WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED
Com. Sub. for
HOUSE BILL No. 1731

(By Mr. Lewis and Mrs. Hartman)

Passed March 11, 1982
In Effect July 1, 1982

APPROVED AND SIGNED BY THE GOVERNOR
Date 3-29-82
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.


(a) For the purpose of this article:

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

"County board" or "board" means a county board of education.

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

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

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

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

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

"Net enrollment" means the number of pupils enrolled in special education programs, early childhood programs and
grades one to twelve, inclusive, of the public schools of the county.

"Adjusted enrollment" means the net enrollment plus twice the number of pupils enrolled for special education, all adjusted to the equivalent of the instructional term and in accordance with such eligibility requirements and regulations as established by the state board, but no pupil shall be counted more than once by reason of transfer within the county or from another county within the state, and no pupil shall be counted who attends school in this state from another state.

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

"Average expenditure per pupil" for the state and the several counties means the total of (a) expenditures from, (b) transfers from and (c) current year outstanding obligations of a county's current expense fund budget plus (d) current year's property tax revenues collected for the permanent improvement fund; minus (a) any expenditure, transfer or current year's outstanding obligation of federal funds and (b) revenues from increased levies approved by voters as provided in section ten, article X of the constitution of West Virginia in the current expense fund which net expenditure found is divided by the number of students in adjusted enrollment. The data used for such computation shall be that of the second preceding school year.

"Basic resources per pupil" for the state and the several counties means the total of (a) property tax revenues computed at the maximum regular levy rates as provided by section six-c, article eight, chapter eleven of this code, at a uniform rate of ninety-five percent, but excluding revenues from increased levies as provided in section ten, article X of the constitution of West Virginia, and (b) basic state aid as provided in sections twelve and thirteen of this article, but excluding the foundation allowance to improve instructional programs as provided in section ten of this article,
this total divided by the number of students in adjusted enrollment: Provided, That any year's allocations to the counties of the eighty percent portion of the foundation allowance to improve instructional programs, as provided in section ten of this article, shall be determined on the basis of the immediately preceding school year's basic resources per pupil.

§18-9A-10. Foundation allowance to improve instructional programs.

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

Twenty percent of the accrued funds shall be allocated to the counties proportional to adjusted enrollment and eighty percent of the accrued funds shall be allocated according to the following plan for progress toward and to basic resources per pupil equity.

Beginning with the county which has the lowest basic resources per pupil and progressing through the counties successively to and beyond the county with the highest basic resources per pupil, the funds available shall be allocated in amounts necessary to increase moneys available to the county or counties to the basic resources per pupil level, as nearly as is possible, of the county having the next higher basic resources per pupil: Provided, That to be eligible for its allocation under this section, a county board shall lay the maximum regular tax rates set out in section six-c, article eight, chapter eleven of this code: Provided, however, That moneys allocated by provision of this section shall be used to improve instructional programs according to a plan for instructional improvement which the affected county board shall file with the state board by the first day of August of each year, to be approved by the state board by the first day of September of that year if such plan substantially complies with standards to be adopted by the
Provided, further, That no part of this allocation may be used to employ professional educators in counties until and unless all applicable provisions of sections four and fourteen of this article have been fully utilized. Such instructional improvement plan shall be made available for distribution to the public at the office of each affected county board.

For the school year beginning on the first day of July, one thousand nine hundred and eighty-two only, allocations of the accrued funds shall be made in accordance with section ten-

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

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

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

Beginning with the county which has the lowest average expenditure per pupil and progressing through the counties successively to and beyond the county with the highest average expenditure per pupil, the funds available shall be allocated in amounts necessary to increase moneys available to the county or counties to the expenditure per pupil level, as nearly as is possible, of the county having the next higher expenditure per pupil.

For progress toward and to basic expenditure and resource per pupil equity, each county shall receive an amount equal
to one half the total of (a) the total moneys to be allocated
to a county based on adjusted enrollment and basic resources
per pupil pursuant to section ten of this article and (b) the
total moneys to be allocated to the same county based on
adjusted enrollment and average expenditure per pupil as
computed pursuant to this section: Provided, That to be
eligible for its allocation under this section, a county board
shall lay the maximum regular tax rates set out in section
six-c, article eight, chapter eleven of this code: Provided,
however, That moneys allocated by provision of this section
shall be used to improve instructional programs according
to a plan for instructional improvement which the affected
county boards shall file with the state board by the first
day of August of each year, to be approved by the state
board by the first day of September of that year if such plan
substantially complies with standards to be adopted by the
state board: Provided further, That no part of this allocation
may be used to employ professional educators in counties
until and unless all applicable provisions of sections four and
fourteen of this article have been fully utilized. Such instruc-
tional improvement plan shall be made available for distribu-
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.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect July 1, 1982.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ___ is approved this the ___ day of ___1982___.