

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

FILED

JUL 18 3 18 PM '95

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126
CITE AUTHORITY: W.Va. Code 18-2-5, 18-8-1, et seq., 18-9B-5, 18-9B-9, 18A-5-6,
P.L. 100-297
RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
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)

AMENDMENT TO AN EXISTING RULE: YES _____, NO X


IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 200 201

TITLE OF RULE BEING ADOPTED: Computation of Average Daily Attendance
(ADA) and Average Daily Membership (ADM) (8100.1)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 17, 1995



Victor A. Barone
Director, Legal Services

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Computation of Average Daily Attendance (ADA) and Average Daily Membership (ADM)

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

| EFFECT OF PROPOSAL | ANNUAL | | FISCAL YEAR | | |
|--|----------|----------|-------------|--------|------------|
| | INCREASE | DECREASE | CURRENT | NEXT | THEREAFTER |
| 1. ESTIMATED TOTAL COST | \$ -0- | \$ -0- | \$ -0- | \$ -0- | \$ -0- |
| PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER | \$ | \$ | \$ | \$ | \$ |
| 2. ESTIMATED TOTAL REVENUES | \$ | \$ | \$ | \$ | \$ |

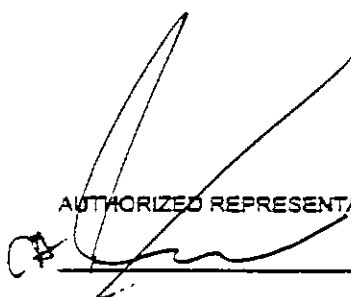
EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

The policy defines the method of computation for average daily attendance and average daily membership for statistical and funding purposes.

DATE
2/28/85

AGENCY
Education

AUTHORIZED REPRESENTATIVE



EXECUTIVE SUMMARY
West Virginia Board of Education
Policy
Computation of Average Daily Attendance (ADA) and
Average Daily Membership (ADM)

Background:

The West Virginia Department of Education receives annual federal program allocations which are calculated by using the average daily attendance. West Virginia must establish a policy for computing average daily attendance and average daily membership to comply with federal regulations. The Hawkins-Stafford Education Amendments of P. L. 100-297 require that state education agencies calculate average daily attendance in accordance with state law or policy. To obtain state per-pupil expenditures for use in determining federal program allocations, the National Center for Educational Statistics (NCES) divides each state's net current expenditure by the state's average daily attendance. Therefore, the West Virginia Board of Education adopts the following method of computation of average daily attendance and average daily membership.

Purpose:

Average daily attendance is used in calculating various steps of the West Virginia Public School Support Program and in calculating the state per pupil expenditures for use in determining federal program allocations. The policy will define a consistent method of computing average daily attendance and average daily membership to be used in West Virginia.

Impact:

The policy sets forth the method of computation of average daily attendance and average daily membership to be used consistently in reporting student attendance data in the schools of West Virginia.

126CSR200

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES ~~200~~ 201

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

²⁰¹
§126-~~200~~-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. -- West Virginia Code 18-2-5, 18-8-1, et seq, 18-9B-5, 18-9B-9, 18A-5-6, P.L. 100-297

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

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

²⁰¹
§126-~~200~~-2. Purpose.

2.1. Average daily attendance is used in calculating various steps of the West Virginia Public School Support Program 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 and average daily membership in West Virginia.

²⁰¹
§126-~~200~~-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 in prekindergarten through grade 12 excluding students in summer school, adult education courses and community college.

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 in prekindergarten through grade 12 excluding students in summer school, adult

education courses and community college.

²⁰¹
§126-~~200~~-4. State Administrative Procedures.

4.1 The State Department of Education will collect from the county boards of education attendance data annually as of the tenth school month and the average daily attendance and average daily membership will be computed.

Response Comments Received for Policy 8100.1

Three comments were received which dealt with record keeping requirements of Policy 8100.1 by the individual schools and county boards of education. Record keeping comments will be addressed when the instructions for the second month enrollment are distributed by the department.

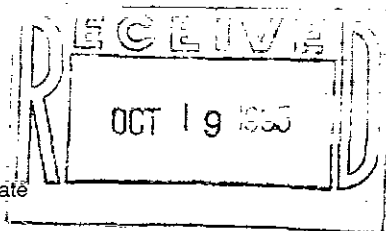
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Chief of Staff

JUDY COOPER
Director, Administrative Law

OCT 24 9 33 AM '95

PENNEY BARKER
Supervisor, Corporations

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SECRETARY OF STATE

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Charleston, WV 25305-0770

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

(Plus all the volunteer
help we can get)

RECEIVED

OCT 18 1995

SCHOOL TRANSPORTATION
AND FACILITIES

TO: David Stewart
CECIL BOLIN

AGENCY: Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 17, 1995

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 201 TITLE: 126 Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: David Stewart

TITLE OF PERSON SIGNING: ASSISTANT DIVISION CHIEF ADMINISTRATIVE SERVICES

DATE: 10-20-95

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.