



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

9/9/2021 2:13:30 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Education TITLE-SERIES: 126-201

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Computation of Average Daily Attendance (ADA) and Average Daily Membership (ADM) (8100.1)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 10/12/2021 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Uriah Cummings, Manager

ADDRESS: WVDE School Finance Services, Capitol Bldg. 6, Room 318  
1900 Kanawha Boulevard, E, Charleston, WV 25305

EMAIL: uriah.cummings@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy 8100.1 establishes the method to be used in computing average daily attendance (ADA) and average daily membership (ADM).

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Policy 8100.1 is being revised to incorporate the creation of charter public schools and references to virtual instruction.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no economic impact on revenues of state government as a result of the proposed amendment of 126CSR201, Policy 8100.1.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of the proposed amendment of 126CSR201, Policy 8100.1.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There will be no economic impact on the state or its residents as a result of the proposed amendment of 126CSR201, Policy 8100.1.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There will be no economic impact on revenues of state government, special revenue accounts, or the state or its residents as a result of the proposed amendment of 126CSR201, Policy 8100.1.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Michele L Blatt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



**Policy 8100.1, Computation of Average Daily Attendance (ADA) and Average Daily Membership (ADM)  
List of Stakeholders**

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**West Virginia Department of Education**

**External Stakeholders**

- Jeromy Duellely, Attendance Director, Morgan County
- Todd Barcus, Attendance Director, Wetzel County
- J.P. Mowery, Chief School Business Official, Pendleton County
- Laura Pauley, Professional Accountant, Kanawha County
- Steven Bieniek, Chief School Business Official, Ohio County
- Sam Pauley, Chief School Business Official, Boone County
- Sharon Hinkle, Chief School Business Official, Harrison County
- Brad Smith, Chief School Business Official, Randolph County
- Laura Matheny, Chief School Business Official, Jackson County
- Michael Fitzwater, Attendance Director, Calhoun County
- Melandee Heaster, Attendance Director, Greenbrier County

**Internal Stakeholders**

- Amy Willard, School Operations Officer, Office of School Operations & Finance
- Tim Conzett, Technology Officer, Office of Data Management & Information Systems
- Uriah Cummings, Manager of School Finance, Office of School Operations & Finance
- Georgia Hughes-Webb, Director of Data Analysis & Research, Office of Data Management & Information Systems
- Kristen Lanham, Coordinator of School Finance, Office of School Operations & Finance
- Joshua Harner, Coordinator of School Finance, Office of School Operations & Finance

126CSR201

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

SERIES 201  
COMPUTATION OF AVERAGE DAILY ATTENDANCE (ADA) AND  
AVERAGE DAILY MEMBERSHIP (ADM) (8100.1)

**§126-201-1. General.**

1.1. Scope. -- This legislative rule establishes the method to be used in computing average daily attendance (ADA) and average daily membership (ADM).

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Codes §§18-2-5, 18-8-1, et seq, 18-9B-5, 18-9B-9, 18A-5-6, and Public Law 100-297, Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

1.3. Filing Date. -- ~~July 18, 1995.~~

1.4. Effective Date. -- ~~August 17, 1995.~~

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. §126CSR201, Policy 8100.1, Computation of Average Daily Attendance (ADA) and Average Daily Membership (ADM), filed July 18, 1995, and effective August 16, 1995.

**§126-201-2. Purpose.**

2.1. ~~Average daily attendance~~ ADA is used in calculating various steps of the West Virginia Public School Support ~~Program Plan~~ and in calculating the state per pupil expenditures for use in determining federal program allocations. The policy defines a consistent method of computing ~~average daily attendance~~ ADA and ~~average daily membership~~ ADM in West Virginia.

**§126-201-3. Definitions.**

3.1. ~~Average Daily Attendance (ADA)~~ shall be the aggregate number of days of attendance during the regular school term divided by the number of days school is in session during this period measured to the nearest half-day. The total number should be for all public school pupils, including pupils enrolled in charter public schools, in prekindergarten through grade 12 excluding students in summer school, adult education courses, and community college. ADA shall include all forms and modes of instruction, including virtual and in-person.

3.2. ~~Average Daily Membership (ADM)~~ shall be the aggregate number of days of membership of a school during the regular school term divided by the number of days in session during this period measured to the nearest half-day. The total number should be for all public school pupils, including pupils enrolled in charter public schools, in prekindergarten through grade 12 excluding students in summer school, adult education courses, and community college. ADM shall include all forms and modes of instruction, including virtual and in-person.

**§126-201-4. State Administrative Procedures.**

4.1. The West Virginia State Department of Education ~~will~~ shall collect attendance data annually from the county boards of education and all charter public schools ~~attendance data annually~~ as of the tenth school month and shall utilize the data to compute the average daily attendance ADA and ~~average daily membership ADM~~ will be computed.

4.2. All public schools shall be responsible for maintaining accurate attendance records regardless of the form or mode of instruction.

**§126-201-5. Severability.**

5.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

**Policy 8100.1, Computation of Average Daily Attendance (ADA)  
and Average Daily Membership (ADM)**

**Comment Response Form**

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**Comment Period Ends: October 12, 2021**

**NOTICE:** *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 8100.1, Computation of Average Daily Attendance (ADA) and Average Daily Membership (ADM)**. Additional sheets may be attached, if necessary.

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Title: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Please check the box below that best describes your role.

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- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> County Board Member  | <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Higher Education |
| <input type="checkbox"/> Superintendent       | <input type="checkbox"/> Principal                  | <input type="checkbox"/> Parent/Family     | <input type="checkbox"/> Legislator       |
| <input type="checkbox"/> Central Office Staff | <input type="checkbox"/> Teacher                    | <input type="checkbox"/> Community Member  | <input type="checkbox"/> Other            |

COMMENTS/SUGGESTIONS
§126-201-1. General.
§126-201-2. Purpose.
§126-201-3. Definitions.
§126-201-4. State Administrative Procedures.
§126-201-5. Severability.



**Policy 8100.1, Computation of Average Daily Attendance (ADA)  
and Average Daily Membership (ADM)**

**Comment Response Form**

Please direct all comments to:

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School Finance Services  
West Virginia Department of Education  
Capitol Building 6, Room 318  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330  
E-Mail Address: [uriah.cummings@k12.wv.us](mailto:uriah.cummings@k12.wv.us)  
Telephone No.: 304.558.6300