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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991



ENROLLED

Com. Sub. for
HOUSE BILL No. 2131

(By Mr. *Del. S. Cook and Brum*)



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
2 generating more and more information at ever faster
3 rates. Further, the Legislature acknowledges that it is
4 more difficult for educational facilities and students to
5 digest this growing pool of educational information.
6 Finally, the Legislature acknowledges the need for an
7 incentive grant program which will encourage growth
8 and development of school library media programs
9 which will assist in implementing innovative educa-
10 tional technology.

§18-2G-2. Criteria for grants.

1 The state board shall administer the school library
2 media improvement grant program pursuant to the
3 following criteria:

4 (a) Library media improvement grants shall be
5 utilized to initiate a centralized library media program
6 or to improve an existing program. Funds awarded in
7 such grant may be used for the purchase of books,
8 audiovisual materials, audiovisual equipment, computer
9 software or other innovative uses of technology in the
10 library media center. Funds may not be used for
11 construction, remodeling, furniture, salaries or supplies
12 or to replace funds previously allocated or expended by
13 the county board of education receiving the grant.

14 (b) Funds in the amount of not less than fifty thousand
15 dollars shall be appropriated to be awarded as grants
16 and shall be equitably allocated between elementary and
17 secondary schools with at least fifty percent of the funds
18 being allocated to small schools with a disproportionate
19 number of students from low income families.

20 (c) Grants shall be for one year.

§18-2G-3. Grant applications.

1 Each school district applying for a grant shall submit
2 a proposal detailing plans for the creation of a school

3 library media program or for the improvement of a
4 program already in use. Each district receiving a grant
5 shall furnish information to the state board document-
6 ing the application of funds allocated and the benefits
7 to the children served as a result of the grant.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

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

1 (a) For the school year beginning on the first day of
2 July, one thousand nine hundred ninety-one only,
3 twenty-eight million eight hundred thousand dollars, in
4 addition to funds which accrue from allocations due to
5 increase in total local share above that computed for the
6 school year beginning on the first day of July, one
7 thousand nine hundred ninety-one, from balances in the
8 general school fund, or from appropriations for such
9 purpose shall be allocated to increase state support of
10 counties as follows:

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

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

18 (b) The remainder of these funds shall be allocated
19 according to the following plan for progress toward
20 basic resources per pupil equity:

21 Beginning with the county which has the lowest basic
22 resources per pupil and progressing through the
23 counties successively to and beyond the county with the
24 highest basic resources per pupil, the funds available
25 shall be allocated in amounts necessary to increase
26 moneys available to the county or counties to the basic
27 resources per pupil level, as nearly as is possible, of the
28 county having the next higher basic resources per pupil:
29 *Provided*, That to be eligible for its allocation under this
30 section, a county board shall lay the maximum regular
31 tax rates set out in section six-c, article eight, chapter

32 eleven of this code: *Provided, however,* That moneys
33 allocated by provision of this section shall be used to
34 improve instructional programs according to a plan for
35 instructional improvement which the affected county
36 board shall file with the state board by the first day of
37 August of each year, to be approved by the state board
38 by the first day of September of that year if such plan
39 substantially complies with standards to be adopted by
40 the state board: *Provided further,* That for the school
41 year beginning on the first day of July, one thousand
42 nine hundred ninety-one, up to fifteen percent of this
43 allocation may be used to employ professional educators
44 and/or service personnel in counties after all applicable
45 provisions of sections four and five of this article have
46 been fully utilized.

47 Prior to the use of any funds from this section for
48 personnel costs, the county board must receive author-
49 ization from the state superintendent of schools. The
50 state superintendent shall require the district board to
51 demonstrate: (1) The need for the allocation, (2)
52 efficiency and fiscal responsibility in staffing, and (3)
53 sharing of services with adjoining counties and the
54 regional educational service agency for that county in
55 the use of the total local district board budget. District
56 boards shall make application for available funds by the
57 first day of May, one thousand nine hundred ninety-one.
58 On or before the first day of June, the state superintend-
59 ent shall review all applications and notify applying
60 district boards of the distribution of the allocation. Such
61 funds shall be distributed during the fiscal year as
62 appropriate. The state superintendent shall require the
63 county board to demonstrate the need for an allocation
64 for personnel based upon the county's inability to meet
65 the requirements of state law or state board policy:
66 *Provided,* That the funds available for personnel under
67 this section may not be used to increase the total number
68 of professional noninstructional personnel in the central
69 office beyond four. Such instructional improvement plan
70 shall be made available for distribution to the public at
71 the office of each affected county board.

72 (c) Commencing with the school year beginning on the

73 first day of July, one thousand nine hundred ninety-one,
74 twenty-one million, four hundred forty thousand, four
75 hundred ninety-three dollars shall be paid into the
76 school building capital improvements fund created by
77 section six, article nine-d of this chapter, and shall be
78 used solely for the purposes of said article nine-d. In
79 each fiscal year thereafter, fifty percent of the funds
80 which accrue due to an increase in local share above that
81 computed for the school year beginning on the first day
82 of July, one thousand nine hundred eighty-seven, shall
83 be paid into the school building capital improvements
84 fund created by section six, article nine-d of this
85 chapter, and shall be used solely for the purposes of said
86 article nine-d: *Provided*, That if funds are available and
87 appropriated in each such subsequent fiscal year, not
88 less than seven million seven hundred thousand dollars
89 shall be added to the amount of the prior year's
90 appropriation for such fund.

91 (d) There shall be appropriated seven million, four
92 hundred ten thousand, six hundred sixty-eight dollars
93 for aid to counties which may be expended by the county
94 boards for the initiation, and/or improvements of special
95 education programs including employment of new
96 special education professional personnel solely serving
97 exceptional children; instructional programs which
98 utilize state of the art technology; training of educa-
99 tional personnel to work with exceptional children; and
100 supportive costs such as materials, transportation,
101 contracted services, minor renovations and other costs
102 directly related to the special education delivery process
103 prescribed by the state board. The appropriation may
104 also be used for nonpersonnel costs associated with the
105 maintenance of special education programs in accord-
106 ance with such rules as established by the state board.
107 The appropriation includes out-of-state instruction and
108 may be expended to provide instruction, care and
109 maintenance for educable persons who are severely
110 handicapped and for whom the state provides no
111 facilities.

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

114 state department of education which may be expended
115 for the purposes of paying staff and operating costs of
116 both administrative/program personnel and instruc-
117 tional personnel delivering education to handicapped
118 children in facilities operated by the state division of
119 health; paying state department of education staff,
120 current expenses and equipment; supporting a gifted
121 summer camp; and supporting special state projects,
122 including, but not limited to, (1) an instructional
123 materials center for visually handicapped children at
124 the West Virginia Schools for the Deaf and the Blind,
125 (2) the state special olympics program, (3) the West
126 Virginia advisory council for the education of excep-
127 tional children at the West Virginia College of Graduate
128 Studies, (4) statewide training activities or other
129 programs benefiting exceptional children and (5) the
130 state very special arts program.

§18-9A-13. Transitional allocation for certain rural district boards.

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

13 The state superintendent shall require the district
14 board to demonstrate: (1) The need for the allocation, (2)
15 efficiency and fiscal responsibility in staffing, and (3)
16 sharing of services with adjoining counties and the
17 regional educational service agency for that county in
18 the use of the total local district board budget. District
19 boards shall make application for available funds by the
20 first day of May, one thousand nine hundred ninety-one.
21 On or before the first day of June, the state superintend-
22 ent 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.

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

Somer Seck

Chairman Senate Committee

Bernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect from passage.

Parrell A. Helms

Clerk of the Senate

Donald D. Kopp

Clerk of the House of Delegates

Keith Funtatta

President of the Senate

Robert C. Cole

Speaker of the House of Delegates

The within was approved this the 1st
day of April, 1991.

Yaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date: 3/20/91

Time: 4:20 pm