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HOUSE BILL NO. 2389

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend the Code of Virginia by adding in Chapter 13.2 of Title 22.1 a section numbered 22.1-253.13:9, relating to apportionment of the state and local share for providing certain educational programs.

Patrons—Albo, Almand, Amundson, Bolvin, Callahan, Darner, Devolites, Hugo, Petersen, Reese and Rust; Senators: O'Brien and Ticer

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 13.2 of Title 22.1 a section numbered 22.1-253.13:9 as follows:

§ 22.1-253.13:9. Fairness in Education Funding Act; goal of General Assembly for fairness in apportionment of state and local share.

A. The General Assembly finds that, to properly fund the Standards of Quality in a manner that establishes an equal opportunity to a quality education in all areas of the Commonwealth and fulfills the requirements set forth in Article VIII, § 2 of the Constitution of Virginia and the requirements set forth in the Common Law of Virginia by the Commonwealth's Courts, funding formulas are the best and most equitable way for the Commonwealth to distribute the state's share of costs of educational programs. The General Assembly further finds that (i) all issues regarding the complicated question of equitable distribution of the state's share of costs of educational programs cannot be solely determined by the use of any single formula; and (ii) to ensure that no school division is unduly burdened by the strict adherence to any such formula, any formula used should include maximum and minimum parameters.

The General Assembly therefore establishes a goal to place a ceiling a local school division's local share of fulfilling the Standards of Quality for any school division at no more than 65 percent, and a floor for the state's share of fulfilling the Standards of Quality for any school division at no less than 35 percent.

B. In apportioning the state and local share for the costs of providing an educational program meeting the Standards of Quality as required by Article VIII, § 2 of the Constitution of Virginia, the General Assembly shall, beginning July 1, 2003, in any year in which general fund revenue growth is at least 3 percent greater than population and inflation growth combined for the previous year, increase the state share by 3 percent of the total costs, so that, upon full implementation of this section, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs.

Such annual increases in the state share shall be granted to those school divisions whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

The per pupil costs of providing such required educational program for school divisions whose local share as of July 1, 2002, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2003.

Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2003 level; and (ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act.

INTRODUCED

HB2389