

**WEST VIRGINIA LEGISLATURE**  
**2019 FIRST EXTRAORDINARY SESSION**

**Introduced**

**House Bill 194**

BY DELEGATES HANSHAW (MR. SPEAKER) AND MILEY

[BY REQUEST OF THE EXECUTIVE

[Introduced June 17, 2019; Referred

to the Select Committee on Education Reform D ]

1 A BILL to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating  
2 to the public school support program; expanding the definition of “professional student  
3 support personnel”; increasing the basic foundation allowance for professional student  
4 support personnel; providing that counties with less than 1,400 in net enrollment shall be  
5 considered to have 1,400 in net enrollment for the purposes of determining the county’s  
6 basic foundation program; modifying definition of the adults that participate in vocation  
7 programs that may be included in net enrollment; and modifying definition of “levies for  
8 general current expense purposes”.

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

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

##### **§18-9A-2. Definitions.**

1 For the purpose of this article:

2 (a) “State board” means the West Virginia Board of Education.

3 (b) “County board” or “board” means a county board of education.

4 (c) “Professional salaries” means the state legally mandated salaries of the professional  
5 educators as provided in §18-4-1 *et seq.* of this code.

6 (d) “Professional educator” shall be synonymous with and shall have the same meaning  
7 as “teacher” as defined in §18-1-1 of this code, and includes technology integration specialists.

8 (e) “Professional instructional personnel” means a professional educator whose regular  
9 duty is as that of a classroom teacher, librarian, attendance director, or school psychologist. A  
10 professional educator having both instructional and administrative or other duties shall be  
11 included as professional instructional personnel for that ratio of the school day for which he or she  
12 is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance,  
13 or psychologist duties.

14 (f) “Professional student support personnel” means a “teacher” as defined in §18-1-1 of  
15 this code who is assigned and serves on a regular full-time basis as a counselor or as a school

16 nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for  
17 Registered Professional Nurses. Professional student support personnel shall also include  
18 professional personnel providing direct social and emotional support services to students,  
19 including, but not limited to, social workers and psychologists. For all purposes except for the  
20 determination of the allowance for professional educators pursuant to section four of this article,  
21 professional student support personnel are professional educators.

22 (g) "Service personnel salaries" means the state legally mandated salaries for service  
23 personnel as provided in §18A-4-8a of this code.

24 (h) "Service personnel" means all personnel as provided in §18A-4-8 of this code. For the  
25 purpose of computations under this article of ratios of service personnel to net enrollment, a  
26 service employee shall be counted as that number found by dividing his or her number of  
27 employment days in a fiscal year by 200: *Provided*, That the computation for any service person  
28 employed for three and one-half hours or less per day as provided in §18A-4-8a of this code shall  
29 be calculated as one half an employment day.

30 (i) "Net enrollment" means the number of pupils enrolled in special education programs,  
31 kindergarten programs, and grades one to 12, inclusive, of the public schools of the county. Net  
32 enrollment further shall include:

33 (1) Adults enrolled in ~~regular secondary~~ vocational programs, subject to the following:

34 (A) Net enrollment includes no more than 2,500 of those adults counted on the basis of  
35 full-time equivalency and apportioned annually to each county to support Advanced Career  
36 Education programs, as provided in §18-2E-11 of this code, in proportion to the adults  
37 participating in ~~regular secondary~~ vocational programs ~~in the prior year~~ counted on the basis of  
38 full-time equivalency: *Provided*, That beginning with the 2021 fiscal year and every year  
39 thereafter, a career technical education center may only receive the funding for enrollment as  
40 authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this  
41 code; and

42 ~~(B) Net enrollment does not include any adult charged tuition or special fees beyond that~~  
43 ~~required of the regular secondary vocational student~~

44 (2) Students enrolled in early childhood education programs as provided in §18-5-44 of  
45 this code, counted on the basis of full-time equivalency;

46 (3) A pupil may not be counted more than once by reason of transfer within the county or  
47 from another county within the state, and no pupil shall be counted who attends school in this  
48 state from another state;

49 (4) The enrollment shall be modified to the equivalent of the instructional term and in  
50 accordance with the eligibility requirements and rules established by the state board; and

51 ~~(5) For the purposes of determining the county's basic foundation program only for~~ For  
52 any county whose net enrollment as determined under all other provisions of this definition is less  
53 than 1,400, the net enrollment of the county shall be increased by an amount to be determined in  
54 accordance with the following considered to be 1,400 for the purposes of determining the county's  
55 basic foundation program only. During the 2019-2020 interim period and every three interim  
56 periods thereafter, the Legislative Oversight Commission on Education Accountability shall review  
57 this subdivision to determine whether or not these provisions properly address the needs of  
58 counties with low enrollment and sparse population density.

59 ~~(A) Divide the state's lowest county student population density by the county's actual~~  
60 ~~student population density;~~

61 ~~(B) Multiply the amount derived from the calculation in paragraph (A) of this subdivision~~  
62 ~~by the difference between one thousand four hundred and the county's actual net enrollment;~~

63 ~~(C) If the increase in net enrollment as determined under this subdivision plus the county's~~  
64 ~~net enrollment as determined under all other provisions of this subsection is greater than one~~  
65 ~~thousand four hundred, the increase in net enrollment shall be reduced so that the total does not~~  
66 ~~exceed one thousand four hundred; and~~

67 ~~(D) During the 2008-2009 interim period and every three interim periods thereafter, the~~  
68 ~~Legislative Oversight Commission on Education Accountability shall review this subdivision to~~  
69 ~~determine whether or not these provisions properly address the needs of counties with low~~  
70 ~~enrollment and a sparse population density~~

71 (j) "Sparse-density county" means a county whose ratio of net enrollment, excluding any  
72 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this  
73 section, of the definition of "net enrollment", to the square miles of the county is less than five.

74 (k) "Low-density county" means a county whose ratio of net enrollment, excluding any  
75 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this  
76 section, of the definition of "net enrollment", to the square miles of the county is equal to or greater  
77 than five but less than 10.

78 (l) "Medium-density county" means a county whose ratio of net enrollment, excluding any  
79 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this  
80 section, of the definition of "net enrollment", to the square miles of the county is equal to or greater  
81 than 10 but less than 20.

82 (m) "High-density county" means a county whose ratio of net enrollment, excluding any  
83 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this  
84 section, of the definition of "net enrollment", to the square miles of the county is equal to or greater  
85 than 20.

86 (n) "Levies for general current expense purposes" means 90 percent of the levy rate for  
87 county boards of education ~~calculated or set by the Legislature~~ pursuant to §11-8-6f of this code:  
88 Provided, That beginning with the funding for fiscal year 2021, "levies for general current expense  
89 purposes" means 85 percent of the levy rate for county boards of education pursuant to §11-8-6f  
90 of this code: *Provided however,* That beginning with the funding for fiscal year 2022, "levies for  
91 general current expense purposes" means 80 percent of the levy rate for county boards of

92 education pursuant to §11-8-6f of this code. The levy rate shall be assumed to be the rate  
93 established in that section and not an increased rate established by a county board.

94 (o) "Technology integration specialist" means a professional educator who has expertise  
95 in the technology field and is assigned as a resource teacher to provide information and guidance  
96 to classroom teachers on the integration of technology into the curriculum.

97 (p) "State aid eligible personnel" means all professional educators and service personnel  
98 employed by a county board in positions that are eligible to be funded under this article and whose  
99 salaries are not funded by a specific funding source such as a federal or state grant, donation,  
100 contribution or other specific funding source not listed.

NOTE: The purpose of this bill is to expand the definition of "professional student support personnel"; increase the basic foundation allowance for professional student support personnel; provide that counties with less than 1,400 in net enrollment shall be considered to have 1,400 in net enrollment for the purposes of determining the county's basic foundation program; modify definition of the adults that participate in vocation programs that may be included in net enrollment; and modify definition of "levies for general current expense purposes".

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