

H. B. 2392

(By Delegate Pasdon, Duke, Statler, Rowan, Cooper, D. Evans,
Kurcaba, Ambler and Espinosa)

[Introduced January 27, 2015; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §18-9A-4, §18-9A-5 and §18-9A-7 of the Code of West Virginia, 1931, as amended, all relating to adding flexibility for use of certain public school support plan amounts; removing limits on amounts of certain allowances based on numbers employed; basing required ratio of instructional personnel on professional educators funded; adding propane to incentive for alternative fuels; allowing portion of amount for bus replacement for higher priority use subject to certain certification; and removing obsolete provisions.

Be it enacted by the Legislature of West Virginia:

That §18-9A-4, §18-9A-5 and §18-9A-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

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

(a) The basic foundation allowance to the county for professional educators shall be is the amount of money required to pay the state minimum salaries, in accordance with provisions of article

1 four, chapter eighteen-a of this code, ~~to the personnel employed~~, subject to the following:

2 (1) ~~Subject to subdivision (2) of this subsection~~ In making this computation ~~no a~~ county shall
3 shall receive an allowance for the ~~personnel which number is in excess of~~ number of state aid
4 eligible professional educators to each one thousand students in net enrollment as follows:

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

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

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

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

17 ~~(2) For the ratios applicable to each of the four density categories set forth in subdivision (1)~~
18 ~~of this subsection, the number of professional educators per each one thousand students in net~~
19 ~~enrollment increases by five one hundredths per year for each of fiscal years 2010, 2011, 2012 and~~
20 ~~2013. For each fiscal year thereafter, the ratios remain at the 2013 level.~~

21 ~~(3)~~ (2) The number of and the allowance for personnel paid in part by state and county funds
22 shall be prorated; and

1 ~~(4)~~ (3) Where two or more counties join together in support of a vocational or comprehensive
 2 high school or any other program or service, the professional educators for the school or program
 3 may be prorated among the participating counties on the basis of each one's enrollment therein and
 4 the personnel shall be considered within the above-stated limit.

5 (b) ~~Subject to subsection (c) of this section,~~ Each county board shall establish and maintain
 6 a minimum ratio of professional instructional personnel ~~per one thousand students in net enrollment~~
 7 state aid funded professional educators as follows:

8 (1) For each high-density county, the minimum ~~number ratio~~ ratio of professional instructional
 9 personnel per ~~one thousand students in net enrollment~~ is sixty-five and eight tenths state aid funded
 10 professional educators is ninety-one and twenty-nine one hundredths percent;

11 (2) For each medium-density county, the minimum ~~number ratio~~ ratio of professional instructional
 12 personnel per ~~one thousand students in net enrollment~~ is sixty-five and nine tenths state aid funded
 13 professional educators is ninety-one and twenty-four one hundredths percent;

14 (3) For each low-density county, the minimum ~~number ratio~~ ratio of professional instructional
 15 personnel per ~~one thousand students in net enrollment~~ is sixty-six state aid funded professional
 16 educators is ninety-one and eighteen one hundredths percent;

17 (4) For each sparse-density county, the minimum ~~number ratio~~ ratio of professional instructional
 18 personnel per ~~one thousand students in net enrollment~~ is sixty-six and five one hundredths state aid
 19 funded professional educators is ninety-one and seven one hundredths percent.

20 ~~(c) For the ratios applicable to each of the four density categories set forth in subsection (b)~~
 21 ~~of this subsection, the number of professional instructional personnel per each one thousand students~~
 22 ~~in net enrollment increases by five one hundredths per year for each of fiscal years 2010, 2011, 2012~~

1 ~~and 2013. For each fiscal year thereafter, the ratios remain at the 2013 level.~~

2 ~~(d)~~ (c) Any county board which does not establish and maintain the applicable minimum ratio
3 required in subsection (b) of this section shall suffer a pro rata reduction in the allowance for
4 professional educators under this section: *Provided*, That no county ~~shall~~ may be penalized if it has
5 increases in enrollment during that school year: ~~*Provided, however, That for the school year*~~
6 ~~2008-2009, only, no county shall be penalized for not meeting the applicable minimum ratio required~~
7 ~~in subsection (b) of this section.~~

8 ~~(e)~~ (d) No county ~~shall~~ may increase the number of administrative personnel employed as
9 either professional educators or pay grade “H” service personnel above the number which were
10 employed, or for which positions were posted, on June 30, 1990, and, therefore, county boards shall
11 whenever possible utilize classroom teachers for curriculum administrative positions through the use
12 of modified or extended contracts.

13 ~~(f)~~ (e) ~~As the number of professional educators per each one thousand students in net enrollment~~
14 ~~increases during fiscal years 2009 through 2013, any additional positions that are created as a result~~
15 ~~of that increase shall be positions that will enhance student achievement and are consistent with the~~
16 ~~needs as identified in each county board’s electronic county strategic improvement plan. County~~
17 ~~boards are encouraged to fill at least some of the additional positions with technology integration~~
18 ~~specialists.~~

19 ~~(g)~~ (f) ~~During the 2008-2009 interim period, and every three interim periods thereafter, the~~
20 ~~Legislative Oversight Commission on Education Accountability shall review the four density~~
21 ~~categories created in section two of this article, the ratios for professional educators established in~~
22 ~~this section and the ratios for service personnel established in section five of this article.~~

1 **§18-9A-5. Foundation allowance for service personnel.**

2 ~~(a)~~ The basic foundation allowance to the county for service personnel ~~shall be~~ is the amount
3 of money required to pay the annual state minimum salaries in accordance with the provisions of
4 article four, chapter eighteen-a of this code, ~~to such service personnel employed, subject to in~~
5 accordance with the following:

6 (1) ~~For the school year beginning on July 1, 2008, and thereafter, no~~ A county shall receive
7 an allowance for ~~an amount in excess of~~ the number of state aid eligible service personnel per one
8 thousand students in net enrollment, as follows:

9 (A) For each high-density county, ~~the number of personnel for which a county shall receive~~
10 ~~the allowance shall not exceed forty-three and ninety-seven~~ forty-four and seventeen one hundredths
11 service personnel per one thousand students in net enrollment;

12 (B) For each medium-density county, ~~the number of personnel for which a county shall~~
13 ~~receive the allowance shall not exceed forty-four and fifty-three~~ seventy-three one hundredths service
14 personnel per one thousand students in net enrollment;

15 (C) For each low-density county, ~~the number of personnel for which a county shall receive~~
16 ~~the allowance shall not exceed forty-five and one-tenth~~ three tenths service personnel per one
17 thousand students in net enrollment; and

18 (D) For each sparse-density county, ~~the number of personnel for which a county shall receive~~
19 ~~the allowance shall not exceed forty-five and sixty-eight~~ eighty-eight one hundredths service
20 personnel per one thousand students in net enrollment; and

21 (2) Where two or more counties join together in support of a vocational or comprehensive
22 high school or any other program or service, the service personnel for the school or program may be

1 prorated among the participating counties on the basis of each one's enrollment therein and that the
2 personnel shall be considered within the above-stated limit.

3 **§18-9A-7. Foundation allowance for transportation cost.**

4 (a) The allowance in the foundation school program for each county for transportation ~~shall~~
5 be is the sum of the following computations:

6 (1) A percentage of the transportation costs incurred by the county for maintenance, operation
7 and related costs exclusive of all salaries, including the costs incurred for contracted transportation
8 services and public utility transportation, as follows:

9 (A) For each high-density county, eighty-seven and one-half percent;

10 (B) For each medium-density county, ninety percent;

11 (C) For each low-density county, ninety-two and one-half percent;

12 (D) For each sparse-density county, ninety-five percent;

13 (E) For any county for the transportation cost for maintenance, operation and related costs,
14 exclusive of all salaries, for transporting students to and from classes at a multicounty vocational
15 center, the percentage provided in paragraphs (A) through (D) of this subdivision as applicable for
16 the county plus an additional ten percent; and

17 (F) For any county for that portion of its school bus system that uses as an alternative fuel
18 compressed natural gas or propane, the percentage provided in paragraphs (A) through (D) of this
19 subdivision as applicable for the county plus an additional ten percent: *Provided*, That for any
20 county receiving an additional ten percent for that portion of their bus system using bio-diesel as an
21 alternative fuel during the school year 2012-2013, bio-diesel shall continue to qualify as an
22 alternative fuel under this paragraph to the extent that the additional percentage applicable to that

1 portion of the bus system using bio-diesel shall be decreased by two and one-half percent per year
2 for four consecutive school years beginning in school year 2014-2015: *Provided, however,* That any
3 county using an alternative fuel and qualifying for the additional allowance under this subdivision
4 shall submit a plan regarding the intended future use of alternatively fueled school buses;

5 (2) The total cost, within each county, of insurance premiums on buses, buildings and
6 equipment used in transportation;

7 (3) An amount equal to eight and one-third percent of the current replacement value of the
8 bus fleet within each county as determined by the state board. The amount ~~shall~~ may only be used
9 for the replacement of buses: *Provided, That a portion of the amount may be used by a county for*
10 *other higher priority uses if the county superintendent certifies to the State Superintendent that such*
11 *portion is not needed to ensure the serviceability of the county bus fleet.* Buses purchased after
12 July 1, 1999, that are driven one hundred eighty thousand miles, regardless of year model, ~~will be~~
13 are subject to the replacement value of eight and one-third percent as determined by the state board.
14 In addition, in any school year in which its net enrollment increases when compared to the net
15 enrollment the year immediately preceding, a school district may apply to the State Superintendent
16 for funding for an additional bus or buses. The State Superintendent shall make a decision regarding
17 each application based upon an analysis of the individual school district's net enrollment history and
18 transportation needs: *Provided, That the superintendent shall may* not consider any application for
19 funding for an additional bus or buses which fails to document that the county has applied for federal
20 funding for additional buses. If the State Superintendent finds that a need exists, a request for
21 funding shall be included in the budget request submitted by the state board for the upcoming fiscal
22 year; and

1 (4) Aid in lieu of transportation equal to the state average amount per pupil for each pupil
2 receiving the aid within each county.

3 (b) The total state share for this purpose ~~shall be~~ is the sum of the county shares: *Provided,*
4 That no county ~~shall~~ may receive an allowance which is greater than one-third above the computed
5 state average allowance per transportation mile multiplied by the total transportation mileage in the
6 county exclusive of the allowance for the purchase of additional buses.

7 (c) One half of one percent of the transportation allowance distributed to each county ~~shall~~
8 be is for the purpose of trips related to academic classroom curriculum and not related to any
9 extracurricular activity. Any remaining funds credited to a county for the purpose of trips related
10 to academic classroom curriculum during the fiscal year shall be carried over for use in the same
11 manner the next fiscal year and shall be separate and apart from, and in addition to, the appropriation
12 for the next fiscal year. The state board may request a county to document the use of funds for trips
13 related to academic classroom curriculum if the board determines that it is necessary.

NOTE: The purpose of this bill is to fully fund school systems at currently authorized levels under the Public School Support Plan, but allow them additional flexibility for the uses of the funds.

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