

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-26-80

Time 11:15 A.M.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980



ENROLLED

Committee Substitute for
HOUSE BILL No. 1676

(By Mr. Speaker, Mr. Lee)



Passed March 8, 1980

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1676

(By MR. SPEAKER, MR. SEE)

(Originating in the House Committee on Education)

[Passed March 8, 1980; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-three, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections twelve, fourteen and fifteen, article nine-a of said chapter, all relating to requiring statistical computations for school aid formula and comprehensive educational programs to be based on data from second month of prior school term rather than third month of prior school term.

Be it enacted by the Legislature of West Virginia:

That section twenty-three, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and sections twelve, fourteen and fifteen, article nine-a of said chapter, be amended and reenacted all to read as follows:

§18-2-23. Comprehensive educational programs; standards, etc.; evaluation and approval; allocation and distribution of funds; distribution of excess funds.

- 1 The West Virginia board of education, through the state
- 2 superintendent of schools, shall establish standards and criteria

3 especially designed to guide the development of plans for
4 a comprehensive educational program or programs in county
5 school systems, to provide for their evaluation and approval,
6 and to provide, as herein directed, for the allocation and
7 distribution of state funds, which may be appropriated to assist
8 county school systems to meet additional costs of development
9 and operation of such programs. The plans shall include,
10 but need not be restricted to an analysis of existing program
11 area deficiencies and the procedures for their correction. The
12 plans shall be submitted to and be approved by the West Vir-
13 ginia board of education.

14 County plans shall include one or more of the following:
15 (1) A plan to initiate comprehensive educational programs in
16 any or all areas or parts of the curriculum, and provide
17 necessary supporting services, or (2) a plan to provide for
18 the maintenance or extension of areas or parts of com-
19 prehensive educational programs developed or established
20 under this section, or (3) a plan to give essential aid for
21 instruction or supporting services for enrichment of
22 curriculum in schools designated as isolated by the West
23 Virginia board of education where consolidation of schools
24 or the development of county comprehensive educational pro-
25 grams are not possible or feasible.

26 The state superintendent of schools shall provide assistance
27 to counties in the development and preparation of their plans
28 for a comprehensive educational program or programs in
29 order to ensure that every county may have the opportunity
30 to fully participate and receive its maximum share of the funds
31 available. All plans shall be submitted to the West Virginia
32 board of education on or before the first day of July of the
33 school year in which they are operative. The state superinten-
34 dent of schools shall as soon as possible and before the first
35 day of August each year notify any county whose plan fails
36 to receive approval specifying the manner in which the plan
37 fails to meet the criteria established and suggesting the neces-
38 sary corrections. If the county modifies its plan so that its
39 program or programs become acceptable on or before the first
40 day of September of that year, the county shall be entitled

41 to receive the computed share of its allocation for which it
42 is eligible under its approved plan.

43 The total potential cost of the comprehensive educational
44 program for each county shall be determined prior to the
45 first day of July by multiplying the applicable net enroll-
46 ments at the close of the second month of the current school
47 term by the following amounts: Ten dollars for an adult in
48 a public school program; ten dollars per senior high school
49 student; seven dollars and fifty cents per junior high school
50 student; and five dollars per elementary school student, in-
51 cluding kindergarten. If the appropriation is not sufficient
52 to provide for all counties their total potential costs as here-
53 in set forth, the allocation to all counties shall be reduced
54 proportionately to secure a total which matches the appropria-
55 tion.

56 Funds allocated to the counties shall be distributed to
57 them annually not later than the first day of November on
58 the basis of net enrollment in approved programs which are
59 part of their current comprehensive educational plan and the
60 funds distributed shall be computed as provided herein.

61 The West Virginia board of education shall establish by
62 regulation the number of areas in which a county shall partici-
63 pate to qualify for full or partial distribution of its allocation.
64 The number of curriculum areas in which a county shall be
65 required to participate to qualify for its full allocation shall
66 depend upon factors such as county size, population sparsity,
67 topography and availability of school staff personnel. In no
68 case shall the allocation for any one county exceed the amount
69 derived from application of the maximum pupil allocation as
70 hereinbefore set forth.

71 If the county plans approved by the first day of September
72 do not utilize the total allocations by reason of the plan
73 or plans of one or more counties not requiring the full alloca-
74 tions or by failure of one or more counties to submit an
75 acceptable plan or plans by the first day of September, then
76 those moneys which were available to such county or counties
77 shall be declared by the state board of education to be excess
78 funds. These excess funds shall be available for that year

79 only for special distribution. All counties shall be eligible
80 for additional moneys as a special distribution from excess
81 funds if, and to the extent that, such county or counties ap-
82 proved plan or plans require funds in excess of the amount
83 allocated to each county on or before the first day of Septem-
84 ber: *Provided*, That no county may receive any funds in ex-
85 cess of its total potential cost as determined prior to the first
86 day of July. If the moneys for which the counties are eligible
87 from the special distribution of excess funds exceed the total
88 amount available for such distribution, the special distribu-
89 tion to each county shall be reduced proportionately. It is
90 the intention to distribute all excess funds, in any given year,
91 on a pro rata basis to all counties who have approved com-
92 prehensive educational programs for that year and who have
93 not received their total potential funds.

94 Appropriations for the purpose of this section shall be
95 used only to meet the requirements of the allocation schedule
86 and of approved county plans.

**§18-9A-12. County basic foundation; total basic state aid allow-
ance.**

1 The basic foundation program for each county for the
2 fiscal year shall be the sum of the amounts computed in
3 accordance with the provisions of sections four, five, six,
4 seven, eight, nine and ten of this article. On the first
5 working day of July in each year, the state board shall
6 determine the basic foundation program for each county for
7 that fiscal year. Data used in the computations relating to
8 net and adjusted enrollment, and the number of professional
9 educators, shall be for the second month of the prior school
10 term. Transportation expenditures used in these computations
11 shall be for the most recent year in which data are available.
12 The allocated state aid share of the county's basic foundation
13 program shall be the difference between the cost of its basic
14 foundation program and the county's local share as determined
15 in section eleven of this article.

16 Total basic state aid to the county shall be the computed
17 state share of basic foundation support. After such compu-
18 tation is completed, the state board shall immediately certify

19 to each county board the amount of state aid allocated to
20 the county for that fiscal year, subject to any qualifying pro-
21 visions of this article.

§18-9A-14. Incentive for program improvement.

1 In order to encourage counties to move toward new and
2 improved programs and to reduce class size, counties having
3 ratios of adjusted enrollment to professional staff higher
4 than the state average will be granted advance funds to
5 employ sufficient additional staff to reach the state average:
6 *Provided*, That in any one fiscal year no more than one half
7 of such additional staff may be counted under this provision.
8 Such funds shall be granted to each eligible county based on
9 data at the end of the second month of school but only on
10 the basis of actual staff members employed.

§18-9A-15. Allowance for increased enrollment.

1 To provide for the support of increased net enrollments
2 in the counties in a school year over the net enrollments
3 used in the computation of total state aid for that year,
4 there shall be appropriated for that purpose from the general
5 revenue fund an amount equal to the average total state aid
6 per net pupil multiplied by the total of all the increases
7 in the net enrollments of the counties made by comparing
8 the most recent reports of net enrollment for the second
9 school month to the immediately previous year's reports for
10 the same school month.

11 Upon determination of the several increases in the respec-
12 tive counties' net enrollments, as of the close of the second
13 school month, each county showing such increase shall be
14 allocated an amount equal to that county's average per
15 net pupil total state aid multiplied by the increase in that
16 county's net enrollment fund as provided heretofore. Such
17 allocations shall be distributed not later than December thirty-
18 one of each year to the counties having increases in net
19 enrollment as heretofore provided. If the amount appro-
20 priated for this purpose shall not be sufficient to provide
21 payment in full for the total of these several allocations,
22 each county allocation shall be reduced to an amount which

23 is proportionate to the appropriation compared to the total
24 of the several allocations, and the allocations as thus adjusted
25 shall be distributed to the counties as provided in this section.

26 No provision of this section shall be construed to in
27 any way affect the allocation of moneys for educational
28 purposes to a county under other provisions of law.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Chute, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Todd C. Wilts
Clerk of the Senate

W. B. Blankenship
Clerk of the House of Delegates

W. T. Brotherton
President of the Senate

Clayton M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *26*
day of *March*, 1980.

Paul R. Taylor
Governor

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