. The brick walls are not there to keep us out. The brick walls are there to give us a chance to show how badly we want something. Because the brick walls are there to stop the people who don’t want it badly enough. They’re there to stop the other people.” - The Last Lecture (co-authored by Randy Pausch and Jeffrey Zaslow [2008]).

Not wanting “a serious crisis to go to waste”

“You never want a serious crisis to go to waste. And what I mean by that is an opportunity to do things that you think you could not do before.” - Rahm Israel Emanuel (1959-), U.S., politician who served as the 55th mayor of Chicago from 2011 to 2019. A member of the Democratic Party, he previously served as the 23rd White House Chief of Staff from 2009 to 2010, and as a member of the United States House of Representatives from Chicago between 2003 and 2009.

Acknowledgement

Senate Concurrent Resolution 61 Requesting study on consolidating county boards of education to provide efficiencies and direct cost savings, adopted by the West Virginia Senate April 10, 2021, provides a means for not only the West Virginia Legislature but also various constituencies having interest in public education to discuss school district configuration in West Virginia, especially considerations such as whether school districts should be reconfigured due to factors such as persistent declines in student enrollments having occurred during the last several decades; the state’s marked decline in population; a transitioning economy with county, regional and subregional considerations, including capacity for scaling growth, jobs creation and sustaining innovation – all enwrapped within the need to sustain a vibrant public school system.

Questions regarding school district configuration – West Virginia’s school districts contiguous with its counties – have arisen during the last several years due to the widely-accepted doctrine the public education system can and should be expected to proffer and manifest greater efficiencies.

Efficiency Audit
The Efficiency Audit of West Virginia’s Primary and Secondary Education System (2012) or The Audit, completed at the behest of the Tomblin Administration, is the most recent comprehensive analysis of public education efficiencies available to interested policymakers.

Accordingly, The Audit notes:

"...(We) start with the fact that West Virginia has one of the most highly centralized and impermeable education systems in the country: No other state education system is so highly regulated in code and is constitutionally separate from the executive and legislative branches of government. There remains, however, many areas for improvement in order to create a more student-centered education system.

"A broader education reform agenda also will pay dividends in improved efficiency and better targeted spending. There are initiatives around the country that West Virginia can learn from and adapt: empowering schools, parents and students; reducing bureaucratic and administrative costs; increasing flexibility; better connecting the education and workforce development systems; moving greater responsibility to the district, school building and classroom level; and empowering students and their families with 21st Century learning technologies.

"To improve outcomes for individual students, West Virginia must deliver an education that prepares today’s young people for the world – and particularly the workplace – of the future. It must also improve education delivery at the school building and classroom levels by focusing on the quality of leadership from the building’s principal and the quality of classroom instruction delivered by the teacher. And it must invest in the technologies that will help today’s students to learn better, and today’s teachers to teach better, about the world of tomorrow.

"None of that comes cheap. Which is why it is so important that every education dollar be spent as efficiently and effectively as possible. The efficiency recommendations discussed in the first section of this report therefore are integral to the goal of freeing up the resources that all adults involved in the system – from teachers to administrators
to government leaders in all branches – want to see in better preparing students for their future, empowering teachers to teach and school leaders to lead, and investing in needed technologies, discussed in the second section of the report.

“We hope that the numerous ideas contained in this report on how to achieve these outcomes will help to enable West Virginia to become a leader in education reform and student progress.

(Education Efficiency Audit of West Virginia’s Primary and Secondary Education System Public Works LLC / January 3, 2012, p. 143).

Special Report Regional Education Service Agencies” Legislative Auditor’s Performance Evaluation & Research Division / House Bill 2940 Report


That legislation required:

“(…[A]ll 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 8 functions that may be shared between or among the county boards, especially when resignations, retirements, staffing realignments or similar events may occur...”
WVSBA provided its report, “House Bill 2940 Regional Meetings on Shared County Level Services and Functions” (https://wvsba.org/sites/default/files/inline-files/HB2940_Methodologies-11292016163145.pdf) to the West Virginia Legislative Oversight Commission on Education Accountability (LOCEA) November 29, 2016.

As noted, the WVSBA Report was based on meetings held in for the purpose of “identifying” county-level services which might be shared in order to effectuate efficiencies.

Neither the Legislative Auditor’s report nor the WVSBA report addressed the issue of school district reconfiguration. Indeed, neither entity was provided that charge.

It must be noted, the WVSBA Report details sentiments county board members and country superintendents have, admittedly within context of House Bill 2940 study methodologies, regarding identification of possible sharing of “administrative, coordinating and other county level services and functions.”

The Audit, Legislative Auditor’s Report and WVSBA Report Reflect Concerns or Conditions Evident in a Maturated West Virginia Public School System

For our purposes, various findings of The Audit, formally proposed by AFT West Virginia, the state affiliate of the American Federation of Teachers in 2010, were largely considered during the 2013 regular legislative session through passage of Senate Bill 359 (http://www.wvlegislature.gov/Bill_Text_HTML/2013_SESSIONS/RS/signed_bills/senate/SB359%20SUB1%20ENR_signed.pdf), including proposals relating to the school calendar, some revisions in school personnel laws and various emphases on efficiencies proposed in The Audit.

Additionally, the Legislative Auditor’s Report and the WVSBA report must be considered within context of a maturated West Virginia public school system. Of course, Senate Concurrent Resolution 61, whose purpose is to “...(Study the) appropriateness and feasibility of consolidating school boards over a span of three to seven years...to provide efficiencies and direct cost savings which may be used to increase spending per pupil and teacher salaries...,” must be examined through the same maturation context.

As we note, both reports are available either on WVSBA’s website or through Legislative Services’s website. The link to SCR61 is https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=SCR61%20INTR.htm&yr=2021&sesstype=rs&i=61&houseorig=s&billtype=cr
“A Digest of a Report Of A Survey of Public Education in the State of West Virginia” – George D. Strayer, Ph.D.

For greater historical perspective, however, we find it imperative to refer to “A Digest of a Report Of A Survey of Public Education in the State of West Virginia” which was issued in 1945 due to passage of Senate Concurrent Resolution 6 which the Legislature adopted February 28, 1945. Strayer’s report itself totals approximately 800 pages.

In order to complete the study, the Legislature contracted with George D. Strayer, Ph.D., a retired Columbia University professor, to prepare an “expert report.” Strayer provided a similar report to the state of California in 1948 with a “restudy” he completed in 1955. (University of California - https://calisphere.org/item/ark:/13030/hb2p3004kd/.)

Both the 1945 West Virginia Report and the California Reports have similar formats and address similar considerations.

Strayer’s West Virginia Report, issued December 1, 1945, has lasting impact on public education policy, including recommendations for establishing an appointed state Board of Education as well as recommendations including the role of the state superintendent and, most significantly, recommendations relating to shoring the effectiveness of county boards of education and county superintendents. Indeed, Strayer devotes about seven pages of his report to county superintendents, noting early in the report, “It is important from the standpoint of both the State Superintendent of Schools and county superintendents that they be considered as employees of boards of education rather than public officials...” (Strayer, p. 4 and pages 21-28. Note: Strayer’s comments regarded a 1943 state Supreme Court of Appeals decision wherein the court ruled “a county superintendent of schools...is an ‘officer’ of the board of education by which he was elected. State ex rel. Rogers v. Board of Educ. 125 W. Va. 579, 25 S.E.2d 537, 1943 LEXIS 34 (W. Va. 1943). The ruling has been applied in three subsequent state Supreme Court of Appeals decisions.)

Strayer proposed many education reforms we know today, including proposed uniformity in school facilities (Strayer, p. 42), uniform school transportation practices (Strayer, pp. 43-46), noted need for public school funding to acknowledge “sparsity” considerations (Strayer, p. 109) and a need for state officials to shun “bureaucracy...”
“Note, for example, in a brief span of a dozen years two state agencies have been set up to look at the annual school budgets. One of these agencies gets a report every month of the expenditures made by the communities. A bureaucratic control has caused the State to extend the powers of auditors. The people and the courts can no longer be relied upon. The people, blind to what is going on, will not challenge the decision of a board or will not take them to courts as they are entitled to...” (Strayer, pp. 115-116).

“Additionally, Strayer notes, “Perhaps there is justification for such attitudes in a system where there is really no local oversight, but what is recommended here is the turning back to the people for oversight, and the building into the law of the machinery by which the people locally become overseers of the expenditures of their (tax) funds.” (Strayer, p. 103).

Despite these sentiments, Strayer provided strong support for the state Board of Education, noting “Unlike the majority of the states in the union, West Virginia does not place full responsibility for the control and administration of the schools in the hands of the State Board of Education...” (Strayer, p. 1). He also contended, public education in the Mountain State is a “state function” despite “delegation of responsibility to county boards of education” at the local level. (Strayer, p. 2).

Indeed, voters adopted an amendment in 1958 establishing the state Board of Education.

Strayer also proposed various higher education reforms, devoting 44 pages of the report to this subject. (Strayer, pp. 117-161).

(Until the Legislature established the state Board of Regents in 1970, the entirety of state’s public education system was the responsibility of the State Board.)

Strayer’s report proves seminal not only for reasons cited above but also because Stayer’s recommendations were placed within context of the establishment of West Virginia’s newly-established county boards of education which occurred due to voters amending the state Constitution to adopt what amounts to the nation’s first property tax limitation amendment. (California’s Proposition 13, which garners ubiquity for citizen-inspired efforts to modify property taxes, was adopted some 33 years later in 1978.)

According to noted West Virginia historians Amber and Summers, prior to 1933, West Virginia had 398 school districts, including 54 independent school districts. Stayer’s Report provides foundational insight

**Contextual Considerations / Strayer Report**

We must not ignore Strayer’s words regarding the context for creation of today’s county unit system:

“By the end of 1932, the depression had taken a staggering toll of the economic life of West Virginia. Prices of mine, farm and factory products had collapsed, bankruptcies were epidemic, wages had sadly decreased, and unemployment was rampant. Valuations of property for purposes of taxation were greatly reduced, but notwithstanding, these reductions, tax delinquencies were common. Since the schools were almost entirely depending on the property tax for support, decreasing tax valuations and increasing tax delinquencies had a devastating effect on their efficiency. Hundreds of school employees went unpaid, school terms were shortened, and scores of schools closed.

“In the fall of 1932, the people of the State adopted an amendment to the Constitution classifying property for purposes of taxation and limiting the rate of taxation on each class of property...” (Strayer, p. 20).

**County boards – “Compromise” Between Local Control and State Control Proponents**

Moreover, we must pay heed to the words of West Virginia historians Ambler and Summers who, commenting on the county unit system, noted it “served as a compromise between those who supported local control on the one hand and those who favored state control on the other. All efforts to modify it or disestablish it failed, and it attracted favorable attention throughout the country.” (Ambler [and] Summers, p. 396).

**Great Depression Contextual Considerations / Variances Today**

Of course, West Virginia’s economy is vastly different from that of the late and post-Great Depression Eras both in terms of major economy “drivers” as well as goods and services produced or provided, its labor force and state-level orientation for marketing of the state to those who work remotely, retirees, those who want to live in rural environs and expanding niche-marketed goods and services.
Additionally, West Virginia’s economy, especially considered in terms of state budgetary health, is among the healthiest in the nation, although many of the underlying issues which West Virginia faces seemingly remain, namely population outmigration; an aging population; one of the lowest rates of employment among eligible workers in the nation; one of the nation’s lowest birth rates and a host of exacerbating factors such as the state’s “opioid epidemic” and, bluntly stated, lack of civic engagement which is critical to a progressive public education system.

Indeed, various studies conclude citizens in West Virginia rank low (or lowest in the nation) in terms of several measures of civic involvement – attending “public meetings,” “voting,” “contacting or visiting a public official.”

Yet, West Virginians display high confidence in public schools as well as voting in local elections. (West Virginia Civic Health Index / National Conference on Citizenship - https://ncoc.org/research-type/west-virginia-civic-health-index/)

Admittedly, such studies vary in terms of methodology, definitional considerations and, simply put, seeming “intent” or bias.

Without yielding to debates of merit, some studies place West Virginia lower in rankings regarding political engagement and educational attainment, meaning the state, at least in one study, ranked 46th in terms of the former and 50th in terms of the latter as well as 48th in Least Politically Engaged & Lowest GDP Per Capita. (Most & Least Politically Engaged States / https://wallethub.com/edu/most-least-politically-engaged-states/7782) Adam McCann, Financial Writer Oct 13, 2020.

Moving from the civic engagement question per se, let us reason that many of the factors listed above, including persistent declines in public school student enrollments, collectively influence the public school system, especially in terms of state appropriations for public education since public education funding is largely contingent on considerations regarding student enrollments.

Indeed, a generation ago, 55.39 percent of state budget appropriations was committed to public education. Today, 39.61 percent of state budget dollars are allocated to public education. (Calculations based on state Department of Education data.)

Centralizing Public Education Policy-making
The Audit didn’t comment on the county unit system outright, although noting the state’s penchant for centralizing public education policy-making which becomes evident through standardized state funding and school facilities schema undergirded by a monumental West Virginia School funding case having origins in a circuit court decision arising in Lincoln County in 1975 when a parent filed a class-action suit against the Lincoln County school system, claiming her children were not receiving a “thorough and efficient” standard of education, as required by the West Virginia Constitution. As the case wound through the courts, the state Supreme Court ruled in her favor on appeal, saying all children have a right to a quality public education regardless of where they live. The justices remanded the case to Circuit Court to determine whether West Virginia’s school system met the standard of a high-quality system. In 1982, Circuit Court Judge Recht ruled that the state’s funding system caused financial inequities from county to county.

**From an “Inputs” Public School System to an “Outputs” Public School System**

Truncating the narrative, the courts’ earliest interests in the case related to “inputs” or resources necessary to provide a high-quality public education system.

The case, using simple language, was “settled” in 1998 with an emphasis on an “outputs” model, meaning in the interim between 1982 and 1998, a circuit judge assigned to review the case concluded the Legislature had “corrected” many of the deficiencies hindering financial inequities between and among county boards through a uniform school building entity; through structural changes in school funding meant to equalize public education spending; through establishing an accreditation system and the Office of Education Performance Audits (OEPA) and providing the state Board of Education ability to intervene in school districts where local actions, in judgment of the State Board, were impeding delivery of a thorough and efficient system of schools.

There are those who say the so-called “Recht” school funding case can be “reopened.” It cannot. However, litigation could arise relating to application of the thorough and efficient provision of the Constitution.

**County Unit System Denoted by “Substantial Duplication” of Services**
While not provided a charge, within the study framework, to address school district configuration, The Audit clearly notes:

“West Virginia counties function almost identically; they follow the same state and federal mandates and receive the same categorical funding. Outside of contracts managed by RESAs for food, natural gas, technical equipment/supplies, vehicle fuels and vehicle lubricants and an independent co-op, each county purchases its own materials and services separate from other counties, RESAs, and the state. This creates substantial duplication when multiple counties write contract specifications, process bids based on those specifications, and then awards contracts for the same type services and materials.” (The Audit, p. 68).

The Audit Comments Regarding Former Regional Education Service Agencies (RESAs)

Noting the then model of Regional Education Service Agencies (RESAs) which served as the major vehicle for inter-district provision of services to school districts, the Audit states:

“...Similarly, RESAs do not work cooperatively to purchase goods and services. While each RESA performs different functions, all support pre-K-12 education in their regions. There is considerable variance in the size of the student population in West Virginia counties. Kanawha County’s 28,458 students number over 30 times more than Gilmer’s student count of 943. Almost half (47 percent) of West Virginia counties have less than 4,000 pupils. Counties such as Monroe, Summers, Calhoun, Pleasants, Ritchie, Tyler, Wirt, Doddridge, Gilmer, Upshur, Grant, and Pendleton educate less than 2,000 students each.

“At the same time, all West Virginia counties must meet the same state and federal requirements regardless of student population or total budget. For instance, all counties must employ someone to manage student transportation, administer the food programs, maintain facilities, account for revenues, and track expenditures. Each of these jobs requires specific knowledge and a unique skill set that may not overlap with the skills or experience needed for other jobs. Furthermore, each of these positions must complete certain functions, especially
completing extensive state and federal reporting requirements, regardless of the number of students served.

“West Virginia’s larger counties employ one or more persons to handle specific administrative duties while the smaller counties employ one person to handle two or more of these jobs at the same time. For example, Calhoun County uses the same staff person to administer the Child Nutrition Program, student transportation, and facilities. The Finance Department has two employees in charge of budgeting, accounting, and purchasing, while the Superintendent and his Executive Secretary handle all personnel matters in addition to standard superintendent duties. Knowledgeable WVDE staff members have noted that individuals responsible for two or more positions often cannot adequately complete all job responsibilities.

“There are examples were counties have successfully shared personnel to perform some of these administrative duties. Gilmer and Calhoun Counties recently initiated job-sharing for their Child Nutrition programs. While there were some difficulties unrelated to human resources that prevented the counties from continuing this arrangement, administrators are planning for job sharing in the near future. (The Audit, p. 71).

The Audit Notes Lack of Coordinated Planning Process for RESAs

RESAs, abolished by the West Virginia Legislature through legislation adopted in 2017, were singled by the Audit for:

“The lack of a statewide, coordinated planning process for the RESAs creates a system that fosters independence but also allows the RESAs to work in isolation, sometimes to the detriment of the entire system. There are opportunities to reduce duplication of effort and increase efficiencies if WVDE establishes a comprehensive planning process, helps RESAs identify core services to be provided by all RESAs and works to establish shared services across RESAs.” (The Audit, p. 75).

Note: Refer to House Bill 2711, which the Legislature adopted April 8, 2017. HB2711 SUB
ENR_signed.pdf (wvlegislature.gov).

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Besides inconsistencies in service provided, the Audit noted RESAs:

“Just as the role and responsibilities of RESAs have changed over the years, so also has their governing structure. Initially RESAs were governed by a Regional Board that was responsible for all aspects of RESA operations. Currently, the State Board of Education is statutorily responsible for oversight of the RESAs; Regional Councils are now designated as advisory. The WVDE assigns a senior department staff member to each RESA to act as a liaison between the state and regional area.

“...There do not seem to be opportunities for in-depth discussion on strategic planning or specific issues that are typical of advisory groups with large memberships. Maintaining active interest and participation when a group is seen as advisory is a difficult task. In the case of the RESA Regional Councils, it makes the oversight of RESAs overly cumbersome and complex, causes confusion about the authority and responsibility of the RESAs, and is time consuming and costly.

“At the same time, there are active Superintendents’ meetings in each region that provide an opportunity for district leaders to have a forum for discussion, planning and development of cooperative programs. This group also attends Regional Council meetings. More meaningful and productive oversight of the RESAs can be achieved by tapping into these Superintendents’ groups and appointing them as the advisory council to the RESAs. (The Audit, p. 76).

“The county unit system is not a panacea for all the ills which have beset the schools of West Virginia...” – Strayer

Having gotten ahead of ourselves, let’s return to Strayer’s comments about the state’s public education system as restructured in 1933.

Within context of this report, Strayer stated:
“The county unit system is not a panacea for all the ills which have beset the schools of West Virginia, and still beset them. It is a convenient and economical way of equalizing opportunities for education within a fairly large area. The county unit does not in and of itself improve schools. It simply removes some of the difficulties in the way of conducting school...

“It still remains for the people of each county, through their elected officials and school employees, to work out plans for a better program of education for the children and youth of the county.” (Strayer, p. 21).

Strayer, while embracing strong state guidance for public education, including the institution of the state Board of Education as we know it today, hardly abandoned the powerful role, charge and responsibilities local public education officials have to ensure educational success. Strayer saw the need for exemplary local educational governance as provided by elected county boards whose agendas focus on students; county boards who free themselves from the fetters of provincialism; county boards who focus on vision rather than the flimsy pursuits of small-minded ideals. (Strayer, pp. 22-23).

“There is a clear recognition in the Constitution and in law that education is a state function” in West Virginia – Strayer

Strayer states:

“In West Virginia, as elsewhere, the people have provided through the statutes enacted by the Legislature, for a large degree of local responsibility for administration of schools. But even with this delegation of responsibility to county boards of education, there is a clear recognition in the Constitution and in law that education is a state function.” (Strayer, p. 2).

Strayer addresses what be considered the difference between education as a state function and a state policy centralization which literally drills itself into the classroom to the point of prescribing teacher lesson-planning dynamics, curricular or instructional rubrics or bogging teachers with “paperwork,” which Sen. Rollan Roberts, R-Raleigh, noted in a report to the Joint Standing Committee on Education October 10. His remarks were based on public forums legislators are holding this year as part of the passage of House Concurrent Resolution 103. Roberts is Senate Education Vice Chair.
Strayer says:

“What is needed in West Virginia is a careful building back to the people of the turning away of the pyramiding of central controls of which there will be no end if public oversight is lulled more and completely to sleep...” (p. 103).

**County superintendents**

Additionally, Strayer greatly respected the role of the county superintendent as the chief executive officer of the county board, noting “the first duty of the county board of education is to choose a professionally competent superintendent of schools.” (Strayer, p. 21).

As stated in §18-4-10 (Duties of county superintendent), “The county superintendent shall: (1) Act as the chief executive officer of the county board as may be delineated in his or her contract or other written agreement with the county board, and, under the direction of the state board, execute all its education policies.”

Additionally, Strayer states, “the quality of education in any county depends largely upon the freedom of the board of education from political pressures.” (Strayer, p. 22).

Stating or restating Stayer’s conclusions, county superintendents are “leaders” of the county board and will play the pivotal role in success of any county board reconfiguration. Indeed, county superintendents – as that term applies to reconfigured school districts – will be responsible for implementation of these newly-configured school districts. (Strayer, p. 23).

**SCR61 study meaningful and timely**
By borrowing several considerations from Stayer's study wherein he was charged by the Legislature with "(formulating) a financial, administrative and functional plan for the educational system of the State, that will guarantee to the taxpayers and the public generally a minimum of waste and a maximum of efficiency...in our school system," (Strayer, iii), the Senate Concurrent Resolution is both meaningful and timely. SCR61 also is informed, as noted, by various considerations made in The Audit.

Please review these considerations Strayer makes:

1. Again, Strayer notes: "...delegation of responsibility to county boards of education (for local responsibility for administration of schools), there is a clear recognition in the Constitution and in law that education is a state function." (Strayer, p. 2).

2. The county unit system, which Strayer commends for "convenient and economical way of equalizing opportunities for education within a fairly large area, does not in and of itself improve schools. It simply removes some of the difficulties in the way of conducting school. Strayer elaborates: Pupils in rural schools of West Virginia generally receive, under the county unit plan, better transportation; better health services; better courses of study, textbooks, and educational supplies; and better teachers and educational leadership. The complaint still heard in some quarters that the rural schools have been 'levelled down.' As shown elsewhere in this Report, test results indicate general improvement, somewhat more rapid in rural than in urban areas." (Strayer, p. 21).

3. West Virginia Constitution §12-6 provides the central consideration regarding West Virginia school districts, stating, "The school districts into which the state is divided shall continue until changed pursuant to act of the Legislature: Provided, That 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."

4. The Constitution, in §12-10, states, "No independent free school district, or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question."

5. It must be noted in §12-3, "The Legislature may provide for county superintendents and such other officers as may be necessary to carry out the objects of this article and define their duties, powers and compensation."
6. Of course, the Constitution notes in §12-2, "The general supervision of the free schools of the State shall be vested in the West Virginia board of education which shall perform such duties as may be prescribed by law."

7. Interestingly, that same section of the Constitution creates the position of state superintendent of free schools who is appointed by 'The West Virginia board of education...in the manner prescribed by law (and who serves) at its will and pleasure. He shall be the chief school officer of the State and shall have such powers and shall perform such duties as may be prescribed by law."

8. Chapter §18, Article §5 includes 49 sections of law relating to County Boards of Education. Of especial note, §18-5-1 relates to supervision of county school districts, stating, "Each county school district shall be under the supervision and control of a county board of education, which shall be composed of five members, nominated and elected by the voters of the respective county without reference to political party affiliation. No more than two members shall be elected from the same magisterial district."

Other articles delineate duties of county boards as established in 1933. We shall return to some of these sections of law in recommendations made in this report.

Senate Concurrent Resolution 61 Study Components

Senate Concurrent Resolution 61 requests the Legislature’s Joint Committee on Government and Finance “study the feasibility of consolidating county boards of education to provide efficiencies and direct cost savings which may be used to increase spending per pupil and teacher salaries.”

In its three “Whereas” provisions, the Resolution notes:

1. “The state’s 55 county boards have their “own organizational structure and is responsible for multiple administrative functions, including finance, transportation, facilities maintenance, personnel, and technology;"
2. “West Virginia’s persistent decline in student enrollments, stating “From the 2013-2014 to the 2020-2021 school years, West Virginia’s K-12 enrollment has declined approximately 10 percent, from 281,013 to 252,357 students;

3. “If these population trends continue on their current trajectory, the student population will continue to decrease, along with the funding associated with their attendance. As such, plans must be laid to increase efficiency in the systems that currently serve West Virginia students. In order for West Virginia students to thrive, they must have the resources to do so. By eliminating unnecessary duplication of services by combining county boards of education, districts will free up resources that can more directly benefit students and teachers.”

“The appropriateness and feasibility of consolidating school boards”

The resolution language requests the Joint Committee on Government and Finance undertake a study regarding the feasibility of consolidating county boards of education to provide efficiencies and direct cost savings which may be used to increase spending per pupil and teacher salaries. The Resolution further proposes the study include an examination of:

1. “The appropriateness and feasibility of consolidating school boards over a span of three to seven years;

2. “(The) feasibility of combining each consolidated county’s school board into one regional school board through the following method: At the initial consolidation of the county boards, each county could retain all five board members, who would remain a part of the combined board; at the next general election, each county could elect only four board members; and in the subsequent general elections, the counties could reduce their board membership by one seat per county per general election until the school board is reduced to a more appropriate number of members;

3. “(The) creation of an Office of Superintendents that would include county superintendents from all of the consolidated counties; and the superintendents
nominating one superintendent who, with the appropriate approval of the board, would lead the office and be designated the regional superintendent;

4. “(The) potential financial incentives to aid in the consolidation process, provide additional funding for maintenance budgets and new school improvements, provide for increased compensation or per diem for existing board members and administrators;

5. “(The) economic effects of county board consolidation, including the proposed savings that could be redirected to increase per-pupil spending and supplemental pay to teachers;

6. “(The) feasibility of a pilot project that would combine county boards of education.”

Additionally, the Resolution asks the Joint Committee on Government and Finance report to the regular session of the 2022 Legislature, on its findings, conclusions, and recommendations, together with drafts of any legislation or resolutions necessary to effectuate its recommendations.

Finally, the Resolution notes expenses for conducting the study, preparing the report and drafting “necessary legislation” is to be provided through appropriations to the Joint Committee on Government and Finance.”

1989 Legislative Reforms

The West Virginia Legislature, faced with addressing a series of economic woes befalling the state in 1989, nearly $400 million in immediate liabilities and a potential $4 billion shortfall in its teacher pension and workers’ compensation systems. Under leadership of then Governor Gaston Caperton, the legislature enacted a major reorganization of state government, new ethics legislation, and the largest tax increase in state history.

One of the proposed reforms would have restructured the state Board of Education. That proposal, included in a constitutional amendment, was defeated by voters.
The issue of county board consolidation arose during the 1989 session. (The concept was mentioned in prior legislative sessions, but not considered seriously.)

Accordingly, two companion county board consolidation bills were introduced: Sen. George Blackburn “Buffy” Warner Jr., R-Monongalia, and Del. Arnold W. Ryan, D-Summers, introduced legislation (Senate Bill 393 and House Bill 2203, respectively), to “(expand) the size of school districts and (to relegate) the powers and duties of county boards of education and county school districts to regional boards of education.”

The Senate measure was discussed in a series of Senate Education Committee sessions, although no legislation emanated from these Senate Education discussions.

Since that time, the notion of county board consolidation has been broached, but not formally considered in terms of legislation.

Never wanting “a serious crisis to go to waste...”

It is instructive to remember words such as these:

“You never want a serious crisis to go to waste. And what I mean by that is an opportunity to do things that you think you could not do before.” - Rahm Israel Emanuel (1959-), U.S., politician who served as the 55th mayor of Chicago from 2011 to 2019. A member of the Democratic Party, he previously served as the 23rd White House Chief of Staff from 2009 to 2010, and as a member of the United States House of Representatives from Chicago between 2003 and 2009.

Today’s Global Pandemic / “Patternism” as a default policy strategy
Indeed, due to the Novel Coronavirus Disease (COVID-19) Outbreak Global Pandemic, “patternism” has become somewhat a default response to business, governmental, social and economic challenges, meaning policymakers are provided a “window” to both consider and address issues without primary considerations of restraint.

Such is the climate in which SCR61 has been introduced and considered by the Legislature, although the pandemic is not the most considerate prompt.

It appears clearly, SCR61 approaches the issue of school district reconfiguration in ways which are reasonable in terms of “The Rational Model of Policymaking or Decision-Making” - a model centering on policymakers’ use of approaches which are appropriate to the achievement of a given goal or goals with respect to limits imposed by noted conditions and constraint, e.g., incrementalism.

**SCR61 and The Rational Model of Policymaking**

The following are policy or decisional rationalism elements embedded within the Resolution:

- The appropriateness and feasibility of consolidating school boards over a span of three to seven years.

Upon reflection, this approach allows an examination of the “appropriateness and feasibility” of consolidating school districts over time, meaning the approach is one to establish or create a threshold for further legislative considerations which may be required to implement potential consolidation of school boards. As noted in the Constitution, “The school districts into which the state is divided shall continue until changed pursuant to act of the Legislature: Provided, That 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.”

- The feasibility of combining each consolidated county’s school board into one regional school board through the following method: At the initial consolidation of the county boards, each county could retain all five board members, who would remain a part of the combined board; at the next general election, each county could elect only four board members; and in the subsequent general elections, the counties could reduce their board membership by one seat per county per general election until the school board is reduced to a more appropriate number of members.

Indeed, the Resolution provides a process for governance of regional school boards to include “a more appropriate number of members,” based on “one regional school board” configuration. Anecdotally, a similar approach was utilized when the Legislature established county boards, moving from magisterial district boards of education. As noted in the Constitution, “The school districts into which the state is divided shall continue until changed pursuant to act of the Legislature: Provided, That 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.”

- Creation of an Office of Superintendents that would include county superintendents from all of the consolidated counties; and the superintendents nominating one superintendent who, with the appropriate approval of the board, would lead the office and be designated the regional superintendent.

Indeed, the Constitution recognizes the position of county superintendents and “such other officers as may be necessary to carry out the objects of this article and define their duties, powers and compensation.” (Constitution §12-3).
(The) potential financial incentives to aid in the consolidation process, provide additional funding for maintenance budgets and new school improvements, provide for increased compensation or per diem for existing board members and administrators.

A hallmark of the Rational Model for Policymaking, the Resolution allows “incentives” to aid in consolidation of school districts, budget maintenance, school improvements and “increased compensation” for “existing board members and administrators.”

The economic effects of county board consolidation, including the proposed savings that could be redirected to increase per-pupil spending and supplemental pay to teachers.

The Resolution, in a nod to the Rational Model for Policymaking, requires development of methodologies to calculate savings, demonstrated by move to regional boards.

The feasibility of a pilot project that would combine county boards of education.

A clear nod to the Rational Model for Policymaking, the Resolution notes, based on parameters or limitation of the study, efforts would be taken to establish a “pilot program.”

“Are there Brick Walls: Common Objections to Consolidating County Boards Examined”

Most county board governance proponents who advocate continuance of the county unit system quickly propose a series of reasons policymakers should – or must - oppose school district reconfiguration.
We are going to address five of these within the context of “No Brick Walls,” meaning these objections often do not consider actual constitutional or statutory language, allowing one the benefit of concluding school district reconfiguration cannot occur without considerable legislative “heavy lifting” as well as changes in the state Constitution.

Common reasons cited include:

1. The public would have to vote upon establishing new school districts.

That supposition bears contextual review: A quick read of West Virginia Constitution §12-10 states, “No independent free school district, or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.”

Some have speculated that this provision would require voter approval of any consolidation of existing county school districts into larger, multi-county districts.

The West Virginia Supreme Court of Appeals was confronted with interpreting this Article incident to the Legislature’s 1933 consolidation of 398 local West Virginia school districts into the 55 we have today. In the case of Leonhart v. Board of Education of Charleston Independent School District, 170 S.E. 418 (1933), the Court appears to have rejected the argument that voter approval was a precondition to abolishing and consolidating the various independent school districts in Kanawha County to form the Kanawha County School District we know today.

2. Both the state Constitution and state law require county boards to be comprised of no more members than two from any one magisterial district.
Careful reading provides of the pertinent constitutional provision provides necessary illumination: Indeed, West Virginia Constitution §12-6 requires the “school districts” into which the state is divided (to) continue until changed pursuant to act of the Legislature...(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.” This provision of the Constitution must be viewed in terms of both current and prospective considerations. The operative provision does not relate to a “school board” per se. Rather, the operative language refers to the school board of any school district. Thus, school district is the primary consideration if or when the Legislature would change configurations of school districts the state has, transferring that limitation to any newly-configured school district and defining its governance structure or “school board.” This distinction is critical.

3. The Constitution would have to be amended to change school districts.

An unfortunate gloss. This is an unfortunate gloss of Constitution §12-6 which states, “The school districts into which the state is divided shall continue until changed pursuant to act of the Legislature.”

4. County boards having excess levies, if combined with county boards not having excess levies, proves too vexing for county board reconfiguration.

While this supposition warrants considerable review and study, the Legislature may possess options to address the excess levy question at least in the short-term. While the excess levy question appears intractable – that is, combining county boards with or without excess levies, what prohibits the Legislature from its ability to exercise parity, meaning appropriation of state funds to make all school districts in the newly-configured school district “whole” until such time as the newly-established “regional”
school district were able to seek an “excess levy” on its own? That is one possible way to consider this question, although any solutions will be typified by jagged edges and heavy lifting as well as likely constitutional considerations, namely no mention of “regional school boards” seeking to procure excess levies.

5. The public will have less voice with consolidated school districts.

**Strayer’s words prove instructive.** In the move from the magisterial districts to the county unit system, Strayer commits several pages of his report to this issue, noting both implications for fiscal support as well as what he termed ‘lighthouse communities” which he said provided “exemplary fiscal and community support for schools prior to adoption of the county unit system.” (Strayer, p. 99).

He writes, “When the county unit system was developed, the natural evolution of such communities was stopped. The county unit served to bring to all children in the county a more or less uniform level through the availability of better trained administrative and supervisory staffs. It no doubt has done great deal of good, just as the development of large city school districts brought in certain things which would have never come to schools had the smaller districts persisted. But there are indications both the large city districts and the county unit did not take fully into account the importance of the development of pilot and lighthouse schools. To make this observation is not in any way to criticize the central idea of the county unit nor is it to recommend a step back to the original school district system. The point urged is that the county unit does not necessarily have to sacrifice its lighthouses...” (Strayer, p. 99).

Strayer also states, “It is submitted that only the lack of realization of the power of the public mind could account for our failure to maintain in the county unit forms which have developed in communities of comparable population (cities) to maintain to the public and from the public...” (Strayer, p. 115).
Note: Strayer was a strong proponent of community support of schools through a heightened emphasis on ‘home rule’ in West Virginia which appears to differ from home rule as espoused in existing framework of law. The point made is one of continued support for schools when school governance leader “touchpoints” may be “farther away” (geographically speaking). For additional detail about the “home rule” concept he espouses, refer to Strayer (p.97).

6. What about removing the buffer county boards provide the Legislature, meaning county boards shield the Legislature from assuming many “chores” county boards are directed to accomplish on behalf of the Legislature?

In terms of local educational governance in West Virginia, county boards are created to secure legislatively-inspired goals and aims as informed by county superintendents – this being the literal definition of what constitutes “local control of public education” in West Virginia.

Sadly, there are those who pine for a form of “local control of public schooling” which has never been realized in West Virginia, meaning clinging to a non-existent construct in order to perfect the construct of “local control” that is.

Indeed, as the Coronavirus pandemic illustrates, county boards have stood the test of keeping local schools open during the pandemic, taking heat both in West Virginia and across the nation. Legislative assumption of “heat” for recent county board actions becomes one solely of legislators’ discretion, although all county board actions are and will be open to study, question, support or criticism.

In a regionalized system, concerns and criticisms will likely move “upward,” meaning less of a hedge for legislators which county boards provide. Given distance from those
who might have complaints about regional county board actions, will citizens be moved
to direct discontent directly to legislators or other state-level policymakers?

7. **Would county boards realize savings generated by eliminating duplication of certain central office positions?**

As noted in The Audit as well as the Legislative Auditor’s study and the WVSBA study,
many central office services - accounting, federal programs and a host of other services
– are duplicated across the 55 county boards. Does duplication of services “remain”
because county officials are opposed to ending such duplicated services? If so, as some observers intimate, could regional school boards procure and deliver these services
efficiently, given state geographical considerations, varying county board needs which
lead to or translate into central office staffing configurations, capacity and related
consideration?

Does “moving” necessary administrative services to a regional service delivery model
“work” to meet discrete needs of students who are spread across a vast geographic
expanse with equally marked variances in demographics, family dynamics and learning
styles?

The concomitant question may be whether these regional administrative services will
meet the Legislature’s constitutional charge to provide “...by general law, for a thorough
and efficient system of free schools.” (Constitution §12-2).

Any answer to that question, however, should be informed by another inquiry: Do
county boards provide curriculum leaders, specialists to help struggling students meet
academic rigors required by state Board of Education policies to effectuate the
Legislature’s charge to provide “...by general law, for a thorough and efficient system of
free schools?”
In terms bulleted points 5, 6 and 7, impediments cited or implied may require rethinking 
approaches to educational service delivery, including possible regional provision of services.

**Maturated Public School System**

Finally, conversion from magisterial districts to county units was abrupt, although considered 
for a period of years, according to Strayer who states:

“The idea of the county unit as it operated in (several Southern States primarily) had long been 
studied by educational and civic leaders of West Virginia, and they had come to believe that it 
was peculiarly well adapted to solve many of the problems of the schools of the State. Results 
have shown this belief to be well founded.” (Strayer, p. 21).

It can be argued today’s maturated public school is vastly more undergirded by embedded 
statutory, regulatory, judicial, adjudicatory underpinnings.

Strayer, of course, warned state policy-makers to beware of policy pyramidization. 
More importantly, Strayer concludes today’s county unit system was a compromise between 
state and local control advocates.

To what degree do these underpinnings affect implementation of reconfigured school districts, 
given the fact pre-1933 school districts may have been decentralized vis-à-vis today’s county 
unit system?

**Issues that Complicate Any Consolidation of County Boards into 
Regional Boards**
1) **Effect on Code References Through County Board Consolidation.**

- **Existing Code Provisions Giving Powers and Duties to County Boards Also Control Corresponding Rights of Others.** If county boards of education are to be combined or consolidated into regional school boards, it will be necessary to also address the hundreds of references thoughtfully in current West Virginia Code to powers, duties, and responsibilities of county boards of education. Otherwise, unintended consequences and disruptions would predictably ensue. The combination or consolidation of school boards cannot and must not proceed under the kind of “shorthand” legislation that, in other instances, has accomplished the transfer of statutory powers and duties from one public entity to another.

It will not suffice to provide, for example, that “all references in this Code to ‘county boards of education’ shall now be understood to refer, instead, to the ‘regional boards of education’ established in this Code;” or to provide that “the regional boards of education established in this Code shall henceforth perform all the duties and exercise all the powers heretofore assigned to county boards of education.”

In part, this is because the same existing Code provisions that give powers and duties to county boards of education happen to also control the corresponding rights of others. For example, under Code provisions that include §18A-4-7a and §18A-4-8b, county boards of education are required to take into account the seniority of their employees in filling vacancies, reducing force, transferring employees, and awarding special assignments. The same statutes define seniority in purely county terms. Both professional and service employees have seniority based only on their employment by the county board of education by which they are currently employed. Seniority is not transferrable from county to county. Legislation that merely transferred the power and duties of county boards of education to new regional school boards would not itself change
county-based seniority into regional seniority, which might be something the Legislature, in consolidating school districts, would want to accomplish. There are numerous other statutory provisions that both require county boards of education to take certain actions and limit the benefits or effects of that action to the same county, e.g., Code §18A-4-5a and §18A-4-5b, which require uniformity in the salaries of similarly situated employees of the same county board. Advisedly, legislators would want to be aware of and make judgments as to how each of these many other Code sections should be handled in any regionalization of school boards.

- **Existing Statutes That, if not Changed, Could Impede Regionalization or Confuse Public Education.** Another statutory challenge to legislating the combining of county boards of education concerns existing statutes that, if not changed, could impede regionalization or confuse public education. For example, Code §18-2B-2 authorizes the establishment of multi-county vocational technical centers that serve students from multiple counties. There are a number of these in the state. As currently written, the statute vests operational authority for a multi-county vo-tech center in an advisory council consisting of an equal number of representatives from each of the county boards that participate in a center. Another statutory challenge to legislating the combining of county boards of education concerns existing statutes that, if not changed, could impede regionalization or confuse public education. Code §18-2B-2a forbids any participating county board from withdrawing from a multi-county center. These provisions would seem to dictate that any consolidation of county boards of education into regional boards should ensure that counties whose boards now participate in a multi-county center are consolidated together into the same regional board, and/or that the Legislature decide whether to revisit the current advisory council system of governance if county boards of education are replaced by regional boards. There are other statutory provisions that now lock
county boards of education into arrangements that would advisedly be reviewed for changes necessitated by regionalization.

- **Many Required County Board Policies Regulate Major Aspects of the Educational Programs and Services in Each County, Differing Among County Boards.** Additionally, county boards of education are required by numerous statutes to adopt and maintain policies on issues ranging from policies defining “qualifications” and “lateral positions” for purposes of professional employee reductions in force under Code §18A-4-7a, county policies concerning the school calendar under Code §18-5-45, and county policies on the use of retirees as substitutes under Code §18A-2-3, to policies on harassment, intimidation and bullying under Code §18-2C-3, policies to promote school board effectiveness under Code §18-5-14, and policies on employee leave banks and donated leave under Code §18A-4-10, §18A-4-10c and §18A-4-10f. County boards also maintain dozens of policies required by federal law and by State Board of Education policy, including policy requirements under federal Title IX and the federal Family Educational Rights and Privacy Act, policies under State Board rule §2423 on disease prevention, policies under Board rule §1224.1 covering accounting procedures, and policies under State Board Policy §4373 on Expected Behavior in Safe and Supported Schools. These required policies regulate major aspects of the education programs and systems in each county. They differ among counties. To combine county boards into regional boards would require addressing and resolving those differences if it was the Legislature’s intention, in the interest of efficiency, for regional boards of education to adopt and enforce policies applicable to all schools in the region.

- **The Need to Examine and Possibly Amend Existing statutes and to Coordinate Differences Among County Boards, Including Waivers.** Another area in which the regionalization of school boards would necessitate examining and possibly
amending existing statutes, as well as action to coordinate differences among the current counties, concerns waivers granted to particular counties under State Code and permissions granted to others to create innovation zones, e.g., Code §18-2A-1(c) (textbook adoptions), Code §18-5-44(m) (early childhood education), Code §18-5-45(o) (180 days of instruction), Code §18-5A-3 (innovation schools), Code §18-5B-12 (school system collaborative innovation zone), and Code §18-9F-6 (school access safety funds).

- **Public School Support Program Considerations.** Needless to say, adjustments to the Public School Support Formula, Code §18-9A-1 et seq., would be necessary and advised to the extent that the formula at present is county board-based and draws distinctions in many respects between and among the individual county school boards for purposes of state funding.

### State Constitutional Considerations Resulting From County Board Consolidation

- **Indebtedness and Bond Issues for Public School Purposes.** Constitution §10-10 states, in part, that “a county board of education may contract indebtedness and issue bonds for public school purposes as provided by law, if, when submitted to a vote of the people of the county, in the manner provided by law, the question of contracting indebtedness and issuing bonds is approved by a majority of the votes cast for and against the same.” Absent further amendments, the West Virginia Constitution does not expressly contemplate a legal avenue for multi-county boards of education to contract indebtedness or issue bonds.

- **Impact on Existing Excess Levies and Bond Indebtedness.** Under the Constitution and applicable portions of the West Virginia Code, school board excess levies and general obligation bonds require the approval of a majority of the votes cast by voters in such district (i.e., county) for such excess levy or general obligation bonds. These issues are
presented to and decided by the voters of a school district on the ballot and are akin to a contract with the voters. In other words, school boards are required to act in accordance with what was actually approved by the voters. If existing school districts were consolidated, it would present a novel legal issue of whether the voters of the new consolidated district would be obligated support the outstanding indebtedness of another district, since such indebtedness was not previously approved by a majority of the voters of the new consolidated district. It could also have an impact on the setting of levy rates and the collection and disbursement of funds by the county sheriffs. For example, when a school board issues general obligation bonds approved by the voters, it must work with the West Virginia Municipal Bond Commission (WVMBC) to set a sufficient levy rate to provide for the payment of debt service of such bonds. Presumably, the school bond levy would only be borne by the taxpayers of the prior county district that issued the bonds. Currently, school bond levies are collected by the county sheriff, remitted to the school board by the sheriff, deposited by the school board with the WVMBC, and the WVMBC makes payments to bondholders on behalf of the school board as its “paying agent”. In a consolidation scenario, would the sheriff of a county be statutorily required to remit such funds to the consolidated school board covering multiple counties? If so, would such funds be segregated in special accounts to make the required deposits with the WVMBC? Whether or not segregated, could funds of a consolidated school board be used to pay the debt service on bonds issued by a county school board that no longer exists and that were not approved by the voters of the consolidated district? In theory, the legislature could attempt to address these issues by statute as long as they did not violate the Constitution, but it could create any number of unanticipated and unintended consequences.

- **Disclosure and Rating Agencies.** As part of the process of issuing general obligation bonds, to comply with applicable securities laws and regulations, school boards typically prepare an offering memorandum known as an Official Statement to disclose all material facts that an investor may find important in connection with such bond
issuance. Bondholders could allege that school district consolidation was not adequately disclosed prior to such bondholder deciding to invest in the bonds. Further, issuers are obligated to provide continuing disclosure with respect to their outstanding bonds, including providing notice of certain material events while such bond are outstanding. Any required public disclosure related to the elimination or consolidation of school boards could prompt the rating agencies to reexamine and/or downgrade a rating of a particular security and could potentially impact the value of the outstanding bonds.

Other Considerations Related to County Board Consolidation.

When considering Senate Concurrent Resolution 61, please note the following:

Terminology.

- While Senate Concurrent Resolution 61 references consolidating county boards of education to provide efficiencies and direct cost savings, it is important to remember, the Resolution’s intent is to consolidate the existing 55 county unit school districts into regional school districts thereby reducing the compliment of 55 county boards and, by implication, also reducing the number of school board members within these consolidated district school boards? (There are currently 275 county board members who govern the state’s 55 county boards.) Again, the distinction is to consolidate school districts and thus, through this consolidation, eliminate the number of school board members who would be situate in these consolidated districts which is the secondary consideration.

County Board Member Compensation.

- At the request of House Education counsel, the West Virginia School Board Association (WVSBA) provided House Education with the following information relative to House Bill 3236, introduced in the 2021 Regular Session by Del. Christopher W. Toney, R-Raleigh. The purpose of that legislation, which House Education did not consider, was to increase
county boards of education members’ compensation from the existing $160 per meeting (cap of 50 meetings per year) to $250 per meeting (cap at 45 meetings per year).

https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB3236%20INTR.htm&yr=2021&sesstype=RS&i=3236

## County Board Members' Per Meeting Compensation

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<tr>
<td>Regular County Board Meetings (Average)</td>
<td>23.39</td>
<td>23.25</td>
<td>23.04</td>
<td>16.02</td>
<td>21.43</td>
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<tr>
<td>Special County Board Meetings (Average)</td>
<td>12.37</td>
<td>13.02</td>
<td>10.16</td>
<td>6.49</td>
<td>10.51</td>
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<tr>
<td>Emergency County Board Meetings (Average)</td>
<td>3.92</td>
<td>1.37</td>
<td>3.33</td>
<td>9.41</td>
<td>4.51</td>
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<tr>
<td>Total County Board Meetings (Average)</td>
<td>39.68</td>
<td>37.64</td>
<td>36.53</td>
<td>31.92</td>
<td>36.44</td>
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### Total Compensation Received (Average for all members per county)

- Current law $160 per member *up to 50* allowable meetings per year or $8,000 per member.

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In that figures for FY21 were mid-year, it appears the Total Compensation Received (Average for all members per county) is:

- FY18 - $1.21 million
- FY19 - $1.18 million
- FY20 – 1.11 million

Totals for FY18, 19, 20 averaged – 1.17 million.

In that figures provided for FY21 were for less than one fiscal year, those totals are not included. Note: 51 county boards provided information relative to WVSBA’s survey request. The Clay, Hardy, Summers and Wirt Boards of Education did not respond.
Two additional notes:

1. Figures include, as requested by House Education, “averages.” Actual data, including federal withholdings, is available from the West Virginia Department of Education’s Office of School Finance.

2. House Education made no request for data regarding county board/county board member participation in training and development activities as required by §18-5-1a. This information also is available from the West Virginia Department of Education’s Office of School Finance.

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- Although county populations vary, the number of elected county officials present in each county is the same in terms of positions such as that of the county commission. Of course, consolidated school districts could be governed by school boards of varying size, depending on factors such as population in the consolidated school districts or the number of county boards combined into a regional school district. Indeed, the Resolution seems to respect these considerations, noting regional school district county boards may reflect “(an) appropriate number of members.”

**County Superintendents’ Advisory Council.**

- §18-5-13b, current law, establishes “The County Superintendents’ Advisory Council” whose “...purpose...is to promote collaboration among county districts and to provide input to the State Board of Education and state superintendent on issues facing school systems. Additionally, that statute states, “...County superintendents of each geographic quadrant [established in this statute] shall meet as necessary to identify coordination and cooperation in areas of service to reduce administrative and/or operational costs, including the consolidation of administrative, coordinating, and other county level functions into shared functions to promote the efficient administration and operation of the public school systems...”
Creation of an Office of Superintendents

Accordingly, Senate Concurrent Resolution 61 would cause “... (The) creation of an Office of Superintendents that would include county superintendents from all of the consolidated counties; and the superintendents nominating one superintendent who, with the appropriate approval of the board, would lead the office and be designated the regional superintendent.” Does this Resolution language indicate the regional school board could select a regional superintendent who does not serve as a county superintendent within the consolidated region? If so, could this individual be the state superintendent of schools or a similar state Department of Education official or higher education official or someone with a business or military credentials?

“West Virginia ‘big education’”: A jumble of state and local political actors, adjudicatory and regulatory agencies, public education associations, organizations, lobbyists

Strayer’s “pyramiding” comments should be reviewed within context of what some political observers term “West Virginia ‘big education’”: That is, a jumble of state and local political actors as well as adjudicatory and regulatory agencies who dominate public education policy-making. That these policymakers are susceptible to varying degrees of influence by the olio of public education associations and organizations, activists, lobbyists, foundations, and experts who provide advice and specific policy recommendations is a given. Indeed, policymakers need sponsors and sponsors need policy-makers.

The import of these comments should be evident: Public education policy is often shaped by incrementalism unless external considerations such as today’s pandemic ushers a “window” for considering ideas which nudge interest groups from the status quo.
The prompts may be a monolithic as the Great Depression or, as stated, today's pandemic which many observers say will be viewed in terms of an “era” rather than a year or years.

Wise policymakers and wise public education advocates use these “windows” as prompts to move the public school system or aspects of the system into the future.

**Pilot.**

Note: Even if the Legislature were to embark on only a pilot program of regionalization involving just a few counties, each of these categories of issues would arguably present themselves in drafting implementing legislation and avoiding unintended consequences and disruptions for the counties involved. Albeit in a microcosm, a pilot program would require attention to and resolution of the same issues.

**Considerations.**

The West Virginia School Board Association (WVSBA) will provide specific recommendations regarding county board consolidation as outlined in SCR61 at the West Virginia Legislature’s November 2021 interim meetings.

Among other considerations, Recommendations will address the following:

A. Consideration of county board consolidation should consider not only expected benefits, but also unintended consequences. ([https://educationnorthwest.org/resource/what-does-research-say-about-school-district-consolidation](https://educationnorthwest.org/resource/what-does-research-say-about-school-district-consolidation)) Such an approach builds upon inherent rationality included within the Resolution.

B. Another primary consideration relates to how other states have approached consolidating school districts. What lessons can be learned from these states’ experiences?
C. How county board consolidation could impact county board excess levies and bonds, including potential bond rating downgrades? These considerations, we believe, require thorough review.

D. To what degree should counties having a strong track record of voter approval for bond elections or excess levy elections be concerned about “placement” with a county board or county boards having a record of less luster regarding bonds or levies? In such a hypothetical scenario, could the combined multi-county (“regional”) school district find itself politically unable to pass anything, actually, when all those voters were combined?

E. Would sectional rivalries one sees within a county (when it comes to school bond elections or excess levy elections) end up being compounded and increased geometrically? Voters in each county could feel as if their county (and their section of the county) just isn’t getting enough out of a multi-county bond issue or excess levy. Smaller counties could worry that the biggest county is getting too much and the smallest counties too little, for example. To the extent it is hard today to balance sectional rivalries and jealousies within one county, it seems to me it might be a lot harder to do in a multi-county election.

F. Will larger county boards purport they bear too great a burden for aiding smaller county boards who, through larger county board capacity, may receive enhanced programs or services through a regional county board configuration? Conversely, will smaller county boards determine they have lost autonomy as part of a regional county board?

G. Can county boards provide suggested ways to achieve efficiencies minus county board consolidation? If so, what is the reluctance to engage in this effort? Moreover, does reluctance to join with other counties create a situation where lack of smaller county central office services impinges upon delivery of a “thorough and efficient” education?

H. What existing laws, if any, could be amended to allow county boards to work toward securing efficiencies?

I. Are there “matrix models” for county boards to pursue to secure shared services which would lead to efficiencies?
J. Could the previous Regional Education Service Agency (RESA) Council model provide the means to foster county board consolidation of services? What lessons might we learn from the “original” 1989 School Building Authority of West Virginia (SBA) legislation which included region-wide visitations of county facilities to determine SBA funding priorities, based on facilities safety and similar considerations?

K. Should regional county superintendents have credentials in fields other than classroom management or teaching as the entre to the position of regional superintendent?

L. How can county boards collectively collaborate with charter schools to provide services to public school students?

M. What incentives should be provided – and for how long – to ensure consolidation of duplicated services?

On behalf of WVSBA, we look forward to discussing these and other recommendations during next month’s interim legislative meetings.

As stated earlier, thank you for the opportunity SCR61 provides for discussing innovation in public education.

Note: This report was prepared on behalf of the WVSBA governing board by Howard M. O’Cull, Ed.D., WVSBA Executive Director. His primary contact information is hocull@wvsba.org / 304-346-0571.

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1 Revised to reflect WVSBA Report citations refer to “A Digest of a Report of a Survey of Public Education in the State of West Virginia.” Strayer’s Report itself totals approximately 800 pages and is not referenced.