

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4619**

BY DELEGATES ESPINOSA, STATLER, UPSON, FOLK,

COOPER, ROHRBACH, ATKINSON AND COWLES

[Originating in the Committee on Finance;

February 20, 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 the 2016-  
6 2017 allocation from certain line items; requiring moneys allocated to be used for  
7 implementation of comprehensive systems for teacher and leader induction and  
8 professional growth; and removing obsolete cross-references.

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

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

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

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~~ §18-2E-5 of this  
5 code, an amount equal to ten percent of the increase in the local share amount for the next school  
6 year ~~above any required allocation pursuant to section six-b of this article~~ shall be added to the  
7 amount of the appropriation for this purpose for the immediately preceding school year. The sum  
8 of these 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~~ §18-2E-5 of this code 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 purposes of improving instructional technology, an amount equal to twenty  
36 percent of the increase in the local share amount for the next school year ~~above any required~~  
37 ~~allocation pursuant to section six-b of this article~~ shall be added to the amount of the appropriation  
38 for this purpose for the immediately preceding school year. The sum of these amounts shall be  
39 allocated to the counties as follows:

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

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

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

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

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

55 (4) For the purpose of supporting county-level implementation of the comprehensive  
56 systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this  
57 code, an amount equal to twenty percent of the increase in the local share amount for the next  
58 school year shall be added to the amount of the appropriation for this purpose for the immediately  
59 preceding school year. The sum of these amounts shall be allocated to the counties in a manner  
60 established by the State Board which takes into account the following factors:

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

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

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

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

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

75           Notwithstanding any provision of this subsection to the contrary, no county may receive  
76 an allocation for the purposes of this subdivision which is less than the county's total 2016-2017  
77 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department  
78 of Education. Moneys allocated by this subdivision shall be used for implementation of the  
79 comprehensive systems for teacher and leader induction and professional growth pursuant to  
80 §18A-3C-3 of this code; plus

81           (4) (5) An amount not less than the amount required to meet debt service requirements  
82 on any revenue bonds issued prior to January 1, 1994, and the debt service requirements on any  
83 revenue bonds issued for the purpose of refunding revenue bonds issued prior to January 1,  
84 1994, shall be paid by the Department of Education in accordance with the expenditure schedule  
85 approved by the state budget office into the School Building Capital Improvements Fund created  
86 by ~~section six, article nine-d of this chapter~~ §18-9D-6 of this code and shall be used solely for the  
87 purposes of that article. The School Building Capital Improvements Fund shall not be utilized to  
88 meet the debt services requirement on any revenue bonds or revenue refunding bonds for which  
89 moneys contained within the School Building Debt Service Fund have been pledged for  
90 repayment pursuant to that section.

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

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

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

103           (c) When the school improvement bonds secured by funds from the School Building  
104 Capital Improvements Fund mature, the State Board of Education shall annually deposit an  
105 amount equal to \$24,000,000 from the funds allocated in this section into the School Construction  
106 Fund created pursuant to the provisions of ~~section six, article nine-d of this chapter~~ §18-9D-6 of  
107 this code to continue funding school facility construction and improvements.

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