WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

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ENROLLED
Com. Sub. for
HOUSE BILL No. 2131

(By Mr. Del S. Cook and Bunn)

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Passed March 9, 1991

In Effect from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2131

(By Delegates S. Cook and Brum)

[Passed March 9, 1991; in effect from passage.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-g; and to amend and reenact sections ten and thirteen, article nine-a of said chapter, all relating to maintaining step seven funds for one thousand nine hundred ninety-one; permitting up to fifteen percent of this allocation be used for personnel costs in certain instances; increasing the amount of funds to be paid into the school building capital improvements fund; increasing the appropriations for certain state board staff and operating costs in certain instances; authorizing a one-time appropriation to certain rural district boards; and creating the school library media improvement grant program.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-g; and that sections ten and thirteen, article nine-a of said chapter be amended and reenacted, all to read as follows:
CHAPTER 18. EDUCATION.

ARTICLE 2G. SCHOOL LIBRARY MEDIA IMPROVEMENT GRANT PROGRAM.

§18-2G-1. Legislative intent and purpose.
1 The Legislature acknowledges that society is presently generating more and more information at ever faster rates. Further, the Legislature acknowledges that it is more difficult for educational facilities and students to digest this growing pool of educational information. Finally, the Legislature acknowledges the need for an incentive grant program which will encourage growth and development of school library media programs which will assist in implementing innovative educational technology.

1 The state board shall administer the school library media improvement grant program pursuant to the following criteria:
2 (a) Library media improvement grants shall be utilized to initiate a centralized library media program or to improve an existing program. Funds awarded in such grant may be used for the purchase of books, audiovisual materials, audiovisual equipment, computer software or other innovative uses of technology in the library media center. Funds may not be used for construction, remodeling, furniture, salaries or supplies or to replace funds previously allocated or expended by the county board of education receiving the grant.
3 (b) Funds in the amount of not less than fifty thousand dollars shall be appropriated to be awarded as grants and shall be equitably allocated between elementary and secondary schools with at least fifty percent of the funds being allocated to small schools with a disproportionate number of students from low income families.
4 (c) Grants shall be for one year.

§18-2G-3. Grant applications.
1 Each school district applying for a grant shall submit a proposal detailing plans for the creation of a school
library media program or for the improvement of a program already in use. Each district receiving a grant shall furnish information to the state board documenting the application of funds allocated and the benefits to the children served as a result of the grant.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

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

(a) For the school year beginning on the first day of July, one thousand nine hundred ninety-one only, twenty-eight million eight hundred thousand dollars, in addition to 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 ninety-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:

(1) Twenty percent of these funds shall be allocated to the counties proportional to adjusted enrollment; and

(2) Each county whose allocation in subsection (1) is less than one hundred fifty thousand dollars in any fiscal year shall then receive an amount which equals the difference between such amount received and one hundred fifty thousand dollars.

(b) The remainder of these funds shall be allocated according to the following plan for progress toward 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 state board: Provided further, That for the school year beginning on the first day of July, one thousand nine hundred ninety-one, up to fifteen percent of this allocation may be used to employ professional educators and/or service personnel in counties after all applicable provisions of sections four and five of this article have been fully utilized.

Prior to the use of any funds from this section for personnel costs, the county board must receive authorization from the state superintendent of schools. The state superintendent shall require the district board to demonstrate: (1) The need for the allocation, (2) efficiency and fiscal responsibility in staffing, and (3) sharing of services with adjoining counties and the regional educational service agency for that county in the use of the total local district board budget. District boards shall make application for available funds by the first day of May, one thousand nine hundred ninety-one. On or before the first day of June, the state superintendent shall review all applications and notify applying district boards of the distribution of the allocation. Such funds shall be distributed during the fiscal year as appropriate. The state superintendent shall require the county board to demonstrate the need for an allocation for personnel based upon the county's inability to meet the requirements of state law or state board policy: Provided, That the funds available for personnel under this section may not be used to increase the total number of professional noninstructional personnel in the central office beyond four. Such instructional improvement plan shall be made available for distribution to the public at the office of each affected county board.

(c) Commencing with the school year beginning on the
first day of July, one thousand nine hundred ninety-one, twenty-one million, four hundred forty thousand, four hundred ninety-three dollars shall be paid into the school building capital improvements fund created by section six, article nine-d of this chapter, and shall be used solely for the purposes of said article nine-d. In each fiscal year thereafter, fifty percent of the funds which accrue due to an increase in local share above that computed for the school year beginning on the first day of July, one thousand nine hundred eighty-seven, shall be paid into the school building capital improvements fund created by section six, article nine-d of this chapter, and shall be used solely for the purposes of said article nine-d: Provided, That if funds are available and appropriated in each such subsequent fiscal year, not less than seven million seven hundred thousand dollars shall be added to the amount of the prior year's appropriation for such fund.

(d) There shall be appropriated seven million, four hundred ten thousand, six hundred sixty-eight dollars for aid to counties which may be expended by the county boards for the initiation, and/or improvements of special education programs including employment of new special education professional personnel solely serving exceptional children; instructional programs which utilize state of the art technology; training of educational personnel to work with exceptional children; and supportive costs such as materials, transportation, contracted services, minor renovations and other costs directly related to the special education delivery process prescribed by the state board. The appropriation may also be used for nonpersonnel costs associated with the maintenance of special education programs in accordance with such rules as established by the state board. The appropriation includes out-of-state instruction and may be expended to provide instruction, care and maintenance for educable persons who are severely handicapped and for whom the state provides no facilities.

(e) There shall be appropriated two million, eighty-five thousand two hundred two dollars to be used by the

state department of education which may be expended for the purposes of paying staff and operating costs of both administrative/program personnel and instructional personnel delivering education to handicapped children in facilities operated by the state division of health; paying state department of education staff, current expenses and equipment; supporting a gifted summer camp; and supporting special state projects, including, but not limited to, (1) an instructional materials center for visually handicapped children at the West Virginia Schools for the Deaf and the Blind, (2) the state special olympics program, (3) the West Virginia advisory council for the education of exceptional children at the West Virginia College of Graduate Studies, (4) statewide training activities or other programs benefiting exceptional children and (5) the state very special arts program.


For the school year one thousand nine hundred ninety-one—ninety-two only, there shall be a one-time additional appropriation of one million dollars to be distributed to those very few district boards on a needs basis: Provided, That if funds available under this section are used for personnel, such funds may not be used to increase the total number of professional noninstructional personnel in the central office beyond four. The factors used to determine eligibility for funds shall be staffing ratio to students, administrative ratio to staff supervised, funding stability, and sparsity of student population.

The state superintendent shall require the district board to demonstrate: (1) The need for the allocation, (2) efficiency and fiscal responsibility in staffing, and (3) sharing of services with adjoining counties and the regional educational service agency for that county in the use of the total local district board budget. District boards shall make application for available funds by the first day of May, one thousand nine hundred ninety-one. On or before the first day of June, the state superintendent shall review all applications and notify applying
23 district boards of the distribution of the allocation. Such
24 funds shall be distributed during the fiscal year as
25 appropriate.

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within was approved this the ___
day of ___ 1991.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR
Date: 3/20/61
Time: 4:00 pm