

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4466**

(BY DELEGATES ESPINOSA, STATLER, DUKE, WESTFALL,  
ROWAN, AMBLER, ROMINE, ROHRBACH, KELLY, COOPER  
AND KURCABA)

[Originating in the Committee on Finance,  
February 26, 2016.]



1 A BILL to amend and reenact §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-8a, §18-9A-9  
2 and §18-9A-10 of the Code of West Virginia, 1931, as amended, all relating to public  
3 school support; basing the allowable number of state aid professional educators on a ratio  
4 basis, rather than the number employed subject to a limit; providing a certain salary level  
5 be used when the number of professional positions exceed the number employed in a  
6 county; basing minimum professional instructional personnel required to be on a ratio  
7 basis of funded professional educators; providing for prorating professional instructional  
8 personnel among participating counties in a joint school or in joint programs and services;  
9 deleting obsolete language and mandated periodic legislative review; basing the allowable  
10 number of service personnel on a ratio basis, rather than number employed subject to a  
11 limit; providing a certain salary level be used when the number of service positions exceed  
12 the number employed in a county; providing for proration of number and allowance of  
13 personnel employed in part by state and county funds; adding professional student  
14 support personnel allowance to calculation of teachers retirement fund allowance;  
15 updating employer retirement contribution rate percentage used for calculating retirement  
16 allowance to reflect both plans; allowing a limited portion of funds for bus purchases to be  
17 used for certain facility, equipment and other current expense priorities if requested and  
18 approved; reducing maximum amount of foundation allowance for regional education  
19 service agencies; reducing percent of growth in local share amount for improving  
20 instructional programs; removing authorization for use of instructional improvement funds  
21 for implementation and maintenance of regional computer information system; increasing  
22 percent of growth in local share amount for improving instructional technology; increasing  
23 base dollar amount to be distributed to each county; authorizing the use of instructional  
24 technology improvement funds for employment of technology system specialist subject to  
25 a limit and authorization by state superintendent; and specifying when certain debt service  
26 funds payments are to be made into school building capital improvement fund.

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

27 That §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-8a, §18-9A-9 and §18-9A-10 of  
28 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.**

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

4 (1) ~~Subject to subdivision (2) of this subsection in,~~ In making this computation ~~ne a~~ a county  
5 shall receive an allowance for ~~the personnel which number is in excess of professional educators~~  
6 state aid eligible professional educator positions to each one thousand students in net enrollment  
7 as follows:

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

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

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

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

20 (2) ~~For the ratios applicable to each of the four density categories set forth in subdivision~~  
21 ~~(1) of this subsection, the number of professional educators per each one thousand students in~~

22 ~~net enrollment increases by five one hundredths per year for each of fiscal years 2010, 2011,~~  
23 ~~2012 and 2013. For each fiscal year thereafter, the ratios remain at the 2013 level.~~

24 (2) When the number of state aid eligible professional educator positions determined for  
25 a county pursuant to subdivision (1) of this subsection exceeds the number employed, the  
26 average state funded salary of professional educators for the county shall be used as the salary  
27 for these vacant positions;

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

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

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

37 (1) For each high-density county, the minimum ~~number~~ ratio of professional instructional  
38 personnel per ~~one thousand students in net enrollment is sixty-five and eight tenths~~ state aid  
39 funded professional educators, or the number employed, whichever is less, is ninety-one and  
40 twenty-nine one hundredths percent;

41 (2) For each medium-density county, the minimum ~~number~~ ratio of professional  
42 instructional personnel per ~~one thousand students in net enrollment is sixty-five and nine tenths~~  
43 state aid funded professional educators, or the number employed, whichever is less, is ninety-  
44 one and twenty-four one hundredths percent;

45 (3) For each low-density county, the minimum ~~number~~ ratio of professional instructional  
46 personnel per ~~one thousand students in net enrollment is sixty-six~~ state aid funded professional  
47 educators, or the number employed, whichever is less, is ninety-one and eighteen one hundredths  
48 percent;

49 (4) For each sparse-density county, the minimum ~~number~~ ratio of professional instructional  
50 personnel per ~~one thousand students in net enrollment is sixty-six and five one hundredths~~ state  
51 aid funded professional educators, or the number employed, whichever is less, is ninety-one and  
52 seven one hundredths percent; and

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

57 ~~(c) For the ratios applicable to each of the four density categories set forth in subsection~~  
58 ~~(b) of this subsection, the number of professional instructional personnel per each one thousand~~  
59 ~~students in net enrollment increases by five one hundredths per year for each of fiscal years 2010,~~  
60 ~~2011, 2012 and 2013. For each fiscal year thereafter, the ratios remain at the 2013 level.~~

61 ~~(d)~~ (c) Any county board which does not establish and maintain the applicable minimum  
62 ratio required in subsection (b) of this section shall suffer a pro rata reduction in the allowance for  
63 professional educators under this section: *Provided*, That ~~no~~ a county ~~shall~~ may not be penalized  
64 if it has increases in enrollment during that school year: *Provided, however*, That for the school  
65 year ~~2008-2009~~ 2016-2017, only, no county shall be penalized for not meeting the applicable  
66 minimum ratio required in subsection (b) of this section.

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

72 ~~(f) As the number of professional educators per each one thousand students in net~~  
73 ~~enrollment increases during fiscal years 2009 through 2013, any additional positions that are~~  
74 ~~created as a result of that increase shall be positions that will enhance student achievement and~~

75 ~~are consistent with the needs as identified in each county board's electronic county strategic~~  
76 ~~improvement plan. County boards are encouraged to fill at least some of the additional positions~~  
77 ~~with technology integration specialists.~~

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

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

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

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

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

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

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

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

20 (2) When the number of state aid eligible service personnel determined for a county  
21 pursuant to subdivision (1) of this subsection exceeds the number employed, the average state  
22 funded minimum salary of service personnel for the county shall be used to as the salary for these  
23 vacant positions;

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

26 ~~(2)~~ (4) Where two or more counties join together in support of a vocational or  
27 comprehensive high school or any other program or service, the service personnel for the school  
28 or program may be prorated among the participating counties on the basis of each one's  
29 enrollment therein and that the personnel shall be considered within the above-stated limit.

**§18-9A-6a. Teachers retirement fund allowance; unfunded liability allowance.**

1 (a) The total teachers retirement fund allowance shall be the sum of the basic foundation  
2 allowance for professional educators, the basic foundation allowance for professional student  
3 support personnel and the basic foundation allowance for service personnel, as provided in  
4 sections four, ~~and five~~ and eight of this article; all salary equity appropriations authorized in section  
5 five, article four of chapter eighteen-a; and such amounts as are to be paid by the counties  
6 pursuant to sections five-a and five-b of said article to the extent such county salary supplements  
7 are equal to the amount distributed for salary equity among the counties, multiplied by ~~fifteen~~  
8 ~~percent~~ the average retirement contribution rate for each county board. The average contribution  
9 rate for each county board shall be based on the required employer contributions for state aide  
10 eligible employees participating in the retirement plans pursuant to articles seven-a and seven-b  
11 of this chapter.

12 (b) The teachers retirement fund allowance amounts provided for in subsection (a) of this  
13 section shall be accumulated in the employers accumulation fund of the state Teachers  
14 Retirement System pursuant to section eighteen, article seven-a of this chapter, and shall be in  
15 lieu of the contribution required of employers pursuant to subsection (b) of said section as to all



16 personnel included in the allowance for state aid in accordance with sections four, ~~and~~ five and  
17 eight of this article.

18 (c) In addition to the teachers retirement fund allowance provided for in subsection (a) of  
19 this section, there shall be an allowance for the reduction of any unfunded liability of the teachers  
20 retirement fund in accordance with the following provisions of this subsection. On or before  
21 December 31, of each year, the actuary or actuarial firm employed in accordance with the  
22 provisions of section four, article ten-d, chapter five of this code shall submit a report to the  
23 President of the Senate and the Speaker of the House of Delegates which sets forth an actuarial  
24 valuation of the teachers retirement fund as of the preceding thirtieth day of June. Each annual  
25 report shall recommend the actuary's best estimate, at that time, of the funding necessary to both  
26 eliminate the unfunded liability over a forty-year period beginning on July 1, 1994, and to meet  
27 the cash flow requirements of the fund in fulfilling its future anticipated obligations to its members.  
28 In determining the amount of funding required, the actuary shall take into consideration all funding  
29 otherwise available to the fund for that year from any source: *Provided*, That the appropriation  
30 and allocation to the teachers' retirement fund made pursuant to the provisions of section six-b of  
31 this article shall be included in the determination of the requisite funding amount. In any year in  
32 which the actuary determines that the teachers retirement fund is not being funded in such a  
33 manner, the allowance made for the unfunded liability for the next fiscal year shall be not less  
34 than the amount of the actuary's best estimate of the amount necessary to conform to the funding  
35 requirements set forth in this subsection.

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

1 (a) The allowance in the foundation school program for each county for transportation shall  
2 be the sum of the following computations:

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

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

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

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

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

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

14 (F) For any county for that portion of its school bus system that uses as an alternative fuel  
15 compressed natural gas or propane, the percentage provided in paragraphs (A) through (D) of  
16 this subdivision as applicable for the county plus an additional ten percent: *Provided*, That for any  
17 county receiving an additional ten percent for that portion of their bus system using bio-diesel as  
18 an alternative fuel during the school year 2012-2013, bio-diesel shall continue to qualify as an  
19 alternative fuel under this paragraph to the extent that the additional percentage applicable to that  
20 portion of the bus system using bio-diesel shall be decreased by two and one-half percent per  
21 year for four consecutive school years beginning in school year 2014-2015: *Provided, however*,  
22 That any county using an alternative fuel and qualifying for the additional allowance under this  
23 subdivision shall submit a plan regarding the intended future use of alternatively fueled school  
24 buses;

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

27 (3) An amount equal to eight and one-third percent of the current replacement value of the  
28 bus fleet within each county as determined by the state board: *Provided*, That the amount for the  
29 school year beginning July 1, 2015, will be \$15,000,000 and the amount for the school year  
30 beginning July 1, 2016, will be \$18,000,000. The amount shall only be used for the replacement  
31 of buses except as provided in subdivision (4) of this subsection. Buses purchased after July 1,

32 1999 that are driven one hundred eighty thousand miles, regardless of year model, will be subject  
33 to the replacement value of eight and one-third percent as determined by the state board. In  
34 addition, in any school year in which its net enrollment increases when compared to the net  
35 enrollment the year immediately preceding, a school district may apply to the state superintendent  
36 for funding for an additional bus or buses. The state superintendent shall make a decision  
37 regarding each application based upon an analysis of the individual school district's net enrollment  
38 history and transportation needs: *Provided*, That the superintendent shall not consider any  
39 application which fails to document that the county has applied for federal funding for additional  
40 buses. If the state superintendent finds that a need exists, a request for funding shall be included  
41 in the budget request submitted by the state board for the upcoming fiscal year;

42 (4) Notwithstanding the restriction on the use of funds for the replacement of buses  
43 pursuant to subdivision (3) of this subsection, up to 20%, not to exceed \$200,000, of these funds  
44 in any school year may be used by a county for school facility and equipment repair, maintenance  
45 and improvement or replacement or other current expense priorities if a request made by the  
46 county superintendent listing the amount, the intended use of the funds and the serviceability of  
47 the bus fleet is approved by the state superintendent. Before approving the request; the state  
48 superintendent shall verify the serviceability of the county's bus fleet based upon the state school  
49 bus inspection defect rate of the county over the two prior years; and

50 ~~(4)~~ (5) Aid in lieu of transportation equal to the state average amount per pupil for each  
51 pupil receiving the aid within each county.

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

56 (c) One half of one percent of the transportation allowance distributed to each county shall  
57 be for the purpose of trips related to academic classroom curriculum and not related to any

58 extracurricular activity. Any remaining funds credited to a county for the purpose of trips related  
59 to academic classroom curriculum during the fiscal year shall be carried over for use in the same  
60 manner the next fiscal year and shall be separate and apart from, and in addition to, the  
61 appropriation for the next fiscal year. The state board may request a county to document the use  
62 of funds for trips related to academic classroom curriculum if the board determines that it is  
63 necessary.

**§18-9A-8a. Foundation allowance for regional education service agencies.**

1 For the fiscal year beginning on July 1, 2006, and for each fiscal year thereafter, the  
2 foundation allowance for regional education service agencies shall be equal to sixty-three  
3 one-hundredths percent of the allocation for professional educators as determined in section four  
4 of this article, but not more than ~~\$3,690,750~~ \$3,543,120. The allowance shall be distributed to the  
5 regional education service agencies in accordance with rules adopted by the state board. The  
6 allowance for regional education service agencies shall be excluded from the computation of total  
7 basic state aid as provided in section twelve of this article.

**§18-9A-9. Foundation allowance for other current expense, ~~and substitute employees~~ and  
faculty senates.**

1 The total allowance for other current expense and substitute employees shall be the sum  
2 of the following:

3 ~~(1) For current expense, ten percent of the sum of the computed state allocation for~~  
4 ~~professional educators, professional student support personnel and service personnel as~~  
5 ~~determined in sections four, five and eight of this article. Distribution to the counties shall be made~~  
6 ~~proportional to the average of each county's average daily attendance for the preceding year and~~  
7 ~~the county's second month net enrollment; plus~~

8 (1) For current expense:

9 (A) Each county's non salary related expenditures for operations and maintenance,  
10 exclusive of expenditures reported in special revenue funds, for the latest available school year

11 divided by the county's total square footage of school buildings in the county shall be used to  
12 calculate a state average expenditure per square foot for operations and maintenance;

13 (B) Each county's total square footage of school buildings in the county divided by the  
14 county's net enrollment for school aid purposes shall be used to calculate a state average square  
15 footage per student;

16 (C) The county's net enrollment for school aid purposes multiplied by the state average  
17 expenditure per square foot for operations and maintenance and the state average square  
18 footage per student shall be the county's state average costs per square footage per student for  
19 operations and maintenance;

20 (D) Each county's allowance for current expense shall be 70.25% of the amount calculated  
21 in paragraph (C) of this subdivision; plus

22 (2) For professional educator substitutes or current expense, two and five-tenths percent  
23 of the computed state allocation for professional educators and professional student support  
24 personnel as determined in sections four and eight of this article. Distribution to the counties shall  
25 be made proportional to the number of professional educators and professional student support  
26 personnel authorized for the county in compliance with sections four and eight of this article; plus

27 (3) For service personnel substitutes or current expense, two and five-tenths percent of  
28 the computed state allocation for service personnel as determined in section five of this article.  
29 Distribution to the counties shall be made proportional to the number of service personnel  
30 authorized for the county in compliance with section five of this article; plus

31 (4) For academic materials, supplies and equipment for use in instructional programs,  
32 \$200 multiplied by the number of professional instructional personnel and professional student  
33 support personnel employed in the schools of the county. Distribution shall be made to each  
34 county for allocation to the faculty senate of each school in the county on the basis of \$200 per  
35 professional instructional personnel employed at the school. "Faculty senate" means a faculty  
36 senate created pursuant to section five, article five-a of this chapter. Decisions for the expenditure

37 of such funds shall be made at the school level by the faculty senate in accordance with the  
38 provisions of said section five, article five-a and shall not be used to supplant the current expense  
39 expenditures of the county. Beginning on September 1, 1994, and every September thereafter,  
40 county boards shall forward to each school for the use by faculty senates the appropriation  
41 specified in this section. Each school shall be responsible for keeping accurate records of  
42 expenditures.

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

1 (a) The total allowance to improve instructional programs shall be the sum of the following:

2 (1) For instructional improvement, in accordance with county and school electronic  
3 strategic improvement plans required by section five, article two-e of this chapter, an amount  
4 equal to ~~ten~~ five percent of the increase in the local share amount for the next school year above  
5 any required allocation pursuant to section six-b of this article shall be added to the amount of the  
6 appropriation for this purpose for the immediately preceding school year: Provided, That the  
7 amount of the appropriation for the immediately preceding school year shall be \$44,041,641 for  
8 the school year 2016-2017. The sum of these amounts shall be ~~distributed~~ allocated to the  
9 counties as follows:

10 (A) One hundred fifty thousand dollars shall be allocated to each county; and

11 (B) ~~Distribution~~ Allocation to the counties of the remainder of these funds shall be made  
12 proportional to the average of each county's average daily attendance for the preceding year and  
13 the county's second month net enrollment.

14 Moneys allocated by ~~provision~~ of this subdivision shall be used to improve instructional  
15 programs according to the county and school strategic improvement plans required by section  
16 five, article two-e of this chapter and approved by the state board. ~~Provided, That notwithstanding~~  
17 ~~any other provision of this code to the contrary, moneys allocated by provision of this section also~~  
18 ~~may be used in the implementation and maintenance of the uniform integrated regional computer~~  
19 ~~information system.~~

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

23 Prior to the use of any funds from this subdivision for personnel costs, the county board  
24 must receive authorization from the state superintendent. The state superintendent shall require  
25 the county board to demonstrate: (1) The need for the allocation; (2) efficiency and fiscal  
26 responsibility in staffing; (3) sharing of services with adjoining counties and the regional  
27 educational service agency for that county in the use of the total local district board budget; and  
28 (4) employment of technology integration specialists to meet the needs for implementation of the  
29 West Virginia Strategic Technology Learning Plan. County boards shall make application for the  
30 use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1,  
31 the state superintendent shall review all applications and notify applying county boards of the  
32 approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The  
33 state superintendent shall require the county board to demonstrate the need for an allocation for  
34 personnel based upon the county's inability to meet the requirements of state law or state board  
35 policy.

36 The provisions relating to the use of any funds from this subdivision for personnel costs  
37 are subject to the following: (1) The funds available for personnel under this subsection may not  
38 be used to increase the total number of professional noninstructional personnel in the central  
39 office beyond four; and (2) For the school year beginning July 1, 2013, and thereafter, any funds  
40 available to a county for use for personnel under this subsection above the amount available for  
41 the 2012-2013 school year, only may be used for technology systems specialists until the state  
42 superintendent determines that the county has sufficient technology systems specialists to serve  
43 the needs of the county.

44 The plan shall be made available for distribution to the public at the office of each affected  
45 county board; plus

46 (2) For the purposes of improving instructional technology, an amount equal to ~~twenty~~  
47 twenty-five percent of the increase in the local share amount for the next school year above any  
48 required allocation pursuant to section six-b of this article shall be added to the amount of the  
49 appropriation for this purpose for the immediately preceding school year. The sum of these  
50 amounts shall be ~~distributed~~ allocated to the counties as follows:

51 (A) ~~Thirty~~ Fifty thousand dollars shall be allocated to each county; and

52 (B) ~~Distribution~~ Allocation to the counties of the remainder of these funds shall be made  
53 proportional to the average of each county's average daily attendance for the preceding year and  
54 the county's second month net enrollment.

55 ~~Effective July 1, 2014, Moneys allocated by provision of this subdivision shall be used to~~  
56 ~~improve instructional technology programs according to the county and school strategic~~  
57 ~~improvement plans. plus~~

58 The improvement of instructional technology programs may include, after all applicable  
59 provisions of this section and sections four and five of this article have been fully utilized, the use  
60 of these moneys for the employment of up to one technology system specialist, or one technology  
61 system specialist for each one thousand students in net enrollment, whichever is greater. The  
62 amount of these moneys used for this purpose may not exceed the county's average professional  
63 educator salary and fixed charges multiplied by the number of technology system specialists, or  
64 major fraction thereof, employed with these moneys. Prior to the use of any of these moneys for  
65 technology system specialist employment, the county board must receive authorization from the  
66 state superintendent. The state superintendent shall require the county board to demonstrate: (i)  
67 The need for this use of these moneys; (ii) efficiency and fiscal responsibility in staffing; (iii)  
68 sharing of services with adjoining counties and the regional educational service agency for that  
69 county in the use of the total local district board budget; and (iv) employment of technology  
70 integration specialists to meet the needs for implementation of the West Virginia Strategic  
71 Technology Learning Plan. County boards shall make application for the use of these funds for



72 the employment of technology system specialists for the next fiscal year by May 1 of each year.  
73 On or before June 1, the state superintendent shall review all applications and notify applying  
74 county boards of the approval or disapproval; plus

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

79 (4) An amount not less than the amount required to meet debt service requirements on  
80 any revenue bonds issued prior to January 1, 1994, and the debt service requirements on any  
81 revenue bonds issued for the purpose of refunding revenue bonds issued prior to January 1,  
82 1994, shall be paid by the Department of Education in accordance with the expenditure schedule  
83 approved by the state budget office into the School Building Capital Improvements Fund created  
84 by section six, article nine-d of this chapter and shall be used solely for the purposes of that article.  
85 The School Building Capital Improvements Fund shall not be utilized to meet the debt services  
86 requirement on any revenue bonds or revenue refunding bonds for which moneys contained  
87 within the School Building Debt Service Fund have been pledged for repayment pursuant to that  
88 section.

89 (b) When the school improvement bonds secured by funds from the School Building  
90 Capital Improvements Fund mature, the State Board of Education shall annually deposit an  
91 amount equal to \$24,000,000 from the funds allocated in this section into the School Construction  
92 Fund created pursuant to the provisions of section six, article nine-d of this chapter to continue  
93 funding school facility construction and improvements.

94 (c) Any project funded by the School Building Authority shall be in accordance with a  
95 comprehensive educational facility plan which must be approved by the state board and the  
96 School Building Authority.