

1 **H. B. 2970**

2
3 (By Delegates Lawrence, Williams,
4 Eldridge, Barrett, Perry, Campbell and
5 Skinner)

6 [Introduced March 19, 2013; referred to the
7 Committee on Education then Finance.]

**FISCAL
NOTE**

8
9
10 A BILL to amend and reenact §18-9A-2, §18-9A-4, §18-9A-10,
11 §18-9A-11, §18-9A-13b and §18-9A-21 of the Code of West
12 Virginia, 1931, as amended, all relating to reforming the
13 school aide formula by reducing over two years from ninety
14 percent to eighty, then to seventy percent the amount of the
15 regular levy deducted from county boards of education for
16 general current expense purposes; ensuring that improved
17 instructional programs receive at least \$33 million annually;
18 by providing at least \$5 million to the State Board of
19 Education to assist low performing schools; capturing moneys
20 from declining enrollment and direct it to salaries of
21 classroom teachers and service personnel; and requiring at
22 least an \$8 million annual appropriations for alternative
23 education programs.

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

25 That §18-9A-2, §18-9A-4, §18-9A-10, §18-9A-11, §18-9A-13b and

1 §18-9A-21 of the Code of West Virginia, 1931, as amended, be
2 amended and reenacted, all to read as follows:

3 **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

4 **§18-9A-2. Definitions.**

5 For the purpose of this article:

6 (a) "State board" means the West Virginia Board of Education.

7 (b) "County board" or "board" means a county board of
8 education.

9 (c) "Professional salaries" means the state legally mandated
10 salaries of the professional educators as provided in article four,
11 chapter eighteen-a of this code.

12 (d) "Professional educator" ~~shall be~~ is synonymous with and
13 ~~shall have~~ has the same meaning as "teacher" as defined in section
14 one, article one of this chapter, and includes technology
15 integration specialists.

16 (e) "Professional instructional personnel" means a
17 professional educator whose regular duty is as that of a classroom
18 teacher, librarian, attendance director or school psychologist. A
19 professional educator having both instructional and administrative
20 or other duties ~~shall be~~ is included as professional instructional
21 personnel for that ratio of the school day for which he or she is
22 assigned and serves on a regular full-time basis in appropriate
23 instruction, library, attendance or psychologist duties.

24 (f) "Professional student support personnel" means a "teacher"

1 as defined in section one, article one of this chapter who is
2 assigned and serves on a regular full-time basis as a counselor or
3 as a school nurse with a bachelor's degree and who is licensed by
4 the West Virginia Board of Examiners for Registered Professional
5 Nurses. For all purposes except for the determination of the
6 allowance for professional educators pursuant to section four of
7 this article, professional student support personnel are
8 professional educators.

9 (g) "Service personnel salaries" means the state legally
10 mandated salaries for service personnel as provided in section
11 eight-a, article four, chapter eighteen-a of this code.

12 (h) "Service personnel" means all personnel as provided in
13 section eight, article four, chapter eighteen-a of this code. For
14 the purpose of computations under this article of ratios of service
15 personnel to net enrollment, a service employee shall be counted as
16 that number found by dividing his or her number of employment days
17 in a fiscal year by two hundred: *Provided*, That the computation
18 for any service person employed for three and one-half hours or
19 less per day as provided in section eight-a, article four, chapter
20 eighteen-a of this code shall be calculated as one-half an
21 employment day.

22 (i) "Net enrollment" means the number of pupils enrolled in
23 special education programs, kindergarten programs and grades one to
24 twelve, inclusive, of the public schools of the county. Net

1 enrollment further ~~shall include~~ includes:

2 (1) Adults enrolled in regular secondary vocational programs
3 existing as of the effective date of this section, subject to the
4 following:

5 (A) Net enrollment includes no more than one thousand of those
6 adults counted on the basis of full-time equivalency and
7 apportioned annually to each county in proportion to the adults
8 participating in regular secondary vocational programs in the prior
9 year counted on the basis of full-time equivalency; and

10 (B) Net enrollment does not include any adult charged tuition
11 or special fees beyond that required of the regular secondary
12 vocational student;

13 (2) Students enrolled in early childhood education programs as
14 provided in section forty-four, article five of this chapter,
15 counted on the basis of full-time equivalency;

16 (3) No pupil ~~shall~~ may be counted more than once by reason of
17 transfer within the county or from another county within the state,
18 and no pupil ~~shall~~ may be counted who attends school in this state
19 from another state;

20 (4) The enrollment shall be modified to the equivalent of the
21 instructional term and in accordance with the eligibility
22 requirements and rules established by the state board; and

23 (5) For the purposes of determining the county's basic
24 foundation program, only, for any county whose net enrollment as

1 determined under all other provisions of this definition is less
2 than one thousand four hundred, the net enrollment of the county
3 shall be increased by an amount to be determined in accordance with
4 the following:

5 (A) Divide the state's lowest county student population
6 density by the county's actual student population density;

7 (B) Multiply the amount derived from the calculation in
8 paragraph (A) of this subdivision by the difference between one
9 thousand four hundred and the county's actual net enrollment;

10 (C) If the increase in net enrollment as determined under this
11 subdivision plus the county's net enrollment as determined under
12 all other provisions of this subsection is greater than one
13 thousand four hundred, the increase in net enrollment shall be
14 reduced so that the total does not exceed one thousand four
15 hundred; and

16 (D) During the 2008-2009 interim period and every three
17 interim periods thereafter, the Legislative Oversight Commission on
18 Education Accountability shall review the provisions of this
19 subdivision to determine whether or not they properly address the
20 needs of counties with low enrollment and a sparse population
21 density.

22 (j) "Sparse-density county" means a county whose ratio of net
23 enrollment, excluding any increase in the net enrollment of
24 counties pursuant to subdivision (5) of the definition of net

1 enrollment, to the square miles of the county is less than five.

2 (k) "Low-density county" means a county whose ratio of net
3 enrollment, excluding any increase in the net enrollment of
4 counties pursuant to subdivision (5) of the definition of net
5 enrollment, to the square miles of the county is equal to or
6 greater than five but less than ten.

7 (l) "Medium-density county" means a county whose ratio of net
8 enrollment, excluding any increase in the net enrollment of
9 counties pursuant to subdivision (5) of the definition of net
10 enrollment, to the square miles of the county is equal to or
11 greater than ten but less than twenty.

12 (m) "High-density county" means a county whose ratio of net
13 enrollment, excluding any increase in the net enrollment of
14 counties pursuant to subdivision (5) of the definition of net
15 enrollment, to the square miles of the county is equal to or
16 greater than twenty.

17 (n) "Levies for general current expense purposes" means
18 ~~ninety-four percent of the levy rate for county boards of education~~
19 ~~calculated or set by the Legislature pursuant to the provisions of~~
20 ~~section six-f, article eight, chapter eleven of this code:~~
21 ~~Provided, That beginning July 1, 2008, "levies for general current~~
22 ~~expense purposes" means ninety percent of the levy rate eighty~~
23 ~~percent of the levy rate for county boards of education beginning~~
24 ~~July 1, 2013 and seventy percent of the levy rate beginning July 1,~~

1 2014 and after that for county boards of education calculated or
2 set by the Legislature pursuant to the provisions of section six-f,
3 article eight, chapter eleven of this code: *Provided, however,*
4 That effective July 1, 2010, the definitions set forth in this
5 subsection are subject to the provisions of section two-a of this
6 article.

7 (o) "Technology integration specialist" means a professional
8 educator who has expertise in the technology field and is assigned
9 as a resource teacher to provide information and guidance to
10 classroom teachers on the integration of technology into the
11 curriculum.

12 (p) "State aid eligible personnel" means all professional
13 educators and service personnel employed by a county board in
14 positions that are eligible to be funded under this article and
15 whose salaries are not funded by a specific funding source such as
16 a federal or state grant, donation, contribution or other specific
17 funding source not listed.

18 **§18-9A-4. Foundation allowance for professional educators.**

19 (a) The basic foundation allowance to the county for
20 professional educators ~~shall be~~ is the amount of money required to
21 pay the state minimum salaries, in accordance with provisions of
22 article four, chapter eighteen-a of this code, to the personnel
23 employed, subject to the following:

24 (1) Subject to subdivision (2) of this subsection, in making

1 this computation no county shall receive an allowance for the
2 personnel which number is in excess of professional educators to
3 each one thousand students in net enrollment as follows:

4 (A) For each high-density county, the number of personnel for
5 which a county ~~shall receive~~ receives the allowance ~~shall~~ may not
6 exceed seventy-two and one tenth professional educators per each
7 one thousand students in net enrollment;

8 (B) For each medium-density county, the number of personnel
9 for which a county shall receive the allowance shall not exceed
10 seventy-two and twenty-five one hundredths professional educators
11 per each one thousand students in net enrollment;

12 (C) For each low-density county, the number of personnel for
13 which a county shall receive the allowance ~~shall~~ may not exceed
14 seventy-two and four tenths professional educators per each one
15 thousand students in net enrollment; and

16 (D) For each sparse-density county, the number of personnel
17 for which a county shall receive the allowance ~~shall~~ may not exceed
18 seventy-two and fifty-five one hundredths professional educators
19 per each one thousand students in net enrollment;

20 (2) For the ratios applicable to each of the four density
21 categories set forth in subdivision (1) of this subsection, the
22 number of professional educators per each one thousand students in
23 net enrollment increases by five one hundredths per year for each
24 of fiscal years 2010, 2011, 2012 and 2013. For each fiscal year

1 thereafter, the ratios remain at the 2013 level.

2 (3) The number of and the allowance for personnel paid in part
3 by state and county funds shall be prorated; and

4 (4) Where two or more counties join together in support of a
5 vocational or comprehensive high school or any other program or
6 service, the professional educators for the school or program may
7 be prorated among the participating counties on the basis of each
8 one's enrollment therein and the personnel shall be considered
9 within the above-stated limit.

10 (b) Subject to subsection (c) of this section, each county
11 board shall establish and maintain a minimum ratio of professional
12 instructional personnel per one thousand students in net enrollment
13 as follows:

14 (1) For each high-density county, the minimum number of
15 professional instructional personnel per one thousand students in
16 net enrollment is sixty-five and eight tenths;

17 (2) For each medium-density county, the minimum number of
18 professional instructional personnel per one thousand students in
19 net enrollment is sixty-five and nine tenths;

20 (3) For each low-density county, the minimum number of
21 professional instructional personnel per one thousand students in
22 net enrollment is sixty-six;

23 (4) For each sparse-density county, the minimum number of
24 professional instructional personnel per one thousand students in

1 net enrollment is sixty-six and five one hundredths.

2 (c) For the ratios applicable to each of the four density
3 categories set forth in subsection (b) of this subsection, the
4 number of professional instructional personnel per each one
5 thousand students in net enrollment increases by five one
6 hundredths per year for each of fiscal years 2010, 2011, 2012 and
7 2013. For each fiscal year thereafter, the ratios remain at the
8 2013 level.

9 (d) Any county board which does not establish and maintain the
10 applicable minimum ratio required in subsection (b) and subsection
11 (c) of this section shall suffer a pro rata reduction in the
12 allowance for professional educators under this section: *Provided,*
13 ~~That no county shall~~ a county may not be penalized if it has
14 increases in enrollment during that school year. ~~*Provided, however,*~~
15 ~~That for the school year 2008-2009, only, no county shall be~~
16 ~~penalized for not meeting the applicable minimum ratio required in~~
17 ~~subsection (b) of this section.~~

18 (e) ~~No~~ A county ~~shall~~ may not increase the number of
19 administrative personnel employed as either professional educators
20 or pay grade "H" service personnel above the number which were
21 employed, or for which positions were posted, on June 30, 1990,
22 and, therefore, county boards shall whenever possible utilize
23 classroom teachers for curriculum administrative positions through
24 the use of modified or extended contracts.

1 (f) As the number of professional educators per each one
2 thousand students in net enrollment increases during fiscal years
3 2009 through 2013, any additional positions that are created as a
4 result of that increase shall be positions that will enhance
5 student achievement and are consistent with the needs as identified
6 in each county board's electronic county strategic improvement
7 plan. County boards are encouraged to fill at least some of the
8 additional positions with technology integration specialists.

9 (g) During the 2008-2009 interim period, and every three
10 interim periods thereafter, the Legislative Oversight Commission on
11 Education Accountability shall review the four density categories
12 created in section two of this article, the ratios for professional
13 educators established in this section and the ratios for service
14 personnel established in section five of this article.

15 **§18-9A-10. Foundation allowance to improve instructional programs.**

16 (a) The total allowance to improve instructional programs
17 ~~shall be the sum of~~ is no less than \$50 million to be used for the
18 following:

19 (1) For instructional improvement in accordance with county
20 and school electronic strategic improvement plans required by
21 section five, article two-e of this chapter, an amount equal to
22 fifteen percent of the increase in the local share amount for the
23 next school year above any required allocation pursuant to section
24 six-b of this article shall be added to the amount of the

1 appropriation for this purpose for the immediately preceding school
2 year. The sum of these amounts shall be distributed to the
3 counties as follows:

4 (A) \$150,000 shall be allocated to each county;

5 (B) Distribution to the counties of the remainder of these
6 funds shall be made proportional to the average of each county's
7 average daily attendance for the preceding year and the county's
8 second month net enrollment. Moneys allocated by provision of this
9 section shall be used to improve instructional programs according
10 to the county and school electronic strategic improvement plans
11 required by section five, article two-e of this chapter and
12 approved by the state board: *Provided*, That notwithstanding any
13 other provision of this code to the contrary, moneys allocated by
14 provision of this section may also be used in the implementation
15 and maintenance of the uniform integrated regional computer
16 information system.

17 Up to twenty-five percent of this allocation may be used to
18 employ professional educators and service personnel in counties
19 after all applicable provisions of sections four and five of this
20 article have been fully utilized.

21 Prior to the use of any funds from this section for personnel
22 costs, the county board must receive authorization from the State
23 Superintendent of Schools. The state superintendent shall require
24 the county board to demonstrate: (1) The need for the allocation;

1 (2) efficiency and fiscal responsibility in staffing; (3) sharing
2 of services with adjoining counties and the regional educational
3 service agency for that county in the use of the total local
4 district board budget; and (4) employment of technology integration
5 specialists to meet the needs for implementation of the West
6 Virginia 21st Century Strategic Technology Learning Plan. County
7 boards shall make application for available funds for the next
8 fiscal year by May 1 of each year. On or before June 1, the state
9 superintendent shall review all applications and notify applying
10 county boards of the distribution of the allocation. The funds
11 shall be distributed during the fiscal year as appropriate. The
12 state superintendent shall require the county board to demonstrate
13 the need for an allocation for personnel based upon the county's
14 inability to meet the requirements of state law or state board
15 policy: *Provided*, That the funds available for personnel under
16 this section may not be used to increase the total number of
17 professional noninstructional personnel in the central office
18 beyond four. The plan shall be made available for distribution to
19 the public at the office of each affected county board; plus

20 (2) For the purposes of the West Virginia 21st Century
21 Strategic Technology Learning Plan provided for in section seven,
22 article two-e of this chapter, an amount equal to fifteen percent
23 of the increase in the local share amount for the next school year
24 above any required allocation pursuant to section six-b of this

1 article shall be added to the amount of the appropriation for this
2 purpose for the immediately preceding school year. The sum of
3 these amounts shall be allocated to the counties as provided in
4 section seven, article two-e of this chapter to meet the objectives
5 of the West Virginia 21st Century Strategic Technology Learning
6 Plan; plus

7 (3) One percent of the state average per pupil state aid
8 multiplied by the number of students enrolled in dual credit,
9 advanced placement and international baccalaureate courses, as
10 defined by the state board, distributed to the counties
11 proportionate to enrollment in these courses in each county; plus

12 (4) An amount not less than the amount required to meet debt
13 service requirements on any revenue bonds issued prior to January
14 1, 1994, and the debt service requirements on any revenue bonds
15 issued for the purpose of refunding revenue bonds issued prior to
16 January 1, 1994, shall be paid into the School Building Capital
17 Improvements Fund created by section six, article nine-d of this
18 chapter and shall be used solely for the purposes of that article.
19 The School Building Capital Improvements Fund ~~shall~~ may not be
20 ~~utilized~~ used to meet the debt services requirement on any revenue
21 bonds or revenue refunding bonds for which moneys contained within
22 the School Building Debt Service Fund have been pledged for
23 repayment pursuant to that section.

24 (b) When the school improvement bonds secured by funds from

1 the School Building Capital Improvements Fund mature, the State
2 Board of Education shall annually deposit an amount equal to \$24
3 million from the funds allocated in this section into the School
4 Construction Fund created pursuant to the provisions of section
5 six, article nine-d of this chapter to continue funding school
6 facility construction and improvements.

7 (c) Any project funded by the School Building Authority ~~shall~~
8 must be in accordance with a comprehensive educational facility
9 plan which must be approved by the state board and the School
10 Building Authority.

11 (d) For the fiscal year beginning on July 1, 2013, and each
12 fiscal year after that, the foundation allowance for capacity
13 building to assist schools that have been identified as seriously
14 impaired in accordance with section five, article two-e, of this
15 chapter and schools that have not met adequately yearly progress
16 for two consecutive years under the federal, "No Child Left Behind"
17 statute, shall be an amount of at least \$5 million. The allowance
18 for capacity building is appropriated to the state board. The
19 state board shall adopt a rule in accordance with article three-b,
20 chapter twenty-nine-a of this code establishing criteria for
21 distribution of these funds to schools. The first priority shall
22 be schools that have been identified as seriously impaired, the
23 second priority shall be schools that have failed to make
24 adequately yearly progress on test assessments for at least two

1 consecutive years. Each year the state board shall make a report
2 to the Legislative Oversight Commission on Education Accountability
3 on the number of schools that received capacity building money the
4 previous year and what impact these resources had on removing a
5 school from the seriously impaired list or the list of schools
6 failing to meet adequately yearly progress under the provisions of
7 the No Child Left Behind Act.

8 **§18-9A-11. Computation of local share; appraisal and assessment**
9 **of property; public library support.**

10 (a) On the basis of each county's certificates of valuation as
11 to all classes of property as determined and published by the
12 assessors pursuant to section six, article three, chapter eleven of
13 this code for the next ensuing fiscal year in reliance upon the
14 assessed values annually developed by each county assessor pursuant
15 to the provisions of articles one-c and three of said chapter, the
16 state board shall for each county compute by application of the
17 levies for general current expense purposes, as defined in section
18 two of this article, the amount of revenue which the levies would
19 produce if levied upon one hundred percent of the assessed value of
20 each of the several classes of property contained in the report or
21 revised report of the value, made to it by the Tax Commissioner as
22 follows:

23 (1) The state board shall first take ninety-five percent of

1 the amount ascertained by applying these rates to the total
2 assessed public utility valuation in each classification of
3 property in the county; and

4 (2) The state board shall then apply these rates to the
5 assessed taxable value of other property in each classification in
6 the county as determined by the Tax Commissioner and shall deduct
7 therefrom five percent as an allowance for the usual losses in
8 collections due to discounts, exonerations, delinquencies and the
9 like. All of the amount so determined shall be added to the
10 ninety-five percent of public utility taxes computed as provided in
11 subdivision (1) of this subsection and this total shall be further
12 reduced by the amount due each county assessor's office pursuant to
13 the provisions of section eight, article one-c, chapter eleven of
14 this code and this amount shall be the local share of the
15 particular county.

16 As to any estimations or preliminary computations of local
17 share required prior to the report to the Legislature by the Tax
18 Commissioner, the state shall use the most recent projections or
19 estimations that may be available from the Tax Department for that
20 purpose.

21 (b) Effective July 1, 2013, subsection (a) of this section is
22 void and local share shall be calculated in accordance with the
23 following:

1 (1) The state board shall for each county compute by
2 application of the levies for general current expense purposes, as
3 defined in sections two and two-a of this article, the amount of
4 revenue which the levies would produce if levied upon one hundred
5 percent of the assessed value calculated pursuant to section
6 five-b, article one-c, chapter eleven of this code;

7 (2) Five percent shall be deducted from the revenue calculated
8 pursuant to subdivision (1) of this subsection as an allowance for
9 the usual losses in collections due to discounts, exonerations,
10 delinquencies and the like; and

11 (3) The amount calculated in subdivision (2) of this
12 subsection shall further be reduced by the sum of money due each
13 assessor's office pursuant to the provisions of section eight,
14 article one-c, chapter eleven of this code and this reduced amount
15 shall be the local share of the particular county.

16 (c) Whenever in any year a county assessor or a county
17 commission fails or refuses to comply with the provisions of this
18 section in setting the valuations of property for assessment
19 purposes in any class or classes of property in the county, the
20 State Tax Commissioner shall review the valuations for assessment
21 purposes made by the county assessor and the county commission and
22 shall direct the county assessor and the county commission to make
23 corrections in the valuations as necessary so that they comply with

1 the requirements of chapter eleven of this code and this section
2 and the Tax Commissioner shall enter the county and fix the
3 assessments at the required ratios. Refusal of the assessor or the
4 county commission to make the corrections constitutes grounds for
5 removal from office.

6 (d) For the purposes of any computation made in accordance
7 with the provisions of this section, in any taxing unit in which
8 tax increment financing is in effect pursuant to the provisions of
9 article eleven-b, chapter seven of this code, the assessed value of
10 a related private project shall be the base-assessed value as
11 defined in section two of said article.

12 (e) For purposes of any computation made in accordance with
13 the provisions of this section, in any county where the county
14 board of education has adopted a resolution choosing to use the
15 provisions of the Growth County School Facilities Act set forth in
16 section six-f, article eight, chapter eleven of this code,
17 estimated school board revenues generated from application of the
18 regular school board levy rate to new property values, as that term
19 is designated in said section, may not be considered local share
20 funds and shall be subtracted before the computations in
21 subdivisions (1) and (2), subsection (a) of this section or in
22 subdivisions (2) and (3), subsection (b) of this section, as
23 applicable, are made.

1 (f) The Legislature finds that public school systems
2 throughout the state provide support in varying degrees to public
3 libraries through a variety of means including budgeted
4 allocations, excess levy funds and portions of their regular school
5 board levies as may be provided by special act. A number of public
6 libraries are situated on the campuses of public schools and
7 several are within public school buildings serving both the
8 students and public patrons. To the extent that public schools
9 recognize and choose to avail the resources of public libraries
10 toward developing within their students such legally recognized
11 elements of a thorough and efficient education as literacy,
12 interests in literature, knowledge of government and the world
13 around them and preparation for advanced academic training, work
14 and citizenship, public libraries serve a legitimate school purpose
15 and may do so economically. For the purposes of any computation
16 made in accordance with the provisions of this section, the library
17 funding obligation on the regular school board levies which is
18 created by a special act and is due and payable from the levy
19 revenues to a library shall be paid from the county school board's
20 discretionary retainage, which is hereby defined as the amount by
21 which the regular school board levies exceeds the local share as
22 determined hereunder. If the library funding obligation which is
23 created by a special act and is due and payable to a library is

1 greater than the county school board's discretionary retainage, the
2 library funding obligation created by the special act is amended
3 and is reduced to the amount of the discretionary retainage,
4 notwithstanding any provisions of the special act to the contrary.
5 Any excess of the discretionary retainage over the library funding
6 obligation shall be available for expenditure by the county board
7 in its discretion for its properly budgeted purposes.

8 (g) It is the intent of the Legislature that whenever a
9 provision of subsection (f) of this section is contrary to any
10 special act of the Legislature which has been or may in the future
11 be enacted by the Legislature that creates a library funding
12 obligation on the regular school board levy of a county, subsection
13 (f) of this section controls over the special act. Specifically,
14 the special acts which are subject to said subsection upon the
15 enactment of this section during the 2007 regular session of the
16 Legislature include:

17 (1) Enrolled Senate Bill No. 11, passed on February 12, 1970,
18 applicable to the Berkeley County Board of Education;

19 (2) Enrolled House Bill No. 1352, passed on April 7, 1981,
20 applicable to the Hardy County Board of Education;

21 (3) Enrolled Committee Substitute for House Bill No. 2833,
22 passed on March 14, 1987, applicable to the Harrison County Board
23 of Education;

1 (4) Enrolled House Bill No. 161, passed on March 6, 1957,
2 applicable to the Kanawha County Board of Education;

3 (5) Enrolled Senate Bill No. 313, passed on March 12, 1937, as
4 amended by Enrolled House Bill No. 1074, passed on March 8, 1967,
5 and as amended by Enrolled House Bill No. 1195, passed on January
6 18, 1982, applicable to the Ohio County Board of Education;

7 (6) Enrolled House Bill No. 938, passed on February 28, 1969,
8 applicable to the Raleigh County Board of Education;

9 (7) Enrolled House Bill No. 398, passed on March 1, 1935,
10 applicable to the Tyler County Board of Education;

11 (8) Enrolled Committee Substitute for Senate Bill No. 450,
12 passed on March 11, 1994, applicable to the Upshur County Board of
13 Education; and

14 (9) Enrolled House Bill No. 2994, passed on March 13, 1987,
15 applicable to the Wood County Board of Education.

16 (h) Notwithstanding any provision of any special act set forth
17 in subsection (g) of this section to the contrary, the county board
18 of any county with a special act creating a library obligation out
19 of the county's regular school levy revenues may transfer that
20 library obligation so that it becomes a continuing obligation of
21 its excess levy revenues instead of an obligation of its regular
22 school levy revenues, subject to the following:

23 (1) If a county board chooses to transfer the library

1 obligation pursuant to this subsection, the library funding
2 obligation shall remain an obligation of the regular school levy
3 revenues until the fiscal year in which the excess levy is
4 effective or would have been effective if it had been passed by the
5 voters;

6 (2) If a county board chooses to transfer the library
7 obligation pursuant to this subsection, the county board shall
8 include the funding of the public library obligation in the same
9 amount as its library funding obligation which exists or had
10 existed on its regular levy revenues as one of the purposes for the
11 excess levy to be voted on as a specifically described line item of
12 the excess levy: *Provided*, That if the county board has
13 transferred the library obligation to the excess levy and the
14 excess levy fails to be passed by the voters or the excess levy
15 passes and thereafter expires upon the time limit for continuation
16 as set forth in section sixteen, article eight, chapter eleven of
17 this code, then in any subsequent excess levy which the county
18 board thereafter submits to the voters the library funding
19 obligation again shall be included as one of the purposes of the
20 subsequent excess levy as a specifically described line item of the
21 excess levy;

22 (3) If a county board chooses to transfer the library
23 obligation pursuant to this subsection, regardless of whether or

1 not the excess levy passes, effective the fiscal year in which the
 2 excess levy is effective or would have been effective if it had
 3 been passed by the voters, a county's library obligation on its
 4 regular levy revenues is void notwithstanding any provision of the
 5 special acts set forth in subsection (g) of this section to the
 6 contrary; and

7 (4) Nothing in subdivision (3) of this subsection prohibits a
 8 county board from funding its public library obligation
 9 voluntarily.

10 (i) Any additional funds received by a county board as a
 11 result of reduction in percentage of levies for general current
 12 expense purpose from ninety percent to eighty percent, then to
 13 seventy percent and from the reduction of the computation of public
 14 utility taxes as provided in subdivision (1) of this section shall
 15 be used to improve the salaries of classroom teachers and service
 16 personnel employed by the county board. These funds are
 17 distributed seventy percent to increase the salaries of classroom
 18 teachers and thirty percent to increase the salaries of service
 19 personnel.

20 ~~§18-9A-13b. Allowance for legislative reserve fund, current~~
 21 ~~expense and substitute costs~~ Reserve allowance for
 22 education salary.

23 Commencing with the ~~school~~ fiscal year beginning on July 1,

1 ~~2000, funds which accrue from allocations due to decreases~~ 2013 and
2 every fiscal year after that, a separate appropriation is made in
3 the State Department of Education budget, to be designated as the
4 education salary enhancement line item, that is equal to the
5 reduction in the amount of funds required to be appropriated for
6 the basic foundation program pursuant to this article as a result
7 of a decrease in net and adjusted enrollment from the net and
8 adjusted enrollment of the preceding ~~school~~ year. ~~shall be~~
9 ~~deposited in a special revenue fund which is hereby created in the~~
10 ~~State Treasury, designated the "legislative reserve fund". The~~
11 ~~fund shall be an interest bearing account and shall be appropriated~~
12 ~~by the Legislature.~~ The allocation of the funds appropriated for
13 this purpose each year shall be used to enhance the salaries of
14 classroom teachers and service personnel and shall be allocated
15 seventy percent for classroom teachers and thirty percent for
16 service personnel.

17 **§18-9A-21. Funding for alternative education programs.**

18 (a) An appropriation may be made to the state department to be
19 distributed to county boards for the operation of alternative
20 education and prevention programs established in accordance with
21 policies and procedures adopted by the state board under section
22 six, article two of this chapter. ~~The appropriation shall be an~~
23 ~~amount equal to \$18 per student in net enrollment, subject to~~

1 ~~appropriation by the Legislature.~~ The state board shall distribute
2 ~~ninety-eight percent~~ \$2 million of the total appropriation to the
3 county boards proportionate to each county's net enrollment ~~The~~
4 ~~remaining two percent~~ and \$6 million of the appropriation shall be
5 ~~retained~~ distributed by the state department ~~to support the~~
6 ~~provision of services to the county boards in administering~~
7 ~~programs established in accordance with policies and procedures~~
8 ~~adopted by the state board under section six, article two of this~~
9 ~~chapter.~~

10 (b) ~~Nothing in this section may be construed to require any~~
11 ~~specific level of funding by the Legislature.~~

12 (c) ~~The increase from \$12 per student in net enrollment to \$18~~
13 ~~per student in net enrollment pursuant to the amendment and~~
14 ~~enactment of this section during the 2010 regular session of the~~
15 ~~Legislature is not subject to the provisions of section three-a.~~
16 as competitive grants to county boards for the operation of pilot
17 or innovative alternative education programs.

18 (b) The state superintendent shall grant county boards awards
19 for pilot or innovative alternative education programs that promote
20 safe schools based on the following criteria:

21 (1) Programs will serve the most students in the alternative
22 program;

23 (2) Programs in elementary schools that use in-school

1 suspension and requirements that alternative students work their
2 way back into the regular classroom through improved behavior;

3 (3) Programs in middle or junior high schools and high schools
4 that provide at least sixteen hours of instruction per week and
5 requirements that students work their way back to the regular
6 classroom through improved behavior; and

7 (4) Other criteria developed by the State Board of Education.

8 (c) Each county board shall apply to the state superintendent
9 for competitive grants in the manner set forth by the state
10 superintendent consistent with the policies and procedures adopted
11 by the state board for the establishment and maintenance of
12 alternative education programs.

NOTE: The purpose of this bill is to reform the school aide formula by reducing over two years from ninety percent to eighty, then to seventy percent the amount of the regular levy deducted from county boards of education for general current expense purposes; ensuring that improved instructional programs receive at least \$33 million annually; by providing at least \$5 million to the State Board of Education to assist low performing schools; capturing moneys from declining enrollment and direct it to salaries of classroom teachers and service personnel; and by requiring at least an \$8 million annual appropriations for alternative education programs.

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