

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### House Bill 4699

FISCAL  
NOTE

BY DELEGATE HOUSEHOLDER

[Introduced February 15, 2022; 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 §18-10-6, relating to creating the Learning Loss Mitigation Program; providing  
3 for legislative findings; providing for the establishment of the program; providing eligibility  
4 for grant funds; specifying the use of grant funds; providing for the availability and  
5 expenditure of grant funds; providing for the administration of the fund; and providing for  
6 funding.

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

## **ARTICLE 10. FEDERAL AID AND GIFTS FOR EDUCATIONAL PURPOSES.**

### **§18-10-6. Learning Loss Mitigation Program established; federal aid for education; American Rescue Plan Act funding.**

1 (a) Legislative findings. - In the wake of the COVID-19 pandemic, the Legislature finds  
2 that the unique and varied needs of students should be met with a response that allows families  
3 to identify programs, interventions, services and activities that address experienced learning loss  
4 and the ongoing educational needs of their children. Therefore, contingent upon the appropriation  
5 of funds, the Legislature directs the State Treasurer, in consultation and coordination with the  
6 Department of Education, to establish and administer a program that allows parents of eligible  
7 children to use federal funds intended to mitigate the negative impacts of COVID-19 towards  
8 allowable educational uses of their choice to address student learning loss, provide summer  
9 learning or enrichment, and provide comprehensive after-school programs in ways that meet the  
10 academic, social and emotional needs of students. In doing so, the State Treasurer shall use  
11 \$22,843,000 of the funds described in subsection (g) of this section to provide grants for eligible  
12 students under the Learning Loss Mitigation Program established in accordance with this section.

13 (b) Program Established. – There is established the Learning Loss Mitigation Program,  
14 to be administered by the State Treasurer in consultation and coordination with the Department  
15 of Education. The State Treasurer shall provide a one-time grant to each recipient household with  
16 an eligible child in accordance with the Program. The State Treasurer shall ensure that funds

17 directed to a recipient household are limited to funds used for allowable expenditures permitted  
18 under subsection (d) of this section. Grants shall be awarded in an amount of one thousand dollars  
19 (\$1,000) per eligible child with a maximum grant award not to exceed three thousand dollars  
20 (\$3,000) per recipient household. The State Treasurer shall make grant funds available to  
21 recipient households as soon as practicable, but no later than August 16, 2022.

22 (c) Eligibility for Grant Funds. – For the purposes of this section, an “eligible child” shall  
23 mean any child:

24 (1) Residing in West Virginia and who is of elementary or secondary school-age and is  
25 eligible to attend a West Virginia public school; and

26 (2) Whose parent or legal guardian has signed an agreement with the State Treasurer to  
27 only use the Learning Loss Mitigation Program funds for allowable expenditures permitted under  
28 subsection (d) of this section.

29 No grant shall be awarded to more than one recipient household for the same eligible  
30 child.

31 (d) Use of Grant Funds. – The State Treasurer shall ensure that the use of Learning Loss  
32 Mitigation Program grant funding is limited to the following allowable expenditures:

33 (1) Participation in summer enrichment programs;

34 (2) Academic and enrichment programs designed to serve students before or after normal  
35 school hours;

36 (3) Tutoring services provided by an individual or tutoring facility;

37 (4) Textbooks, curriculum, or other instructional materials, including educational software  
38 and online learning materials;

39 (5) Therapies for students with disabilities from a licensed or accredited practitioner or  
40 provider, including, but not limited to, occupational, behavioral, physical, and speech-language  
41 therapies;

42 (6) Educational programs or courses offered for a fee or pursuant to contract by a local  
43 public school, public charter school, nonpublic school, institution of higher education, or career  
44 and technical education program;

45 (7) Fees for broadband internet service connectivity; and

46 (8) Fees for nationally standardized assessments, advanced placement examinations,  
47 any examinations related to college or university admissions, or industry-recognized certification  
48 examinations, and tuition and/or fees for preparatory courses for the aforementioned  
49 assessments and examinations.

50 (e) Availability and Expenditure of Grant Funds. – Learning Loss Mitigation Program grant  
51 funds shall be awarded on a first-come, first-serve basis according to the availability of  
52 appropriated funds: *Provided*, That the State Treasurer shall ensure that any such grant funds  
53 awarded during the first 45 days of the program be first allocated to eligible low-income students  
54 whose household has an adjusted gross income under \$50,000, as verified by the State Tax  
55 Department using the prior year’s tax returns. Any grant funds awarded to a recipient household  
56 must be spent by the recipient household no later than September 1, 2023. Any unexpended  
57 funds remaining after September 30, 2023, shall be returned to the State.

58 (f) Administration. – The State Treasurer may contract with private organizations for  
59 purposes of facilitating the administration and compliance requirements of the Learning Loss  
60 Mitigation Program. The private organizations may also include any vendors, auditing firms, or  
61 financial institutions who can restrict the use of funds to allowable expenditures or firms that  
62 preauthorize allowable expenditures. The State Treasurer may use up to \$500,000 of the funds  
63 allocated for the Learning Loss Mitigation Program for administrative costs, including any costs  
64 necessary to contract with private organizations. To the extent necessary, the State Treasurer  
65 may propose emergency and legislative rules pursuant to §29A-3-1 *et seq.* of this code for the  
66 administration of the Learning Loss Mitigation Program.

67 (g) Funding. – The amounts dedicated to the Learning Loss Mitigation Program in this  
68 section shall be from the discretionary portion of the funding for K-12 education provided to this  
69 state pursuant to the federal American Rescue Plan Act of 2021. Upon appropriation of these  
70 funds by the Legislature, these funds shall be transferred from the fund in which they are being  
71 held in the State Treasury in the manner necessary for the State Treasurer to expend the same  
72 pursuant to this section.

NOTE: The purpose of this bill is to establish the Learning Loss Mitigation Program, which will provide \$1,000 grants from available federal funds for eligible children in order to address the negative impacts of COVID-19 and student learning loss through summer learning and enrichment and comprehensive after-school programs that meet the academic, social and emotional needs of West Virginia students.

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