

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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FILED

Nov 5 2 01 PM '92

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: WV Code 18-9A-5

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

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

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 206 (Policy 8223)

TITLE OF RULE BEING AMENDED: Basic State Aid: Waiver of 34/1000 and
Growth Limitation of School Service Personnel

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 7, 1992

Barbara L. Fox
November 4, 1992

NOTE; This policy filed as an emergency rule on July 20, 1992

3.60

FISCAL NOTE WORKSHEET

(Submit 4 copies)

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

State Bd. of Ed. Policy 8223 (Revised)

SUBJECT _____ FUND _____

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

COST 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 AND IN ITEM 3 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
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER				0	0
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$ 0	\$ 0

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

The State Board of Education revised policy 8223, Basic State Aid: Waiver of 34/1000 and Growth Limitation of School Service Personnel on July 10, 1992. The purpose of the Policy is to provide a means of implementing the provisions of 18-9A-5 whereby county superintendents can request a waiver to the thirty-four service personnel per one thousand students. The previous policy has been in effect since August 30, 1989.

This policy revision does not result in any costs to the State. However, the Legislature has appropriated \$500,000 to be prorated among eligible counties during 1992/93.

DATE
7/14/92

AGENCY
Education

AUTHORIZED REPRESENTATIVE

Executive Summary

§18-9A-5 Waiver of 34/1000 and Growth Limitations of School Service Personnel

Purpose:

The purpose of this policy is to implement §18-9A-5 so that county superintendents can request a waiver to the thirty-four service personnel per one thousand students in adjusted enrollment and the twenty percent per year growth cap when student population density and miles of bus routes driven justify it. Counties with net balances in the general current expense funds greater than three percent at the end of the fiscal year would not be eligible for the waiver.

Background:

State statute funds service personnel on a ratio of thirty-four service personnel per one thousand students in adjusted enrollment. Counties with sparse population and large geographical areas spend more on bus drivers, for example, than densely populated small counties. The funding formula does not differentiate between counties. This provision of §18-9A-5 was passed so that a fair and appropriate allowance would be made for sparsely populated counties.

IMPACT:

Leadership/Administrative: Counties with a sparse population would be eligible for more service personnel, so they can better meet the needs of students.

Financial: The Legislature appropriated \$500,000 for the 1992-93 school year for the purpose of funding approved waivers to the thirty-four per thousand students in adjusted enrollment and the twenty percent per year growth cap as provided for in §18-9A-5.

A legislative appropriation of \$1,170,636 was requested based on data for the 1992/93 School Aid Formula. The actual appropriation of \$500,000 will be prorated among eligible counties.

Instructional: Counties will have sufficient bus drivers to transport students to school. Local monies previously used for service positions that might have been allocated for this purpose will be available for instruction.

Societal: This policy allows for more equitable distribution of service personnel.

Political: Since the law limits eligibility to counties with no more than three percent net balance, sparsely populated counties with more than three percent net balance in the general current expense fund might spend monies they might not otherwise spend just to lower the net balance.

Economic: More equitable funding of service personnel in sparsely populated counties provides for more balanced delivery of services statewide.

TITLE 126
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-9A-5
SERIES 206
POLICY 8223

FILED

Nov 5 2 01 PM '92

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Title: Basic State Aid: Waiver of 34/1000 and Growth Limitation of School Service Personnel

Section 1. General

- 1.1 These rules establish regulations and procedures for receiving a waiver for the maximum ratio of thirty-four service personnel per one thousand students in adjusted enrollment and the twenty percent per year growth cap based on student population density and miles of bus routes driven.
- 1.2 Authority - 18-9A-5
- 1.3 Filing Date - November 4, 1992
- 1.4 Effective Date - December 7, 1992

Section 2. Definitions

- 2.1 The Density/Mileage Factor shall be the county's regular annual bus miles per pupil divided by into the county's student population density.
- 2.2 Student Population Density shall be the county's second month net enrollment divided by the total square miles per county.

Section 3. Waiver for Service Personnel which Exceed the 34/1000 Limit

- 3.1 All counties below a density/mileage factor of .05 shall be allowed one extra employee per 1,000 students in adjusted enrollment for each .01 that their density/mileage factor falls below the density/mileage factor of .05. No county shall receive a waiver for more employees than is allowed by the net enrollment limitation after it is adjusted for the density/mileage factor in proportion to the adjustment for the 34/1000 limit.

Section 4. Growth Limitation Waiver for Service Personnel

- 4.1 All counties below the density/mileage factor of .05 for student population density and miles of regular bus routes driven shall receive a full waiver of the 20% growth limitation.

Section 4.5 Procedure

- 4.1 If funds are appropriated, then by July 1 of the year to be funded, each county that is eligible for a waiver of the 34/1000 or the growth limitation of school service personnel should apply to the state superintendent.
- 4.2 No county may receive a retroactive waiver or a waiver for the current year unless there is a special appropriation from the Legislature for this purpose.
- 4.3 If partial funding is received, the funds will be prorated among the eligible counties.

Section 5. Calculation of Basic State Aid

- 5.1 The additional personnel added through the waivers shall not be counted in the Basic Resources Formula for computing Step 7.

Policy 8223: Basic State Aid: Waiver of 34/1000 and Growth Limitation of School Service Personnel

The West Virginia Board of Education is committed to providing rural counties the opportunity to employ additional bus operators to assist in transporting children to school in compliance with West Virginia Code 18-9A-5. This policy is established to provide a waiver to qualifying counties to employ more than the 34/1000 service personnel to meet the transportation needs of the students.

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Comment Log
Waiver of 34/1000 and
Growth Limitations of School Service Personnel

Directions: Please use this form in commenting on the Waiver of 34/1000 and Growth Limitations of School Service Personnel.

Individual/Organization: _____

Address: _____

SECTION	COMMENT
General Comments:	
Section 2: <u>Definitions</u>	
Section 3: <u>Waiver for Service Personnel which Exceed the 34/1000 Limit</u>	
Section 4: <u>Procedure</u>	
Section 5 <u>Calculation of Basic State Aid</u>	

Please submit comments by August 17, 1992 to:

Steve Priestley, Assistant Division Chief, WV Department of Education; 1900 Kanawha Blvd. East, Building 6, Room B-215, Charleston, WV 25305-0001