

Appendix B: MOE Data Submission

State West Virginia

Data Submission Timelines

	State support for elementary and secondary education	State support for higher education	Overall State spending
FY 2017	Submitted September 1, 2020; May be updated by May 17, 2021		Due May 17, 2021
FY 2018			
FY 2019			
FY 2020	Submitted December 30, 2020; May be updated by May 17, 2021		
FY 2021	Collected by December 30, 2021		
FY 2022	FY 2022 data on appropriated or allocated amounts for State support for elementary and secondary education, State support for higher education, and overall State spending will be collected by December 30, 2021. The Department intends to collect final expenditure data in spring 2023 when data are available.		
FY 2023	FY 2023 data on appropriated or allocated amounts for State support for elementary and secondary education, State support for higher education, and overall State spending will be collected by December 30, 2022. The Department intends to collect final expenditure data in spring 2024 when data are available.		

Data for State support and overall State spending

A State must submit the required information below. Additionally, a State may use this form to update previously submitted MOE data for FYs 2017, 2018, 2019, and 2020.

	State support for elementary and secondary education	State support for higher education	Overall State spending	State support for elementary and secondary education as a proportion of overall State spending	State support for higher education as a proportion of overall State spending
FY 2017	\$ 2,051,518,717	\$ 449,121,680	\$ 4,896,309,862	41.9 %	9.2 %
FY 2018	\$ 2,065,557,314	\$ 433,955,901	\$ 4,976,817,978	41.5 %	8.7 %
FY 2019	\$ 2,131,808,396	\$ 458,594,564	\$ 5,166,113,309	41.3 %	8.9 %
Average FYs 2017-2019				41.6 %	8.9 %
FY 2020	\$ 2,200,833,575	\$ 484,086,297	Not required	Not required	Not required
FY 2021	\$ 2,120,040,899	\$ 518,308,139	Not required	Not required	Not required
FY 2022 interim data*	\$ 2,009,911,040	\$ 464,345,266	\$ 5,357,274,216	37.5 %	8.7 %
FY 2022 (final data)	\$ 2,049,783,217	\$ 459,237,812	\$ 5,047,200,015	40.6 %	9.1 %
FY 2023 interim data*	\$ 2,108,062,356	\$ 498,188,940	\$ 6,067,191,556	34.7 %	8.2 %
FY 2023 (final data)	\$ 2,133,443,840	\$ 496,346,268	\$ 6,165,008,851	34.6 %	8.1 %

*Appropriated or allocated

Additional submission requirements: In an attachment, identify and describe the data sources used in determining the levels of —

- (a) State support for elementary and secondary education;
- (b) State support for higher education; and
- (c) Overall State spending.

NOTE: You are only required to submit this information for data categories included in your submission above.

To the best of my knowledge and belief, all of the information in this MOE data submission is true and correct and the failure to submit accurate data may result in liability under the False Claims Act, 31 U.S.C. § 3729 et seq.; OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and 18 USC § 1001, as appropriate, and other enforcement actions.

James C. Justice, II, Governor

304-558-2000

Governor or Chief State School Officer or Authorized Representative (Typed or Printed Name) Telephone

Signature of Governor or Chief State School Officer or Authorized Representative

Date

Public Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0745. Public reporting burden for this collection of information is estimated to average 5.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit under section 18008 of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act, Division M, Section 317 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA) Act, and Section 2004(a) of the American Rescue Plan Act of 2021 (ARP Act) If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact Britt Jung, Office of State and Grantee Relations, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-6450, email: SGR@ed.gov directly.

Appendix B - Attachment A

All data was determined by the State Budget Office:

- FY 17 through FY21 and FY22 and FY23 Actual Expenditure data was derived from final expenditure reports for each agency falling under K-12 and higher education respectively.
- FY22 and FY23 Interim Data was derived from the state budget for each year representing appropriated funds at the time of the report submission.
- Additional K-12 expenditures were extrapolated from other agencies for FY17-FY23 as follows:

MOE Resubmission – Summary of Changes to Base and Measurement Years for K-12 Expenditures

WV has made the following changes that represent K-12 education expenses that came from sources other than the Dept. of Education. These changes have been made to both the base years and the measurement years.

- Governor’s Office expenses credit to education
 - Expenses for school flood repair and construction
 - Expenses for Communities in Schools Program
 - Grants for K-12 Education
 - Vaccine incentive funds to schools
 - Expenses for WV Virtual School
 - Expenses from the WV Secondary Schools Activity Commission

- Public Employees Insurance Agency
 - Funding toward education employee insurance coverage

- National Guard
 - Challenge Academy (an alternative education program)
 - Future Leaders of ROTC Program

- Culture and History
 - Grant to public education districts
 - Internship Program

- Department of Education
 - Reappropriated general fund education expenditures

- Health and Human Services
 - Expenses for School Based Mental Health, School Based Health Centers, School Based Tobacco and Substance Abuse Prevention

Appendix B - Attachment B

State Appropriations to Education FY2024 & FY2025

Fund Class	FY2023 Actual Expenditures	FY2024 Current Budget*	FY2024 Proposed		FY24 Proposed	FY2025 Budget Bill	FY2025
			Supplemental Appropriations	FY2024 Total Recommendation	Increase over FY23 Actuals	Governor's Recommendation**	Proposed Increase over FY23 Actuals
General Revenue	2,002,817,098	2,248,269,789	158,668,528	2,406,938,317	404,121,219	2,319,296,333	316,479,235
Lottery Fund	34,751,293	32,385,538	-	32,385,538	(2,365,755)	32,754,463	(1,996,830)
Excess Lottery Fund	78,966,477	51,000,000	-	51,000,000	(27,966,477)	39,000,000	(39,966,477)
Grand Total	2,116,534,868	2,331,655,327	158,668,528	2,490,323,855	373,788,987	2,391,050,796	274,515,928

Total proposed increase over FY23 Actuals included in FY24 and FY25 Recommendations:

\$ 648,304,915

*FY2024 Current Budget includes a \$2,300 across-the-board pay raise for teachers and service personnel; funding also included for the first phase "Third Grade Success Act" which increases the number of classroom aides; reductions from Governor's Recommendation include decreases in pension contributions per actuarial requirements, increased local share attributed to increases in assessed property values, and a reduction in funding for school construction

**FY 2025 Governor's Recommendation includes a 5% Teacher/Service Personnel pay raise; the second phase of the "Third Grade Success Act"; 10.5% increase in PEIA employer premiums; increase in local share attributed to increases in assessed property values (resulting in a decrease of \$63 mil. state appropriations in FY25 based on the WV's school aid formula)

FY24 GR Surplus Section Appropriations	FY2024 Governor's Recommendation	FY2024 Enrolled Budget Bill
School Building Authority	40,000,000	40,000,000
Communities in Schools	5,000,000	5,000,000
Jobs & Hope	1,600,000	1,600,000
Schools for the Deaf and the Blind	500,000	500,000
PEIA Rainy Day Fund (est. Edu. portion 53%)	7,950,000	-
Total	55,050,000	47,100,000

*Utilization of the PEIA Rainy Day Fund as a subsidy for PEIA has been discontinued. Instead, the legislature passed SB 268 which will increase both employer and employee premiums, resetting to an 80-20 ratio.

FY23 Recommended Supplemental Appropriations	Bill Number - 2023 RS	Governor's Recommendation	2023 RS Supplemental Appropriations*
School Building Authority	HB 3527	25,000,000	25,000,000
Electric School Bus Purchases	HB 3527	15,000,000	15,000,000
Teacher Aide Program	HB 2905	37,378,455	-
Hope Scholarship	HB 2912	15,000,000	-
PEIA Rainy Day Fund (est. Edu. portion = 53%)	HB 2909	45,050,000	-
Increased Enrollment for Charter Schools	SB 510	2,400,000	2,400,000
Total		139,828,455	42,400,000

*The funding for the Teacher Aide Program was incorporated into the FY24 General Revenue Budget; PEIA Rainy Day Fund eliminated due to SB 268 as noted above

FY24 Enrolled Supplemental Appropriations	Bill Number - 2023 1EX	Governor's Recommendation	2023 1EX Supplemental Appropriation
PEIA Employer premium increase for School Aid Formula	SB 115 - 2023 1EX	55,847,110	55,847,110

FY24 Recommended Supplemental Appropriations	Bill Number - 2024 RS	Governor's Recommendation
School Building Authority	SB 653/HB 5447	150,000,000
Charter School Startup	SB 643/HB 5455	5,000,000
Education - Increasesd Enrollement	SB 646/HB 5463	3,289,060
Education - Statutory Raises for professional educators employed by the Dept.	SB 641/HB 5473	379,468
Total		158,668,528

FY25 GR Surplus Section Appropriations	Governor's Recommendation
Communities in Schools	10,000,000

Additional Requests for Higher Education

The Higher Education Policy Commission (HEPC) received an additional appropriation of \$20 million in FY24 for the Governor's nursing program expansion. It can be found in the General Revenue - Surplus Section of the FY24 budget bill, HB 2024 (<https://budget.wv.gov/approvedbudget/Documents/hb2024%20sub%20enr.pdf>).

404 - Higher Education Policy Commission -

Administration -

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2024 Org 0441

1 Nursing Program Expansion Support - Surplus XXXXX \$ 20,000,000

198

The Governor has also proposed an additional \$30 million this session. The legislature may include it as a supplemental appropriation or in the surplus section of the FY25 budget bill.

[sb662 intr.pdf \(wvlegislature.gov\)](#)

105 - Higher Education Policy Commission –

Administration –

Control Account

Intr SB 2024R3613S 2024R3614H

(W.V. Code Chapter 18B)

Fund 0589 FY 2024 Org 0441

9a Nursing Program Expansion Support..... 42202 \$ 30,000,000

NOTE: The purpose of this supplemental appropriation bill is to add an item of appropriation in the aforesaid account for the designated spending unit for expenditure during the fiscal year 2024.

Appendix C: MOE Waiver Request

This form must be used for the submission of a request for a waiver of the requirements noted below. For assistance, please contact your State mailbox, which is [State].oese@ed.gov .

State West Virginia

On behalf of my State, I request a waiver of the following State maintenance of effort (MOE) requirements for the following fiscal years:

Please check all that apply:

- FY 2020 MOE requirement for elementary and secondary education under section 18008 of the CARES Act.
- FY 2020 MOE requirement for higher education under section 18008 of the CARES Act.
- FY 2021 MOE requirement for elementary and secondary education under section 18008 of the CARES Act.
- FY 2021 MOE requirement for higher education under section 18008 of the CARES Act.
- FY 2022 MOE requirement for elementary and secondary education under section 317(a) of the CRRSA Act and section 2004(a) of the ARP Act.
- FY 2022 MOE requirement for higher education under section 317(a) of the CRRSA Act and section 2004(a) of the ARP Act.
- FY 2023 MOE requirement for elementary and secondary education under section 2004(a) of the ARP Act.
- FY 2023 MOE requirement for higher education under section 2004(a) of the ARP Act.

Data for State support and overall State spending

A State must resubmit the baseline data for FYs 2017, 2018, and 2019 (baseline years) as part of this MOE waiver request. If these baseline data differ from a State’s previously submitted data, please provide a description of the reason for the change. Additionally, a State must submit MOE data for the years in which it is requesting this waiver.

	State support for elementary and secondary education	State support for higher education	Overall State spending *	State support for elementary and secondary education as a proportion of overall State spending	State support for higher education as a proportion of overall State spending
FY 2017	\$ 2,051,518,717	\$ 449,121,680	\$ 4,896,309,862	41.9 %	9.2 %
FY 2018	\$ 2,065,557,314	\$ 433,955,901	\$ 4,976,817,978	41.5 %	8.7 %
FY 2019	\$ 2,131,808,396	\$ 458,594,564	\$ 5,166,113,309	41.3 %	8.9 %
Average FYs 2017-2019				41.6 %	8.9 %
FY 2020	\$ 2,200,833,575	\$ 484,086,297	\$	Not Required	Not Required
FY 2021	\$ 2,120,040,899	\$ 518,308,139	\$	Not Required	Not Required
FY 2022	\$ 2,049,783,217	\$ 459,237,812	\$ 5,047,200,015	40.6 %	9.1 %
FY 2023	\$ 2,133,443,840	\$ 496,346,268	\$ 6,165,008,851	34.6 %	8.1 %

*For overall State spending, a State may request a waiver based on final allocations or appropriations. For more information, see FAQ 10.

Additional submission requirements

In an attachment, please provide:

1. A description of the extent to which the State experienced fiscal burdens in preventing, preparing for, and responding to the coronavirus and an explanation of how those fiscal burdens affected the State's ability to maintain fiscal effort (e.g., the status of and any changes to the State's rainy day fund, whether the State experienced a decline in revenues, or an increase in other emergency expenses resulting from the pandemic, such as expenses related to health care, unemployment insurance, or support for small businesses); and
2. Documentation and data supporting the description of the State's fiscal burdens (e.g., revenue data, appropriation tables, unemployment statistics, etc.) including any State action that impacted State revenue (e.g., tax increases or decreases).
3. In addition, in its waiver request, a State should submit information on the relevant factors listed below to support its request. The Secretary may ask States for additional information after States submit the MOE waiver request form.

In determining whether to grant a State an MOE waiver, the Secretary may consider factors such as:

Has the State increased support for education?

The Department understands that it is possible that a State has maintained or increased overall funding for education and the proportion of the State budget for education has still declined because of increases in other areas of the budget (e.g., public health). In these cases, the Secretary may consider:

- Has total State funding for K-12 education and for higher education (calculated separately) increased from the prior fiscal year?
- Has total State funding for K-12 education and for higher education (calculated separately) increased over time (e.g., since baseline years)?
- Has per-pupil State funding for K-12 education and for higher education (calculated separately) increased from the prior fiscal year?
- Has per-pupil State funding for K-12 education and for higher education (calculated separately) increased over time (e.g., since baseline years)?
- Has the State appropriated an increase in State funding for K-12 education and for higher education for future fiscal years?

Are there exceptional circumstances that caused the State to be unable to maintain support for education?

If a State's support for education declined, the Secretary may consider:

- Are there specific severe effects of the COVID-19 pandemic on the State's economy that necessitated reductions in support for elementary and secondary education and for higher education?
- What steps did the State take to avoid and/or minimize such reductions?
- Did the State use Coronavirus State and Local Fiscal Recovery Funds awarded by the U.S. Department of the Treasury under section 9901 of the ARP Act to support elementary and secondary education and higher education?
- How did reductions in support for elementary and secondary education and for higher education compare to other budget categories?
- Did the State take steps that reduced or will it take steps to proactively reduce its financial resources in a way that impacted or will impact its ability to meet MOE requirements (e.g., tax changes (and in what context), additional contributions to rainy day funds)? If so, what was the impact of the reduction (e.g., to what extent were its resources reduced or will its resources be reduced)?

Has the State used or will it use ESSER, GEER, or Higher Education Emergency Relief (HEER) funding to replace State funding for education?

It is important for the Department to understand the State's use of pandemic-related Federal funds when reviewing a request for a waiver. The Secretary may therefore consider:

- Will all unallocated ESSER or GEER funds relevant to the waiver be used to provide net new resources to K-12 schools and to higher education and not be used to replace existing State commitments to K-12 education and to higher education?
- Will all unallocated HEER funds be used to provide net new resources to higher education and not be used to replace existing State commitments to higher education?
- Has the State previously used any ESSER, GEER, or HEER funds to replace State funding for education?

To the best of my knowledge and belief, all of the information in this MOE data submission are true and correct and the failure to submit accurate data may result in liability under the False Claims Act, 31 U.S.C. § 3729 et seq.; OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and 18 USC § 1001, as appropriate, and other enforcement actions.

James C. Justice, II, Governor

304-558-2000

Governor or Chief State School Officer or Authoritative Representative (Typed or Printed Name) Telephone

(b) (6)

02-21-24

and Representative

Date

Public Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0745. Public reporting burden for this collection of information is estimated to average 2 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit under section 18008 of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act, Division M, Section 317 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA) Act, and Section 2004(a) of the American Rescue Plan Act of 2021 (ARP Act) If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact Britt Jung, Office of State and Grantee Relations, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-6450, email: SGR@ed.gov directly.

Appendix C - Attachment A

WV MOE Waiver Request – Additional Submission Requirements Attachment

Justification for Changes in Baseline Data: The original data represented only educational funding that was authorized through the WV Department of Education’s budget. Since the original submission, the State Budget Office has provided the actual expenditure data for all education spending regardless of which state agency budget it was spent from (i.e. WV School Building Authority). These new expenditures types were also added into the baseline years as needed.

- 1. A description of the extent to which the State experienced fiscal burden in preventing, preparing for, and responding to the coronavirus and an explanation of how those fiscal burdens affected the State’s ability to maintain fiscal effort (e.g., the status of and any changes to the State’s rainy day fund, whether the State experienced a decline in revenues, or an increase in other emergency expenses resulting from the pandemic, such as expenses related to health care, unemployment insurance, or support for small businesses)**

At the beginning of the pandemic West Virginia experienced a drop in revenue and revenue budget estimates had to be adjusted accordingly. The pandemic had negative effects on West Virginia’s businesses and citizens, with the unemployment rate rising significantly. Using the revenue definitions and calculation methodology submitted for the U.S. Department of the Treasury for the State Fiscal Recovery Fund allocation through the American Rescue Plan Act, the state experienced a revenue shortfall of nearly \$738,235,338 when comparing the state’s general fund budget for 2020 to that of fiscal year 2019. This projected shortfall is significant when compared to the state’s total general revenue budget. Using this method, a shortfall was also calculated for the state’s general revenue fund in 2021.

During 2021, the state experienced significant strains on its health care system as a result of the Delta variant. The state moved quickly to institute the Saving our Care initiative (SOC). The SOC initiative allocated over \$13 million in state revenue to provide staffing assistance and financial help to hospitals and assisted living facilities. These funds also provided additional financial assistance to hospitals that were suffering financially due to the deferment of elective procedures. The SOC initiative was necessary to ensure the continuity of medical services so that medical care would not have to be rationed.

The pandemic not only strained the state’s medical system, but it also caused large increases in enrollment in the state’s Medicaid system from March 2020 to March 2022. This increase is expected to cost the state over \$99 million with additional state funding provided to cover this pandemic related cost.

2. **Documentation and data supporting the description of the State’s fiscal burdens (e.g., revenue data, appropriate tables, unemployment statistics, etc.) including any state action the impacted State revenue (e.g., tax increases or decreases).**

State of West Virginia Revenue Loss (as defined by US Dept of Treasury Interim Final Rule)

	<u>2020</u>	<u>2021</u>
Base Year General Revenue	\$8,774,682,834	\$8,774,682,834
Actual General Revenue	\$8,729,694,639	\$9,610,468,349
Growth Adjustment Rate	5.2%	5.2%
Adjusted Revenue	\$9,467,929,977	\$9,960,262,336
Estimated Loss due to COVID	\$738,235,338	\$349,793,987

WV General Revenue Fund Reports

[Monthly Revenue and Cash Flow Reports \(wv.gov\)](http://wv.gov)

Workforce WV Unemployment Statistics

[WorkForce West Virginia LMI \(workforcewv.org\)](http://workforcewv.org)

3. **In addition, in its waiver request, a State should submit information on the relevant factors listed below to support its request. The Secretary may ask States for additional information after States submit the MOE waiver request form.**

Has the State increased support for education?

The State of West Virginia funds education on a formula basis which is primarily driven by student enrollment. The pandemic brought many challenges to the state education system, one of those being declining enrollment. The state saw less students being enrolled in Pre-k, with parents choosing instead to keep their children home until kindergarten. Higher Ed also saw a large enrollment decline during the pandemic, with students choosing not to enroll in programs while they remained virtual. However, as you can see from the charts below, the state not only maintained but is on track to steadily increase education spending when analyzed on a per pupil basis. Also, when looking at total education spending, the state continues to increase its total spending on education despite the declining enrollment trends. So not only did the state maintain it’s funding formula on a per-pupil-basis, it continued to increase funding to education over and above the state required formula as can be seen with the increasing education funding trend compared to the decreasing enrollment trend.

Baseline Per Pupil MOE Targets

	Overall Spending	K12 Spending	Enrollment	Per Pupil Spending	Higher Ed Spending	Enrollment	Per Pupil
FY17	\$4,896,309,862	\$2,051,518,717	273,170	\$7,510.04	\$449,121,680	71,805	\$6,254.74
FY18	\$4,976,817,978	\$2,065,557,314	270,613	\$7,632.88	\$433,955,901	70,572	\$6,149.12
FY19	\$5,166,113,309	\$2,131,808,396	265,755	\$8,021.71	\$458,594,564	68,392	\$6,705.38
Avg				\$7,721.54			\$6,369.75

Per Pupil MOE for FY22 & FY23

	Overall Spending	K12 Spending	Enrollment	Per Pupil Spending	Higher Ed Spending	Enrollment	Per Pupil
FY22	\$5,047,200,015	\$2,049,783,217	250,899	\$8,169.75	\$459,237,812	60,642	\$7,572.93
FY23	\$6,165,008,851	\$2,116,534,868	250,049	\$8,464.48	\$496,346,268	59,452	\$8,348.69

Are there exceptional circumstances that caused the State to be unable to maintain support for education?

Although the state did experience a decline in revenue due to the economic effects of the pandemic, the state did not make cuts to education spending. The state's inability to maintain effort is mainly due to the stark differences in the way MOE is calculated compared to how education is funded in West Virginia. When looking at the chart above the state is on track to increase spending in both 2022 and 2023 on a per-pupil basis by 5.8% and 9.6% for K12 and 18.9% and 31.1% for higher education, respectively.

Expenditures in non-educational areas has increased at a greater rate due to inflation and worker shortages in specific areas such as:

- Corrections - the Governor had to declare a state of emergency in state corrections facilities and bring the National Guard in to cover shortages in corrections staff which led to a supplemental budget request to increase corrections officer salaries.
- Nursing - the Department of Health Services requested an emergency appropriation of \$50M in FY24 and an additional regular FY25 appropriation of \$50 to cover the cost of contract nursing services in state run health care facilities.
- Child Welfare Workers - the state appropriated additional funding for salary increases to child welfare workers in order attract more candidates to vacancies in this area.
- Building materials - increased cost of building supplies has increased the contracts on all infrastructure projects by approximately 40%.

Has the State used, or will it use ESSER, GEER, or Higher Education Emergency Relief (HEER) funding to replace State funding for education?

No. The state has not, nor does it intend to use ESSER, GEER, or Higher Education Emergency Relief (HEER) funding to replace State funding for education. All ESSER, GEER and HEER funds were allocated for new supplemental educational activities over and above what the state funding formulas provide.