

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**ENROLLED**

## **House Bill 2852**

BY DELEGATES ELLINGTON, TONEY, CONLEY, J. KELLY,

KIMES, THOMPSON, GRIFFITH AND EVANS

[Passed April 1, 2021; in effect ninety days from passage.]



1 AN ACT to amend and reenact §18-9A-15 of the Code of West Virginia, 1931, as amended,  
2 relating to distribution of the allowance for increased enrollment; removing mandated  
3 distribution of 60 percent of allowance based on projected increased enrollment prior to  
4 September 1; authorizing advance at district request prior to availability of actual increased  
5 enrollment of partial distribution of up to 60 percent of school districts estimated share;  
6 providing for refund of excess distribution; and requiring notification of the Joint Committee  
7 on Government and Finance and the Legislative Oversight Commission on Education  
8 Accountability whenever an advanced partial distribution is made.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

**§18-9A-15. Allowance for increased enrollment; extraordinary sustained increased enrollment impact supplement.**

1 (a) To provide for the support of increased net enrollments in the counties in a school year  
2 over the net enrollments used in the computation of total state aid for that year, there shall be  
3 appropriated for that purpose from the General Revenue Fund an amount to be determined as  
4 follows:

5 (1) The state board shall promulgate a rule pursuant to §29A-3B-1 *et seq.* of this code that  
6 establishes an objective method for projecting the increase in net enrollment for each school  
7 district. The state superintendent shall use the method prescribed by the rule to project the  
8 increase in net enrollment for each school district.

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

14 (3) The state superintendent shall calculate each school district's share of the  
15 appropriation by multiplying the increase in net enrollment for the school district by the average  
16 total state aid per net pupil and shall distribute each school district's share to the school district  
17 on or before December 31, of each year.

18 Nothing in this subsection prohibits, however, the state superintendent, at the request of  
19 a school district, before the actual increase in net enrollment is available, from advancing a partial  
20 distribution to the school district of up to 60 percent of its estimated share based on its projected  
21 increased enrollment, subject to the following:

22 (A) If the amount of the advanced partial distribution to a school district is greater than the  
23 total amount to which a district is entitled to receive for the year, the district shall refund the  
24 difference to the Department of Education prior to June 30 of the fiscal year in which the excess  
25 distribution is made; and

26 (B) The Department of Education shall notify the Joint Committee on Government and  
27 Finance and the Legislative Oversight Commission on Education Accountability whenever an  
28 advanced partial distribution is made.

29 (4) If the amount of the appropriation for increased enrollment is not sufficient to provide  
30 payment in full for the total of these allocations, each county allocation shall be reduced to an  
31 amount which is proportionate to the appropriation compared to the total of the allocations and  
32 the allocations as thus adjusted shall be distributed to the counties as provided in this section:  
33 *Provided*, That the Governor shall request a supplemental appropriation at the next legislative  
34 session for the reduced amount.

35 (b) To help offset the budgetary impact of extraordinary and sustained increases in net  
36 enrollment in a county, there shall be included in the basic state aid of any county whose most  
37 recent three-year average growth in second month net enrollment is two percent or more, an  
38 amount equal to one fourth of the state average per pupil state aid multiplied by the increase in  
39 the county's second month net enrollment in the latest year.

40           (c) No provision of this section shall be construed to in any way affect the allocation of  
41 moneys for educational purposes to a county under other provisions of law.



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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2021.

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*Governor*