

# West Virginia

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## FUNDING PRIORITIES FOR P-12 AND HIGHER EDUCATION

Priorities in education funding and education policy making in general affecting education funding appear to be strongly influenced by the political climate in the ruby red state of West Virginia. The state is a political ‘trifecta,’ with a Republican Governor and both the West Virginia House of Delegates and the West Virginia Senate holding Republican supermajorities. This political context appears to strongly affect legislative priorities for K-12 funding related issues, including emphasis on expansion of charter schools and legislation regarding the state’s teaching force.

Conversely, higher education funding appears to be off the political radar in the state as compared to K12 education funding. Forecasts indicate flat or decreasing higher education funding in the coming years - state funding for higher education in the fiscal year 2021 budget is down nearly \$100 million, (almost 15% in inflation adjusted dollars) since the peak in FY 2013.<sup>1</sup>

## CHANGES TO FUNDING FORMULA FOR P-12 AND HIGHER EDUCATION

The State of West Virginia has utilized a pupil equity funding formula in the intervening since 1984, based on the result of the *Pauley v. Kelly*<sup>2</sup> and *Pauley v. Bailey*<sup>3</sup> education funding litigation.<sup>4</sup> There have been no fundamental changes to the West Virginia K12 education funding formula in more than a decade. A significant change in higher education funding over the last several years appears to be substantial tuition increases to offset declines in state higher education funding.<sup>5</sup>

## PRESSING STATE ISSUES AFFECTING P-12 AND HIGHER EDUCATION FUNDING

Two legislative measures related to WV teachers, not directly financial in nature but certainly bearing an indirect impact on education funding, were enacted

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1. West Virginia Center on Budget & Policy, *Disinvestment in Higher Education Continues to Hurt West Virginia’s Future*, available at <https://wvpolicy.org/disinvestment-in-higher-education-continues-to-hurt-west-virginias-future/>.

2. *Pauley v. Kelly*, 255 S.E.2d 859 (1979).

3. *Pauley v. Bailey*, 324 S.E.2d 128 (1984).

4. West Virginia Department of Education, *State of West Virginia Abbreviated Summary of the Public School Support Program Based on the Final Computations*.

5. West Virginia Center on Budget & Policy,

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during the 2021 session of the State Legislature. Senate Bill 11 declares any work stoppage or strike by public employees to be unlawful,<sup>6</sup> apparently in reaction to the walkout by West Virginia educators in 2018. Though the new legislation broadly applies to state employees, it includes a specific provision for K12 teachers and other school district employees, requiring county districts to dock the salaries of teachers or other employees who violate the law by walking out.

Senate Bill 14, apparently a response to an expanding teacher shortage in the state, expands alternative teacher certification provisions in the state.<sup>7</sup> Previously, teachers were eligible for alternative path for teacher certification by earning a degree within the teaching field. SB 14 eliminated the teaching field requirement, allowing candidates to be certified in a teaching area for which they possess no concomitant academic degree.

#### FORCES DIVERTING FUNDS FROM TRADITIONAL PUBLIC SCHOOL DISTRICTS

House Bill 2012, signed by Governor Justice, allows an expansion from three to ten charter schools in the state over the next three years. The legislation permits the establishment of virtual charter schools, both statewide and within county districts, for the first time in the state. The legislation also empowers a new West Virginia Professional Charter School Board to review charter school applications and authorize new charters.<sup>8</sup>

Perhaps more controversially, HB 2013 establishes the Hope Scholarship Program in the state. The legislation allows students who opt to leave public school to continue to receive public dollars to help support their education. Students who attend private schools as well as homeschooled students are eligible for financial support, and in five years even if that student never attended a public school will be eligible.<sup>9</sup> Unsurprisingly, there is considerable opposition to the legislation, including the West Virginia ACLU.<sup>10</sup>

#### STATE OF THE STATE SUMMARY

Much of the legislative activity appears to be highly political, reflecting domination by one party in state politics. Another example of this political climate is West

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6. West Virginia Legislature, 2021 Regular Session, Enrolled Committee Substitute for Senate Bill 11.

7. West Virginia Legislature, 2021 Regular Session, Enrolled Committee Substitute for Senate Bill 14.

8. West Virginia Legislature, 2021 Regular Session, Enrolled Committee Substitute for House Bill 2012.

9. West Virginia Legislature, 2021 Regular Session, Enrolled Committee Substitute for House Bill 2013.

10. ACLU West Virginia, Our Letter to Lawmakers: HB 2013 Discriminates Against Students and should be Rejected. Available online at <https://www.acluww.org/en/news/our-letter-lawmakers-hb-2013-discriminates-against-students-and-should-be-rejected>.

Virginia House Joint Resolution 1 (HJR1) by the State Legislature. The HJR1 would amend the state constitution to require Legislative approval of WV State Board of Education rules, a fundamental shift of autonomous rule making authority by the Board since 1958.<sup>11</sup> Unsurprisingly, WV State Superintendent Burch opposes the resolution.<sup>12</sup> The resolution is scheduled for a vote by the state electorate in November 2022 as a constitutional amendment. In contrast to K12 education, relatively little attention is being paid to higher education in the state.

Common Education: \$ 2,084,121,226 (general fund)

Higher Education: \$ 440,223,874 (general fund)

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11. West Virginia Legislature, 2021 Regular Session, Introduced House Joint Resolution 1.

12. West Virginia Department of Education, Open Letter in Opposition to HJR1, March 15, 2021.