

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #7

Do Not Mark In this Box

FILED  
1992 FEB 25 AM 10:59  
STATE SECRETARY OF STATE  
WEST VIRGINIA

NOTICE OF AN EMERGENCY RULE

AGENCY: WEST VIRGINIA BOARD OF EDUCATION TITLE NUMBER: 126

CITE AUTHORITY: 18-9A-5

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , 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 RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

TITLE OF RULE BEING FILED AS AN EMERGENCY: Basic State Aid: Waiver of 34/1000 and Growth Limitation of School Service Personnel

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Current funding constraints require this policy to be effective immediately in order that county boards of education are free to budget accurately for fiscal year 1-93.

2.40  
Use Additional Sheets If Necessary.

*Barbara L. Estep*  
February 25, 1992

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

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 - February 25, 1992

1.4 Effective Date - February 25, 1992

Section 2. Definitions

2.1 The Density/Mileage Factor shall be the county's regular annual bus miles per pupil divided by 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. 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.

## FISCAL NOTE WORKSHEET

(Submit 4 copies)

HC NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT State Bd. of Ed. Policy 8223 (Revised) 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				0	0
OTHER					
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 February 14, 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, if funded, the cost would be \$1,170,636 for fiscal year 1993.

DATE  
2/19/92

AGENCY  
Education

AUTHORIZED REPRESENTATIVE