

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-29-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

ENROLLED

Com. Sub. for

HOUSE BILL No. 1731

(By Mr. *Divens + Mrs. Hartman*)

— ● —

Passed March 11, 1982

In Effect July 1, 1982 ~~Passage~~

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1731
(By MR. GIVENS and MRS. HARTMAN)

[Passed March 11, 1982; in effect July 1, 1982.]

AN ACT to amend and reenact sections two and ten, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section ten-a, relating to definitions and foundation allowance to improve instructional programs; providing that eighty percent of the increase in local share be allocated on the basis of basic resources per pupil commencing with the school year beginning on the first day of July, one thousand nine hundred and eighty-three; and providing for a transition allocation based on an average of basic resources per pupil and average expenditure per pupil, for the school year beginning on the first day of July, nineteen hundred and eighty-two only.

Be it enacted by the Legislature of West Virginia:

That sections two and ten, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section ten-a, all to read as follows:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-2. Definitions.

1 (a) For the purpose of this article:

2 "State board" means the West Virginia board of education.

3 "County board" or "board" means a county board of educa-
4 tion.

5 "Professional salaries" means the state legal-mandated sal-
6 aries of the professional educators as provided in article four,
7 chapter eighteen-a of this code.

8 "Professional educator" shall be synonymous with and
9 shall have the same meaning as "teacher" as defined in
10 section one, article one, chapter eighteen of this code.

11 "Professional instructional personnel" means a professional
12 educator whose regular duty is as that of a classroom teacher,
13 librarian or counselor. A professional educator having both
14 instructional and administrative or other duties shall be in-
15 cluded as professional instructional personnel for that ratio
16 of the school day for which he is assigned and serves on a
17 regular full-time basis in appropriate instruction, library or
18 counseling duties.

19 "Service personnel salaries" shall mean the state legally-
20 mandated salaries for service personnel as provided in section
21 eight-a, article four, chapter eighteen-a of the code.

22 "Service personnel" shall mean all personnel as provided
23 for in section eight, article four, chapter eighteen-a of this
24 code. For the purpose of computations under this article of
25 ratios of service personnel to adjusted enrollment, a service
26 employee shall be counted as that number found by dividing
27 his number of employment days in a fiscal year by two
28 hundred: *Provided, however,* That the computation for any
29 such person employed for three and one-half hours or less
30 per day as provided in section eight-a, article four, chapter
31 eighteen-a of this code, shall be calculated as one half an em-
32 ployment day.

33 "Net enrollment" means the number of pupils enrolled in
34 special education programs, early childhood programs and

35 grades one to twelve, inclusive, of the public schools of the
36 county.

37 “Adjusted enrollment” means the net enrollment plus twice
38 the number of pupils enrolled for special education, all ad-
39 justed to the equivalent of the instructional term and in
40 accordance with such eligibility requirements and regulations
41 as established by the state board, but no pupil shall be
42 counted more than once by reason of transfer within the
43 county or from another county within the state, and no
44 pupil shall be counted who attends school in this state from
45 another state.

46 “Levies for general current expense purposes” means on
47 each hundred dollars of valuation, twenty-two and five-tenths
48 cents on Class I property, forty-five cents on Class II property,
49 and ninety cents on Classes III and IV property.

50 “Average expenditure per pupil” for the state and the
51 several counties means the total of (a) expenditures from,
52 (b) transfers from and (c) current year outstanding obligations
53 of a county’s current expense fund budget plus (d) current
54 year’s property tax revenues collected for the permanent im-
55 provement fund; minus (a) any expenditure, transfer or cur-
56 rent year’s outstanding obligation of federal funds and (b)
57 revenues from increased levies approved by voters as provided
58 in section ten, article X of the constitution of West Virginia
59 in the current expense fund which net expenditure found is
60 divided by the number of students in adjusted enrollment.
61 The data used for such computation shall be that of the
62 second preceding school year.

63 “Basic resources per pupil” for the state and the several
64 counties means the total of (a) property tax revenues com-
65 puted at the maximum regular levy rates as provided by
66 section six-c, article eight, chapter eleven of this code, at a
67 uniform rate of ninety-five percent, but excluding revenues
68 from increased levies as provided in section ten, article X
69 of the constitution of West Virginia, and (b) basic state
70 aid as provided in sections twelve and thirteen of this article,
71 but excluding the foundation allowance to improve instruc-
72 tional programs as provided in section ten of this article,

73 this total divided by the number of students in adjusted en-
74 rollment: *Provided*, That any year's allocations to the coun-
75 ties of the eighty percent portion of the foundation allowance
76 to improve instructional programs, as provided in section
77 ten of this article, shall be determined on the basis of the
78 immediately preceding school year's basic resources per pupil.

**§18-9A-10. Foundation allowance to improve instructional pro-
grams.**

1 Commencing with the school year beginning on the first
2 day of July, one thousand nine hundred eighty-three, and
3 thereafter, funds which accrue from allocations due to in-
4 crease in total local share above that computed for the school
5 year beginning on the first day of July, one thousand nine
6 hundred eighty-one, from balances in the general school fund,
7 or from appropriations for such purpose shall be allocated to
8 increase state support of counties as follows:

9 Twenty percent of the accrued funds shall be allocated
10 to the counties proportional to adjusted enrollment and eighty
11 percent of the accrued funds shall be allocated according
12 to the following plan for progress toward and to basic re-
13 sources per pupil equity.

14 Beginning with the county which has the lowest basic
15 resources per pupil and progressing through the counties
16 successively to and beyond the county with the highest basic re-
17 sources per pupil, the funds available shall be allocated in
18 amounts necessary to increase moneys available to the county
19 or counties to the basic resources per pupil level, as nearly as is
20 possible, of the county having the next higher basic resources
21 per pupil: *Provided*, That to be eligible for its allocation under
22 this section, a county board shall lay the maximum regular tax
23 rates set out in section six-c, article eight, chapter eleven of this
24 code: *Provided, however*, That moneys allocated by provision
25 of this section shall be used to improve instructional programs
26 according to a plan for instructional improvement which the af-
27 fected county board shall file with the state board by the first
28 day of August of each year, to be approved by the state board
29 by the first day of September of that year if such plan sub-
30 stantially complies with standards to be adopted by the

31 state board: *Provided, further*, That no part of this allocation
 32 may be used to employ professional educators in counties
 33 until and unless all applicable provisions of sections four
 34 and fourteen of this article have been fully utilized. Such
 35 instructional improvement plan shall be made available for
 36 distribution to the public at the office of each affected county
 37 board.

38 For the school year beginning on the first day of July,
 39 one thousand nine hundred and eighty-two only, allocations of
 40 the accrued funds shall be made in accordance with section ten-
 41 a of this article.

**§18-9A-10a. Distribution of foundation allowance to improve in-
 structional programs; transition to basic resources
 per pupil allocation.**

1 For the school year beginning on the first day of July, one
 2 thousand nine hundred and eighty-two only, distribution of
 3 funds which have accrued from increases in total local share
 4 since the first day of July, one thousand nine hundred eighty-
 5 one, shall be allocated according to the following plan:

6 The state board shall determine (a) the amount that each
 7 county would receive based on adjusted enrollment and
 8 basic resources per pupil as defined in section two and
 9 provided for in section ten of this article, and (b) the amount
 10 each county would receive based on adjusted enrollment of
 11 the second preceding year as to the twenty percent allocation
 12 and average expenditure per pupil as to the eighty percent
 13 allocation, computed in the following manner:

14 Beginning with the county which has the lowest average
 15 expenditure per pupil and progressing through the counties
 16 successively to and beyond the county with the highest aver-
 17 age expenditure per pupil, the funds available shall be allo-
 18 cated in amounts necessary to increase moneys available to
 19 the county or counties to the expenditure per pupil level,
 20 as nearly as is possible, of the county having the next higher
 21 expenditure per pupil.

22 For progress toward and to basic expenditure and resource
 23 per pupil equity, each county shall receive an amount equal

24 to one half the total of (a) the total moneys to be allocated
25 to a county based on adjusted enrollment and basic resources
26 per pupil pursuant to section ten of this article and (b) the
27 total moneys to be allocated to the same county based on
28 adjusted enrollment and average expenditure per pupil as
29 computed pursuant to this section: *Provided*, That to be
30 eligible for its allocation under this section, a county board
31 shall lay the maximum regular tax rates set out in section
32 six-c, article eight, chapter eleven of this code: *Provided*,
33 *however*, That moneys allocated by provision of this section
34 shall be used to improve instructional programs according
35 to a plan for instructional improvement which the affected
36 county boards shall file with the state board by the first
37 day of August of each year, to be approved by the state
38 board by the first day of September of that year if such plan
39 substantially complies with standards to be adopted by the
40 state board: *Provided further*, That no part of this allocation
41 may be used to employ professional educators in counties
42 until and unless all applicable provisions of sections four and
43 fourteen of this article have been fully utilized. Such instruc-
44 tional improvement plan shall be made available for distribu-
45 tion to the public at the office of each affected county board.

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

R. P. Bayler

Chairman Senate Committee

Tony E. Whitlow

Chairman House Committee

Originating in the House.

Takes effect July 1, 1982.

Todd C. Gault

Clerk of the Senate

W. Blankenship

Clerk of the House of Delegates

Warren R. McSaw

President of the Senate

Wm. M. Lee, Jr.

Speaker House of Delegates

The within *is approved* this the *29*
day of *March*, 1982.

Paul R. Byrne

Governor



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