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October 14, 2026

West Virginia Board of Education Position on Funding Formula Litigation

Regarding the Patten case on our agenda today in which the adequacy and constitutionality of the school funding formula has been contested by a Lincoln County public school student and the student's parent, and in which the State Board of Education is a party, I move that the Board direct our counsel to advance the Board's position in that case that the school funding formula as it currently stands is inadequate and does not provide a thorough and efficient education to the students in the public schools in our State. While it is the Legislature's constitutional responsibility to provide for a thorough and efficient system of free schools in this State, our Supreme Court has held that it is this Board's constitutional duty to ensure the complete executive delivery and maintenance of a thorough and efficient system of free schools. The current school funding formula fails to allow the Board to fulfill that duty. As a result, I make this motion, which is based upon the following:

- 1) That our school funding formula does not adequately address the needs of low-income students because it does not provide any additional funding to address the costs of educating students in higher poverty school districts.
- 2) That our school funding formula provides no additional funding to address the increased cost of educating special needs students and the data shows that our school districts are in deficit spending to cover the costs of educating special needs students.
- 3) That our school funding formula fails to adequately address challenges that geographically-isolated small rural schools have as a result of a school funding formula that relies predominantly on enrollment to the exclusion of other factors that should be weighted and addressed.
- 4) That our school funding formula fails to provide adequate funding for substitute teacher and substitute service personnel expenditures;
- 5) That our school funding formula failed to provide adequate funding for costs borne by school districts associated with educating students who are English language learners;
- 6) That our school funding formula provides no funding for certain operational positions that school districts are required to have by law to operate a thorough and efficient education system of free schools. Those positions, include but are not limited to, Attendance Directors and Treasurers;
- 7) That our school funding formula fails to adequately fund operating expenses for public school facilities.
- 8) That the West Virginia Legislature commissioned a study of the funding formula by the Rand Corporation that resulted in a 2026 report that made recommendations to the Legislature for changes to the school funding formula, including, but not limited to, increased spending for low-income students and special needs students; that the Legislature has not acted upon.
- 9) That the State Superintendent has reported to us today, October 14, 2026, that she has caused West Virginia Department of Education staff to prepare proposed legislation to amend the school funding formula to address the current inadequacies in that formula and that she intends to share this proposed legislation with the Legislature for consideration. Because that proposed legislation aligns with the Board's position in the Patten case, the Board supports that proposed legislation and the State Superintendent's efforts to work with the Legislature to amend the school funding formula.