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

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

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

The total potential cost of the comprehensive educational program for each county shall be determined prior to the first day of July by multiplying the applicable net enrollments at the close of the second month of the current school term by the following amounts: Ten dollars for an adult in a public school program; ten dollars per senior high school student; seven dollars and fifty cents per junior high school student; and five dollars per elementary school student, including kindergarten. If the appropriation is not sufficient to provide for all counties their total potential costs as hereinafter set forth, the allocation to all counties shall be reduced proportionately to secure a total which matches the appropriation.

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

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

If the county plans approved by the first day of September do not utilize the total allocations by reason of the plan or plans of one or more counties not requiring the full allocations or by failure of one or more counties to submit an acceptable plan or plans by the first day of September, then those moneys which were available to such county or counties shall be declared by the state board of education to be excess funds. These excess funds shall be available for that year
only for special distribution. All counties shall be eligible
for additional moneys as a special distribution from excess
funds if, and to the extent that, such county or counties ap-
proved plan or plans require funds in excess of the amount
allocated to each county on or before the first day of Septem-
ber: Provided, That no county may receive any funds in ex-
cess of its total potential cost as determined prior to the first
day of July. If the moneys for which the counties are eligible
from the special distribution of excess funds exceed the total
amount available for such distribution, the special distribu-
tion to each county shall be reduced proportionately. It is
the intention to distribute all excess funds, in any given year,
on a pro rata basis to all counties who have approved com-
prehensive educational programs for that year and who have
not received their total potential funds.

Appropriations for the purpose of this section shall be
used only to meet the requirements of the allocation schedule
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
fiscal year shall be the sum of the amounts computed in
accordance with the provisions of sections four, five, six,
seven, eight, nine and ten of this article. On the first
working day of July in each year, the state board shall
determine the basic foundation program for each county for
that fiscal year. Data used in the computations relating to
net and adjusted enrollment, and the number of professional
educators, shall be for the second month of the prior school
term. Transportation expenditures used in these computations
shall be for the most recent year in which data are available.
The allocated state aid share of the county's basic foundation
program shall be the difference between the cost of its basic
foundation program and the county's local share as determined
in section eleven of this article.

Total basic state aid to the county shall be the computed
state share of basic foundation support. After such compu-
tation is completed, the state board shall immediately certify
to each county board the amount of state aid allocated to
the county for that fiscal year, subject to any qualifying pro-
visions of this article.


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


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

Upon determination of the several increases in the respec-
tive counties’ net enrollments, as of the close of the second
school month, each county showing such increase shall be
allocated an amount equal to that county’s average per
net pupil total state aid multiplied by the increase in that
county’s net enrollment fund as provided heretofore. Such
allocations shall be distributed not later than December thirty-
one of each year to the counties having increases in net
enrollment as heretofore provided. If the amount appro-
priated for this purpose shall not be sufficient to provide
payment in full for the total of these several allocations,
each county allocation shall be reduced to an amount which
is proportionate to the appropriation compared to the total of the several allocations, and the allocations as thus adjusted shall be distributed to the counties as provided in this section. No provision of this section shall be construed to in any way affect the allocation of moneys for educational 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 DeCoster
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Todd C. Wilk
Clerk of the Senate

W.I. Berkheiser
Clerk of the House of Delegates

W.T. Boykin
President of the Senate

J.M. Legg, Jr.
Speaker House of Delegates

The within ______ approved ______ this the ______ day of ______, 1980.

David B. Clayton
Governor