

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4595

BY DELEGATES PERRY, CAMPBELL, LYNCH, REYNOLDS,
FOLK, MOORE, KESSINGER, COOPER, AMBLER, PERDUE
AND MILLER

[Introduced February 17, 2016; Referred
to the Committee on Education then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-2-23, relating to the State Board Of Education; requiring the board to
 3 develop a county plan to use funds designated for the support of isolated schools without
 4 reducing other funds the boards would use for the isolated schools; and providing that
 5 these schools continue to receive this classification and funding until the State Board of
 6 Education conducts a public hearing or administrative proceeding to determine why the
 7 schools should not be considered "isolated."

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §18-2-23, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-23. Comprehensive educational plans for schools designated as isolated.

1 The West Virginia Board of Education, through the State Superintendent of Schools, shall
 2 establish standards and criteria especially designed to guide the development of plans for a
 3 comprehensive educational program or programs in county school systems, to provide for their
 4 evaluation and approval, and to provide, as herein directed, for the allocation and distribution of
 5 state funds, which may be appropriated to assist county school systems to meet additional costs
 6 of development and operation of such programs. The plans shall include, but need not be
 7 restricted to an analysis of existing program area deficiencies and the procedures for their
 8 correction. The plans shall be submitted to and be approved by the West Virginia Board of
 9 Education.

10 County plans shall include a plan to give essential aid for instruction or supporting services
 11 for enrichment of curriculum in schools designated as isolated by the West Virginia Board of
 12 Education where consolidation of schools or the development of county comprehensive
 13 educational programs are not possible or feasible. Notwithstanding any other provision of this
 14 code or law to the contrary, these schools shall retain their "isolated" designation and funding

15 without reducing other funds the boards would use for the isolated schools until the State Board
16 of Education conducts a public hearing or administrative proceeding to determine why the schools
17 should not be considered "isolated."

18 The State Superintendent of Schools shall provide assistance to counties with schools
19 designated as isolated in the development and preparation of their plans for a comprehensive
20 educational program or programs in order to ensure that every county with schools designated
21 as isolated may have the opportunity to fully participate and receive its maximum share of the
22 funds available. All plans shall be submitted to the West Virginia Board of Education on or before
23 July 1 of the school year in which they are operative. The State Superintendent of Schools shall
24 as soon as possible and before August 1 each year notify any county with schools designated as
25 isolated whose plan fails to receive approval specifying the manner in which the plan fails to meet
26 the criteria established and suggesting the necessary corrections. If the county modifies its plan
27 for schools designated as isolated so that its program or programs become acceptable on or
28 before September 1 of that year, the county shall be entitled to receive the computed share of its
29 allocation for which it is eligible under its approved plan.

30 The total potential cost of the comprehensive educational program for each county with
31 schools designated as isolated shall be determined prior to July 1 by multiplying the applicable
32 net enrollments at the close of the second month of the current school term by the following
33 amounts: \$10 for an adult in a public school program; \$10 per senior high school student; \$7.50
34 per junior high school student; and \$5 per elementary school student, including kindergarten. If
35 the appropriation is not sufficient to provide for all counties their total potential costs as herein set
36 forth, the allocation to all counties shall be reduced proportionately to secure a total which
37 matches the appropriation.

38 Funds allocated to the counties with schools designated as isolated shall be distributed to
39 them annually not later than November 1 on the basis of net enrollment in approved programs for
40 schools designated as isolated which are part of their current comprehensive educational plan
41 and the funds distributed shall be computed as provided herein.

42 The West Virginia Board of Education shall establish by regulation the number of areas in
43 which a county with schools designated as isolated shall participate to qualify for full or partial
44 distribution of its allocation. The number of curriculum areas in which a county with schools
45 designated as isolated shall be required to participate to qualify for its full allocation shall depend
46 upon factors such as county size, population sparsity, topography and availability of school staff
47 personnel. In no case may the allocation for any one county with schools designated as isolated
48 exceed the amount derived from application of the maximum pupil allocation as hereinbefore set
49 forth.

50 If the county plans with schools designated as isolated approved by September 1 do not
51 utilize the total allocations by reason of the plan or plans of one or more counties not requiring
52 the full allocations or by failure of one or more counties to submit an acceptable plan or plans by
53 September 1, then those moneys which were available to such county or counties shall be
54 declared by the State Board of Education to be excess funds. These excess funds shall be
55 available for that year only for special distribution. All counties with schools designated as isolated
56 are eligible for additional moneys as a special distribution from excess funds if, and to the extent
57 that, such county or counties with schools designated as isolated approved plan or plans require
58 funds in excess of the amount allocated to each county on or before September 1: *Provided,*
59 That no county with schools designated as isolated may receive any funds in excess of its total
60 potential cost as determined prior to July 1. If the moneys for which the counties are eligible from
61 the special distribution of excess funds exceed the total amount available for such distribution,
62 the special distribution to each county with schools designated as isolated shall be reduced
63 proportionately. It is the intention to distribute all excess funds, in any given year, on a pro rata
64 basis to all counties who have approved comprehensive educational programs for schools
65 designated as isolated for that year and who have not received their total potential funds.

66 Appropriations for the purpose of this section shall be used only to meet the requirements
67 of the allocation schedule and of approved county plans with schools designated as isolated.

NOTE: The purpose of this bill is to require county boards of education to continue to use funds designated for the support of isolated schools without reducing other funds the boards would use for the isolated schools. It also provides that "isolated schools" shall continue with their plans until the State Board of Education conducts a public hearing or administrative proceeding to determine why the schools should not be considered "isolated."

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.