

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

## **House Bill 4619**

BY DELEGATES ESPINOSA, STATLER, UPSON, FOLK,

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[Originating in the Committee on Education;

February 12, 2018.]



1 A BILL to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating  
2 to supporting implementation of comprehensive systems for teacher and leader induction  
3 and professional growth; requiring amount of increase in local share to be added to  
4 preceding year appropriation for such purpose; providing factors to be taken into account  
5 in making allocations to counties; providing county may not receive less than 2016-2017  
6 allocation from certain line items; and requiring moneys allocated to be used for  
7 implementation of comprehensive systems for teacher and leader induction and  
8 professional growth.

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

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

**§18-9A-10. Foundation allowance to improve instructional programs, teacher and leader  
induction and professional growth and instructional technology.**

1 (a) The total allowance to improve instructional programs and instructional technology is  
2 the sum of the following:

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

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

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

13 Moneys allocated by this subdivision shall be used to improve instructional programs  
14 according to the county and school strategic improvement plans required by section five, article  
15 two-e of this chapter and approved by the state board.

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

31 The funds available for personnel under this subdivision may not be used to increase the  
32 total number of professional noninstructional personnel in the central office beyond four.

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

35 (2) For the purpose of supporting county-level implementation of the comprehensive  
36 systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this  
37 code, an amount equal to twenty percent of the increase in the local share amount for the next  
38 school year shall be added to the amount of the appropriation for this purpose for the immediately

39 preceding school year. The sum of these amounts shall be allocated to the counties in a manner  
40 established by the State Board which takes into account the following factors: *Provided*, That no  
41 county may receive an allocation which is less than the county's total 2016-2017 allocation from  
42 the Teacher Mentor and Principals Mentorship appropriation to the Department of Education:

43 (A) The number of full-time-equivalent teachers employed by the county with zero years  
44 of experience;

45 (B) The total number of full-time-equivalent teachers employed by the county with one  
46 year of experience, with two years of experience and with three years of experience;

47 (C) The number of full-time-equivalent principals, assistant principals and vocational  
48 administrators employed by the county who are in their first or second year of employment as a  
49 principal, assistant principal or vocational administrator;

50 (D) The number of full-time-equivalent principals, assistant principals and vocational  
51 administrators employed by the county who are in their first year in an assignment at a school  
52 with a programmatic level in which they have not previously served as a principal, assistant  
53 principal or vocational administrator; and

54 (E) Needs identified in the strategic plans for continuous improvement of schools and  
55 school systems including those identified through the performance evaluations of professional  
56 personnel.

57 Moneys allocated by this subdivision shall be used for implementation of the  
58 comprehensive systems for teacher and leader induction and professional growth pursuant to  
59 §18A-3C-3 of this code.

60 ~~(2)~~ (3) For the purposes of improving instructional technology, an amount equal to twenty  
61 percent of the increase in the local share amount for the next school year ~~above any required~~  
62 ~~allocation pursuant to section six-b of this article~~ shall be added to the amount of the appropriation  
63 for this purpose for the immediately preceding school year. The sum of these amounts shall be  
64 allocated to the counties as follows:

65 (A) Thirty thousand dollars shall be allocated to each county; and

66 (B) Allocation to the counties of the remainder of these funds shall be made proportional  
67 to the average of each county's average daily attendance for the preceding year and the county's  
68 second month net enrollment.

69 Moneys allocated by this subdivision shall be used to improve instructional technology  
70 programs according to the county board's strategic technology learning plan.

71 This allocation for the improvement of instructional technology programs may also be used  
72 for the employment of technology system specialists essential for the technology systems of the  
73 schools of the county to be fully functional and readily available when needed by classroom  
74 teachers. The amount of this allocation used for the employment of technology system specialists  
75 shall be included and justified in the county board's strategic technology learning plan; plus

76 ~~(3)~~ (4) One percent of the state average per pupil state aid multiplied by the number of  
77 students enrolled in dual credit, advanced placement and international baccalaureate courses, as  
78 defined by the state board, distributed to the counties proportionate to enrollment in these courses  
79 in each county; plus

80 ~~(4)~~ (5) An amount not less than the amount required to meet debt service requirements  
81 on any revenue bonds issued prior to January 1, 1994, and the debt service requirements on any  
82 revenue bonds issued for the purpose of refunding revenue bonds issued prior to January 1,  
83 1994, shall be paid by the Department of Education in accordance with the expenditure schedule  
84 approved by the state budget office into the School Building Capital Improvements Fund created  
85 by section six, article nine-d of this chapter and shall be used solely for the purposes of that article.  
86 The School Building Capital Improvements Fund shall not be utilized to meet the debt services  
87 requirement on any revenue bonds or revenue refunding bonds for which moneys contained  
88 within the School Building Debt Service Fund have been pledged for repayment pursuant to that  
89 section.

90 (b) Notwithstanding the restrictions on the use of funds pursuant to subdivisions (1) and  
91 ~~(2)~~, (3), subsection (a) of this section, a county board may:

92 (1) Utilize up to twenty-five percent of the allocation for the improvement of instructional  
93 programs in any school year for school facility and equipment repair, maintenance and  
94 improvement or replacement and other current expense priorities and for emergency purposes.  
95 The amount of this allocation used for any of these purposes shall be included and justified in the  
96 county and school strategic improvement plans or amendments thereto; and

97 (2) Utilize up to fifty percent of the allocation for improving instructional technology in any  
98 school year for school facility and equipment repair, maintenance and improvement or  
99 replacement and other current expense priorities and for emergency purposes. The amount of  
100 this allocation used for any of these purposes shall be included and justified in the county board's  
101 strategic technology learning plan or amendments thereto.

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

107 (d) Any project funded by the School Building Authority shall be in accordance with a  
108 comprehensive educational facility plan which must be approved by the state board and the  
109 School Building Authority.

NOTE: The purpose of this bill is direct 20% of the growth in local share to be used to support the implementation of comprehensive systems for teacher and leader induction and professional growth. The new provisions also include the factors to be taken into account in making allocations to the counties, provide that county may not receive less than 2016-2017 allocation from the line items for Teacher Mentors and Principal Mentorships, and require that the moneys allocated are to be used for implementation of comprehensive systems for teacher and leader induction and professional growth.

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