

WEST VIRGINIA LEGISLATURE
2019 FIRST EXTRAORDINARY SESSION

Introduced

House Bill 188

BY DELEGATES HANSHAW (MR. SPEAKER) AND MILEY

[BY REQUEST OF THE EXECUTIVE]

[Introduced June 17, 2019; Referred
to the Select Committee on Education Reform C]

1 A BILL to amend and reenact §18-9A-8 of the Code of West Virginia, 1931, as amended,
2 relating to funding for professional student support services; and establishing
3 school aid formula allowance for professional student support personnel at 4.70
4 positions per 1,000 students in net enrollment.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-8. Foundation allowance for professional student support services.

1 (a) The basic foundation allowance to the county for professional student support
2 personnel shall be the amount of money determined in accordance with the following:

3 (1) The sum of the state minimum salaries, as determined in accordance with the
4 provisions of §18-4-1 *et seq.* of this code, for all state aid eligible school nurse and counselor
5 positions in the county during the 2008 fiscal year which number shall be reduced in the same
6 proportion as the number of professional educators allowed to be funded under §18-9A-4 of this
7 code to the total number of professional educators employed that are state aid eligible. In
8 performing this calculation, the numerator shall be the number of professional educators actually
9 funded under §18-9A-4 of this code and the denominator shall be the total number of professional
10 educators employed that are eligible to be funded under §18-9A-4 of this code;

11 (2) The amount derived from the calculation in §18-9A-8(a)(1) of this code is increased by
12 one half percent;

13 (3) The amount derived from the calculation in §18-9A-8(a)(2) of this code is the basic
14 foundation allowance to the county for professional student support personnel for the 2009 fiscal
15 year;

16 (4) For fiscal years 2010, 2011, 2012, and 2013, the basic foundation allowance to the
17 county for professional student support personnel increases by one-half percent per year over
18 the allowance for the previous year; and

19 (5) For all fiscal years thereafter until fiscal year 2020, the basic foundation allowance to
20 the county for professional student support personnel remains the same amount as in the 2013
21 fiscal year, plus any additional amount of funding necessary to cover the increases in the State
22 Minimum Salary Schedule set forth in §18A-4-2 of this code effective for the fiscal year beginning
23 July 1, 2018, and thereafter.

24 (b) The additional positions for counselors that may be created as a result of the one
25 percent increase provided pursuant to this section shall be assigned to schools where the
26 counselor can:

27 (1) Enhance student achievement;

28 (2) Provide early intervention for students in grades prekindergarten through five; and

29 (3) Enhance student development and career readiness.

30 (c) Effective for the 2019-20 fiscal year and thereafter, the basic foundation allowance to
31 the county for professional student support personnel is the amount of money required to pay the
32 state minimum salaries, in accordance with provisions of §18A-4-1 et seq. of this code, subject to
33 the following:

34 (1) In making this computation, each county shall receive an allowance for 4.70 state aid
35 eligible professional student support personnel positions to each 1,000 students in net enrollment;

36 (2) For any professional student support personnel positions, or fraction thereof,
37 determined for a county pursuant to subdivision (1) of this subsection that exceed the number
38 employed, the county's allowance for these positions shall be determined using the average state
39 funded salary of professional student support personnel for the county;

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

42 (4) Where two or more counties join together in support of a vocational or comprehensive
43 high school or any other program or service, the professional student support personnel for the

44 school or program may be prorated among the participating counties on the basis of each county's
45 enrollment therein and the personnel shall be considered within the above-stated limit; and

46 (5) For the 2019-20 fiscal year only, the number of positions funded for each county by
47 subdivision (1) of this subsection cannot be less than the number of positions that would have
48 been funded in accordance with the previous methodology for determining the number of
49 professional student support personnel positions funded for each county.

50 (d) Effective for the 2019-20 fiscal year and thereafter, the basic foundation allowance to
51 the county for law enforcement personnel is the amount of money required to pay the state
52 minimum salaries, in accordance with provisions of §18A-4-1 et seq. of this code, subject to the
53 following:

54 (1) In making this computation, each county shall receive an allowance sufficient to
55 provide for at least one law-enforcement officer for each school in the county;

56 (2) For any law-enforcement personnel positions, or fraction thereof, determined for a
57 county pursuant to subdivision (1), subsection (c) of this section that exceed the number
58 employed, the county's allowance for these positions shall be determined using the average state
59 funded salary of law enforcement support personnel for the county, less any federal or other funds
60 received to cover such costs: *Provided*, That if law-enforcement personnel are obtained through
61 a contractual arrangement with an outside law-enforcement agency, the county average state
62 funded salary of the professional student personnel shall be used;

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

65 (4) Where two or more counties join together in support of a vocational or comprehensive
66 high school or any other program or service, the law-enforcement personnel for the school or
67 program may be prorated among the participating counties on the basis of each one's enrollment
68 therein and the personnel shall be considered within the above-stated limit; and

69 (5) For the 2019-20 fiscal year only, the number of positions funded for each county by
70 subdivision (1) of this subsection cannot be less than the number of positions that would have
71 been funded in accordance with the previous methodology for determining the number of
72 professional student support personnel positions funded for each county.

73 (6) The county is authorized to reimburse the law enforcement agency for the costs of
74 providing a salaried employee to the school or may hire and pay law enforcement personnel as
75 per diem employees outside his or her normal work hours to serve as law enforcement personnel,
76 as provided in this section.

NOTE: The purpose of this bill is to revise the school aid formula allowance for professional student support personnel and law enforcement officers for schools.

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