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2005 APR 28 P 5: 01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2005

ENROLLED

SENATE BILL NO. 604

(By Senator LINGER, ET AL)

PASSED APRIL 9, 2005

In Effect July 4, 2005 Passage

FILED

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Senate Bill No. 604

(BY SENATORS UNGER, HELMICK, SHARPE, CHAFIN, PLYMALE,
PREZIOSO, EDGELL, LOVE, BAILEY, BOWMAN, MINEAR,
BOLEY, FACEMYER, YODER, GUILLS 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.

§18-9A-15. Allowance for increased enrollment.

1 (a) To provide for the support of increased net enroll-
2 ments in the counties in a school year over the net enroll-
3 ments used in the computation of total state aid for that
4 year, there shall be appropriated for that purpose from the
5 general revenue fund an amount to be determined in
6 accordance with this section.

7 (b) On or before the first day of September, two thou-
8 sand five, the State Board shall promulgate a rule pursu-
9 ant to article three-b, chapter twenty-nine-a of this code
10 that establishes an objective method for projecting the
11 increase in net enrollment for each school district. The
12 State Superintendent shall use the method prescribed by
13 the rule to project the increase in net enrollment for each
14 school district.

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

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

32 (e) After the first distribution pursuant to subsection (d)
33 of this section is made and after the actual increase in net
34 enrollment is available, the State Superintendent shall

35 compute the total actual amount to be allocated to each
36 school district for the year. The total actual amount to be
37 allocated to each school district for the year is the actual
38 increase in the school district's net enrollment multiplied
39 by the average total state aid per net pupil. The State
40 Superintendent shall make the second distribution to each
41 school district in an amount determined so that the total
42 amount distributed to the district for the year, in both the
43 first and second distributions, equals the actual increase in
44 net enrollment multiplied by the average total state aid
45 per net pupil. The State Superintendent shall make the
46 second distribution on or before the thirty-first day of
47 December of each year: *Provided*, That if the amount
48 distributed to a school district during the first distribution
49 is greater than the total amount to which a district is
50 entitled to receive for the year, the district shall refund the
51 difference to the Department of Education prior to the
52 thirtieth day of June of the fiscal year in which the excess
53 distribution is made.

54 (f) If the amount of the appropriation for increased
55 enrollment is not sufficient to provide payment in full for
56 the total of these several allocations, each county alloca-
57 tion shall be reduced to an amount which is proportionate
58 to the appropriation compared to the total of the several
59 allocations and the allocations as thus adjusted shall be
60 distributed to the counties as provided in this section:
61 *Provided*, That the Governor shall request a supplemental
62 appropriation at the next legislative session for the
63 reduced amount.

64 (g) No provision of this section shall be construed to in-
65 any way affect the allocation of moneys for educational
66 purposes to a county under other provisions of law.

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

1 (a) The Legislature finds that counties whose net enroll-
2 ment falls below a certain level may not have the econo-

3 mies of scale to support the proper operation of the school
4 system and the education of their students. The Legisla-
5 ture further finds that to make a determination of whether
6 additional assistance is needed by such a county, and if it
7 is, then in what form and amount, it is necessary to
8 examine the local circumstances and ensure the efficient
9 use of available resources. Therefore, the purpose of this
10 section is to provide a process for examining the economies
11 of scale of counties with low student net enrollment and
12 providing additional assistance to them if necessary,
13 including, but not limited to, the grant of funds.

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

22 (1) If the State Superintendent finds that all of the
23 resources of the county are not being used efficiently, the
24 State Superintendent shall recommend areas of improve-
25 ment to the county and, if requested by the county, may
26 provide technical assistance to make the improvements;

27 (2) If the State Superintendent finds that additional
28 assistance is needed to improve the economies of scale of
29 the county, the State Superintendent shall determine
30 whether the economies of scale may be increased with
31 additional resources through the regional education
32 service agency, through cooperative agreements with
33 adjoining counties, and by technical assistance and other
34 programs available to the State Superintendent. The State
35 Superintendent shall take the actions that are within his
36 or her authority to increase the economies of scale of the
37 county through these means; and

38 (3) If the State Superintendent finds that additional
39 assistance is needed to improve the economies of scale of
40 the county after the actions provided in subdivisions (1)
41 and (2) of this subsection are exhausted, the State Super-
42 intendent may, subject to appropriations made by the
43 Legislature therefor, make a grant of funds to the county
44 to assist in improving its economies of scale. The grant of
45 funds may include any restrictions, conditions and pur-
46 poses that the State Superintendent determines necessary
47 to improve the economies of scale of the county.

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

Randy White
.....
Chairman Senate Committee

H. Rubin Brown
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2005.

Darrell E. Helms
.....
Clerk of the Senate

Bruce M. Smith
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert D. S. [Signature]
.....
Speaker House of Delegates

The within *is approved* this the *28th*
Day of *April* 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 27 2005

Time 2:15 p