



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

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)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

December 13, 2021

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.

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; W. Va. Code §§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. -- November 10, 2021.

1.4. Effective Date. -- December 13, 2021.

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

§126-201-3. Definitions.

3.1. 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. 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 Department of Education shall collect attendance data annually from the

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county boards of education and all charter public schools of the tenth school month and shall utilize the data to compute the ADA and ADM.

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.