

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2852

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

KIMES, THOMPSON, GRIFFITH AND EVANS

[Introduced March 02, 2021; referred to the
Committee on Education then Finance]

1 A BILL to amend and reenact §18-9A-15 of the Code of West Virginia, 1931, as amended, relating
2 to distribution of the allowance for increased enrollment; removing mandated distribution
3 of 60 percent of allowance based on projected increased enrollment prior to September
4 1; authorizing advance at district request prior to availability of actual increased enrollment
5 of partial distribution of up to 60 percent of school districts estimated share; and providing
6 for return of refund of excess distribution.

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.* ~~article three-b,~~
6 ~~chapter twenty-nine-a~~ of this code that establishes an objective method for projecting the increase
7 in net enrollment for each school district. The state superintendent shall use the method
8 prescribed by the rule to project the 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 ~~projected~~ increase in net enrollment for the school district by the
16 average total state aid per net pupil and shall distribute ~~sixty percent of~~ each school district's

17 share to the school district on or before ~~September 1~~ December 31, of each year. ~~The state~~
18 ~~superintendent shall make a second distribution of the remainder of the appropriation in~~
19 ~~accordance with subdivision (4) of this subsection.~~

20 ~~(4) After the first distribution pursuant to subdivision (3) of this subsection is made and~~
21 ~~after the actual increase in net enrollment is available, the state superintendent shall compute the~~
22 ~~total actual amount to be allocated to each school district for the year. The total actual amount to~~
23 ~~be allocated to each school district for the year is the actual increase in the school district's net~~
24 ~~enrollment multiplied by the average total state aid per net pupil. The state superintendent shall~~
25 ~~make the second distribution to each school district in an amount determined so that the total~~
26 ~~amount distributed to the district for the year, in both the first and second distributions, equals the~~
27 ~~actual increase in net enrollment multiplied by the average total state aid per net pupil. The state~~
28 ~~superintendent shall make the second distribution on or before December 31, of each year:~~

29 Nothing in this subsection prohibits, however, the state superintendent, at the request of
30 a school district, before the actual increase in net enrollment is available, from advancing a partial
31 distribution to the school district of up to 60 percent of its estimated share based on its projected
32 increased enrollment: *Provided*, That if the amount of the advanced partial distribution distributed
33 to a school district during the first distribution is greater than the total amount to which a district is
34 entitled to receive for the year, the district shall refund the difference to the Department of
35 Education prior to June 30 of the fiscal year in which the excess distribution is made.

36 ~~(5) (4)~~ If the amount of the appropriation for increased enrollment is not sufficient to provide
37 payment in full for the total of these ~~several~~ allocations, each county allocation shall be reduced
38 to an amount which is proportionate to the appropriation compared to the total of the ~~several~~
39 allocations and the allocations as thus adjusted shall be distributed to the counties as provided in
40 this section: *Provided*, That the Governor shall request a supplemental appropriation at the next
41 legislative session for the reduced amount.

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

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

NOTE: The purpose of this bill is to change the mandate for the Department of Education to distribute prior to September 1, to each applicable county, 60% of the county's share of the allowance for increased enrollment based on the county's projected increased enrollment. Once the actual 2nd month net enrollment for each county is documented, the Department is required to distribute the remainder of the allowance by December 31, or if the initial 60% distribution to a county was too high, the county is required to send the excess back to the Department by the end of the school year. This bill removes the mandated September distribution, but allows counties to request an advance on the share they expect to receive on December 31. The advance cannot exceed 60% of their share based on their projected increased enrollment.

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