

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 3126**

**FISCAL  
NOTE**

BY DELEGATES THOMPSON, HORNBUCKLE, WALKER,

YOUNG, GRIFFITH, BARACH AND DEAN

[Introduced March 12, 2021; Referred to the  
Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §18-2-44, relating to the statewide student count; requiring the use of 2019  
 3 student count instead of the 2020 student count for use in calculating the state school  
 4 funding formula and budgeting for the 2021-2022 fiscal year because of the disruptions of  
 5 the Covid-19 pandemic in 2020.

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

**ARTICLE 1. DEFINITIONS; LIMITATIONS OF CHAPTER; GOALS FOR EDUCATION.**

**§18-1-5. Public School Protection Act – 2020 Statewide Student Count.**

1 (a) The legislature finds that disruptions caused by the COVID-19 pandemic caused an  
 2 inaccurate student count during the October 1, 2020, statewide student count. As a valuable  
 3 resource of this state, West Virginia public schools deserve adequate funding and support.  
 4 Therefore, the Legislature and the West Virginia State Board of Education shall substitute the  
 5 October 1, 2019, for the October 1, 2020, student count for purposes of calculating the state  
 6 school funding formula and budgeting for the 2020-2021 fiscal year.

7 (b) This section shall be effective upon passage.

8 (c) This section shall be known as the “Public School Protection Act.”

NOTE: The purpose of this bill is to substitute the October 1, 2019, for the October 1, 2020, student count for purposes of calculating the state school funding formula and budgeting for the 2020-2021 fiscal year due to disruptions caused by the COVID-19 pandemic.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.