WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

SENATE BILL NO. 604

(By Senator (ANGER, et al.)

PASSED ________ APRIL 9, 2005

In Effect ________ JULY 1, 2005  Passage
ENROLLED

Senate Bill No. 604

(By Senators Unger, Helmick, Sharpe, Chafin, Plymale, Prezioso, Edgell, Love, Bailey, Bowman, Minear, Boley, Facemyer, Yoder, Guill and Sprouse)

[Passed April 9, 2005; to take effect July 1, 2005.]

AN ACT to amend and reenact §18-9A-15 and §18-9A-22 of the Code of West Virginia, 1931, as amended, all relating to allowances of public school support; requiring appropriation for increased enrollment based on projection; requiring initial distribution to be based on projection; requiring refund in certain instances; including students who have not attained the age of five; and authorizing grant allowances for certain counties with low student net enrollment under certain circumstances.

Be it enacted by the Legislature of West Virginia:

That §18-9A-15 and §18-9A-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

(a) 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 to be determined in accordance with this section.

(b) On or before the first day of September, two thousand five, the State Board shall promulgate a rule pursuant to article three-b, chapter twenty-nine-a of this code that establishes an objective method for projecting the increase in net enrollment for each school district. The State Superintendent shall use the method prescribed by the rule to project the increase in net enrollment for each school district.

(c) The State Superintendent shall multiply the average total state aid per net pupil by the sum of the projected increases in net enrollment for all school districts and report this amount to the Governor for inclusion in his or her proposed budget to the Legislature. The Legislature shall appropriate to the West Virginia Department of Education the amount calculated by the State Superintendent and proposed by the Governor.

(d) The State Superintendent shall calculate each school district’s share of the appropriation by multiplying the projected increase in net enrollment for the school district by the average total state aid per net pupil and shall distribute sixty percent of each school district’s share to the school district on or before the first day of September of each year. The State Superintendent shall make a second distribution of the remainder of the appropriation in accordance with subsection (e) of this section.

(e) After the first distribution pursuant to subsection (d) of this section is made and after the actual increase in net enrollment is available, the State Superintendent shall
compute the total actual amount to be allocated to each school district for the year. The total actual amount to be allocated to each school district for the year is the actual increase in the school district’s net enrollment multiplied by the average total state aid per net pupil. The State Superintendent shall make the second distribution to each school district in an amount determined so that the total amount distributed to the district for the year, in both the first and second distributions, equals the actual increase in net enrollment multiplied by the average total state aid per net pupil. The State Superintendent shall make the second distribution on or before the thirty-first day of December of each year: Provided, That if the amount distributed to a school district during the first distribution is greater than the total amount to which a district is entitled to receive for the year, the district shall refund the difference to the Department of Education prior to the thirtieth day of June of the fiscal year in which the excess distribution is made.

(f) If the amount of the appropriation for increased enrollment is not 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: Provided, That the Governor shall request a supplemental appropriation at the next legislative session for the reduced amount.

(g) 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.

§18-9A-22. Allowance to improve economies of scale of low student enrollment counties.

(a) The Legislature finds that counties whose net enrollment falls below a certain level may not have the econo-
mies of scale to support the proper operation of the school system and the education of their students. The Legislature further finds that to make a determination of whether additional assistance is needed by such a county, and if it is, then in what form and amount, it is necessary to examine the local circumstances and ensure the efficient use of available resources. Therefore, the purpose of this section is to provide a process for examining the economies of scale of counties with low student net enrollment and providing additional assistance to them if necessary, including, but not limited to, the grant of funds.

(b) Upon the written request of a county with a student net enrollment of less than one thousand four hundred students, the State Superintendent shall examine whether all of the resources available to the county are being efficiently utilized and whether additional assistance is needed within the county to improve its economies of scale. The State Superintendent may take any of the following actions:

(1) If the State Superintendent finds that all of the resources of the county are not being used efficiently, the State Superintendent shall recommend areas of improvement to the county and, if requested by the county, may provide technical assistance to make the improvements;

(2) If the State Superintendent finds that additional assistance is needed to improve the economies of scale of the county, the State Superintendent shall determine whether the economies of scale may be increased with additional resources through the regional education service agency, through cooperative agreements with adjoining counties, and by technical assistance and other programs available to the State Superintendent. The State Superintendent shall take the actions that are within his or her authority to increase the economies of scale of the county through these means; and
(3) If the State Superintendent finds that additional assistance is needed to improve the economies of scale of the county after the actions provided in subdivisions (1) and (2) of this subsection are exhausted, the State Superintendent may, subject to appropriations made by the Legislature therefor, make a grant of funds to the county to assist in improving its economies of scale. The grant of funds may include any restrictions, conditions and purposes that the State Superintendent determines necessary to improve the economies of scale of the county.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 2005.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

Governor

The within is approved this the Day of April 2005.