

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 513**

4 (By Senators Cookman, Plymale, Wells, Edgell, Stollings, Beach
5 and D. Hall)

6 _____
7 [Originating in the Committee on Education;
8 reported February 14, 2014.]
9 _____

**FISCAL
NOTE**

10
11
12 A BILL to amend and reenact §18-20-5 of the Code of West Virginia,
13 1931, as amended, relating to more equitable distribution to
14 county boards of reimbursement of the costs of serving high-
15 cost/high-acuity special needs students; eliminating
16 requirement for annual review of rules, policies and standards
17 and federal law and report to Legislative Oversight
18 Commission; defining "high-cost/high-acuity special needs";
19 and providing for method of fund disbursement.

20 *Be it enacted by the Legislature of West Virginia:*

21 That §18-20-5 of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted to read as follows:

23 **ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.**

24 **§18-20-5. Powers and duties of state superintendent.**

25 (a) The State Superintendent ~~of Schools~~ shall organize,

1 promote, administer and be responsible for:

2 (1) Stimulating and assisting county boards ~~of education~~ in
3 establishing, organizing and maintaining special schools, classes,
4 regular class programs, home-teaching and visiting-teacher
5 services.

6 (2) Cooperating with all other public and private agencies
7 engaged in relieving, caring for, curing, educating and
8 rehabilitating exceptional children, and in helping coordinate the
9 services of such agencies.

10 (3) (A) Preparing the necessary rules, policies, formula for
11 distribution of available appropriated funds, reporting forms and
12 procedures necessary to define minimum standards in providing
13 suitable facilities for education of exceptional children and
14 ensuring the employment, certification and approval of qualified
15 teachers and therapists subject to approval by the State Board: ~~of~~
16 ~~Education Provided~~, That no state rule, policy or standard under
17 this article or any county board rule, policy or standard governing
18 special education may exceed the requirements of federal law or
19 regulation.

20 (B) ~~The state superintendent shall annually review the rules,~~
21 ~~policies and standards of the state and federal law for serving the~~
22 ~~needs of exceptional children enrolled in the public schools and~~
23 ~~shall report to the Legislative Oversight commission on education~~
24 ~~accountability by December 1, or as soon thereafter as requested by~~
25 ~~the commission, 2008, and in each year thereafter, the findings of~~
26 ~~the review along with an accounting of the services provided and~~

1 ~~the costs thereof for exceptional children enrolled in the public~~
2 ~~schools of this state during the latest available school year. An~~
3 A separate appropriation shall be made to the Department of
4 Education to be ~~distributed~~ disbursed to county boards to ~~support~~
5 ~~children~~ assist them with serving exceptional children with high
6 cost/high acuity special needs. that exceed the capacity of county
7 ~~to provide with funds available. Each county board shall apply to~~
8 ~~the state superintendent for receipt of this funding in a manner~~
9 ~~set forth by the state superintendent that assesses and takes into~~
10 ~~account varying acuity levels of the exceptional students. An~~
11 exceptional child with high cost/high acuity special needs is a
12 student with a disability for whom the costs to the county exceed
13 three times the state average per pupil expenditure. The state
14 superintendent shall establish, in consultation and coordination
15 with representatives of the county boards, a method for the
16 disbursement of this appropriation to the county boards which:
17 (i) Addresses the impact that expenditures for serving all
18 exceptional children with high cost/high acuity special needs
19 enrolled with the school system have on the budget of the county
20 board; and
21 (ii) If the separate appropriation under this paragraph in
22 combination with federal funds available for these purposes are
23 insufficient to reimburse county boards fully for the costs of
24 serving all exceptional children with high cost/high acuity special
25 needs enrolled with the county, equalizes, as near as possible, the
26 percentage of the county's budget consumed by expenditures for

1 children with high cost/high acuity special needs that are not
2 reimbursed so that no county's budget is affected
3 disproportionately. Any remaining funds at the end of a fiscal
4 year from the appropriation shall be carried over to the next
5 fiscal year. When possible, federal funds shall be distributed to
6 county boards for this purpose before any of the state
7 appropriation is distributed. The state board shall promulgate a
8 rule in accordance with the provisions of article three-b, chapter
9 twenty-nine-a of this code that implements the provisions of this
10 subdivision relating to distributing the funds to the county
11 boards. The rule at least shall include a definition for "children
12 with high acuity needs" consistent with this subdivision.

13 (4) Receiving from county boards of education their
14 applications, annual reports and claims for reimbursement from such
15 moneys as are appropriated by the Legislature, auditing such claims
16 and preparing vouchers to reimburse said counties the amounts
17 reimbursable to them.

18 (5) Assuring that all exceptional children in the state,
19 including children in mental health facilities, residential
20 institutions, private schools and correctional facilities as
21 provided in section thirteen-f, article two of this chapter receive
22 an education in accordance with state and federal laws: *Provided,*
23 That the state superintendent shall also assure that adults in
24 correctional facilities and regional jails receive an education to
25 the extent funds are provided therefor.

26 (6) Performing other duties and assuming other

1 responsibilities in connection with this program as needed.

2 ~~(7) Receive the county plan for integrated classroom submitted~~
3 ~~by the county boards of education and submit a state plan, approved~~
4 ~~by the State Board of Education, to the Legislative Oversight~~
5 ~~Commission on Education Accountability no later than December 1,~~
6 ~~1995.~~

7 (b) Nothing contained in this section ~~shall be construed to~~
8 ~~prevent any~~ prevents a county board of education from establishing
9 and maintaining special schools, classes, regular class programs,
10 home-teaching or visiting-teacher services out of funds available
11 from local revenue.