WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2022 REGULAR SESSION

Introduced

House Bill 4699

By Delegate Householder

[Introduced February 15, 2022; Referred to the Committee on Education then Finance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-10-6, relating to creating the Learning Loss Mitigation Program; providing for legislative findings; providing for the establishment of the program; providing eligibility for grant funds; specifying the use of grant funds; providing for the availability and expenditure of grant funds; providing for the administration of the fund; and providing for funding.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. FEDERAL AID AND GIFTS FOR EDUCATIONAL PURPOSES.

§18-10-6. Learning Loss Mitigation Program established; federal aid for education; American Rescue Plan Act funding.

(a) *Legislative findings.* - In the wake of the COVID-19 pandemic, the Legislature finds that the unique and varied needs of students should be met with a response that allows families to identify programs, interventions, services and activities that address experienced learning loss and the ongoing educational needs of their children. Therefore, contingent upon the appropriation of funds, the Legislature directs the State Treasurer, in consultation and coordination with the Department of Education, to establish and administer a program that allows parents of eligible children to use federal funds intended to mitigate the negative impacts of COVID-19 towards allowable educational uses of their choice to address student learning loss, provide summer learning or enrichment, and provide comprehensive after-school programs in ways that meet the academic, social and emotional needs of students. In doing so, the State Treasurer shall use $22,843,000 of the funds described in subsection (g) of this section to provide grants for eligible students under the Learning Loss Mitigation Program established in accordance with this section.

(b) *Program Established. –* There is established the Learning Loss Mitigation Program, to be administered by the State Treasurer in consultation and coordination with the Department of Education. The State Treasurer shall provide a one-time grant to each recipient household with an eligible child in accordance with the Program. The State Treasurer shall ensure that funds directed to a recipient household are limited to funds used for allowable expenditures permitted under subsection (d) of this section. Grants shall be awarded in an amount of one thousand dollars ($1,000) per eligible child with a maximum grant award not to exceed three thousand dollars ($3,000) per recipient household. The State Treasurer shall make grant funds available to recipient households as soon as practicable, but no later than August 16, 2022.

(c) *Eligibility for Grant Funds.* – For the purposes of this section, an “eligible child” shall mean any child:

(1) Residing in West Virginia and who is of elementary or secondary school-age and is eligible to attend a West Virginia public school; and

(2) Whose parent or legal guardian has signed an agreement with the State Treasurer to only use the Learning Loss Mitigation Program funds for allowable expenditures permitted under subsection (d) of this section.

No grant shall be awarded to more than one recipient household for the same eligible child.

(d) *Use of Grant Funds. –* The State Treasurer shall ensure that the use of Learning Loss Mitigation Program grant funding is limited to the following allowable expenditures:

(1) Participation in summer enrichment programs;

(2) Academic and enrichment programs designed to serve students before or after normal school hours;

(3) Tutoring services provided by an individual or tutoring facility;

(4) Textbooks, curriculum, or other instructional materials, including educational software and online learning materials;

(5) Therapies for students with disabilities from a licensed or accredited practitioner or provider, including, but not limited to, occupational, behavioral, physical, and speech-language therapies;

(6) Educational programs or courses offered for a fee or pursuant to contract by a local public school, public charter school, nonpublic school, institution of higher education, or career and technical education program;

(7) Fees for broadband internet service connectivity; and

(8) Fees for nationally standardized assessments, advanced placement examinations, any examinations related to college or university admissions, or industry-recognized certification examinations, and tuition and/or fees for preparatory courses for the aforementioned assessments and examinations.

(e) *Availability and Expenditure of Grant Funds.* – Learning Loss Mitigation Program grant funds shall be awarded on a first-come, first-serve basis according to the availability of appropriated funds: *Provided,* That the State Treasurer shall ensure that any such grant funds awarded during the first 45 days of the program be first allocated to eligible low-income students whose household has an adjusted gross income under $50,000, as verified by the State Tax Department using the prior year’s tax returns. Any grant funds awarded to a recipient household must be spent by the recipient household no later than September 1, 2023. Any unexpended funds remaining after September 30, 2023, shall be returned to the State.

(f) *Administration. –* The State Treasurer may contract with private organizations for purposes of facilitating the administration and compliance requirements of the Learning Loss Mitigation Program. The private organizations may also include any vendors, auditing firms, or financial institutions who can restrict the use of funds to allowable expenditures or firms that preauthorize allowable expenditures. The State Treasurer may use up to $500,000 of the funds allocated for the Learning Loss Mitigation Program for administrative costs, including any costs necessary to contract with private organizations. To the extent necessary, the State Treasurer may propose emergency and legislative rules pursuant to §29A-3-1 *et seq.* of this code for the administration of the Learning Loss Mitigation Program.

(g) *Funding.* – The amounts dedicated to the Learning Loss Mitigation Program in this section shall be from the discretionary portion of the funding for K-12 education provided to this state pursuant to the federal American Rescue Plan Act of 2021. Upon appropriation of these funds by the Legislature, these funds shall be transferred from the fund i=n which they are being held in the State Treasury in the manner necessary for the State Treasurer to expend the same pursuant to this section.

NOTE: The purpose of this bill is to establish the Learning Loss Mitigation Program, which will provide $1,000 grants from available federal funds for eligible children in order to address the negative impacts of COVID-19 and student learning loss through summer learning and enrichment and comprehensive after-school programs that meet the academic, social and emotional needs of West Virginia students.

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