

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

### Introduced

## House Bill 2865

FISCAL  
NOTE

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[Introduced February 6, 2019; Referred  
to the Committee on Education then Finance.]

1 A BILL to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating  
 2 to allowances for instructional technology and advanced placement, dual credit and  
 3 international baccalaureate programs; increasing base allocation to each county for  
 4 improving instructional technology; changing basis of determining amount to be distributed  
 5 to counties for enrollment in advanced placement and dual credit programs and restricting  
 6 use for program support; and removing language requiring prospective deposits into  
 7 School Construction Fund.

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

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

**§18-9A-10. Foundation allowance to improve instructional programs, instructional technology; advanced placement, dual credit and international baccalaureate programs; 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 §18-2E-5 of this code, an amount equal to 10 percent of  
 5 the increase in the local share amount for the next school year shall be added to the amount of  
 6 the appropriation for this purpose for the immediately preceding school year. The sum of these  
 7 amounts shall be allocated to the counties as follows:

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

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

12 Moneys allocated by this subdivision shall be used to improve instructional programs  
 13 according to the county and school strategic improvement plans required by §18-2E-5 of this code  
 14 and approved by the state board.

15 Up to 50 percent of this allocation for the improvement of instructional programs may be  
16 used to employ professional educators and service personnel in the county. Prior to the use of  
17 any funds from this subdivision for personnel costs, the county board must receive authorization  
18 from the state superintendent. The state superintendent shall require the county board to  
19 demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3)  
20 sharing of services with adjoining counties in the use of the total local district board budget; and  
21 (4) employment of technology integration specialists to meet the needs for implementation of the  
22 West Virginia Strategic Technology Learning Plan. County boards shall make application for the  
23 use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1,  
24 the state superintendent shall review all applications and notify applying county boards of the  
25 approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The  
26 state superintendent shall require the county board to demonstrate the need for an allocation for  
27 personnel based upon the county's inability to meet the requirements of state law or state board  
28 policy.

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

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

33 (2) For the purposes of improving instructional technology, an amount equal to 20 percent  
34 of the increase in the local share amount for the next school year shall be added to the amount  
35 of the appropriation for this purpose for the immediately preceding school year. The sum of these  
36 amounts shall be allocated to the counties as follows:

37 (A) ~~Thirty~~ Sixty thousand dollars shall be allocated to each county; and

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

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

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

48 (3) To support the program costs for student enrollment in dual credit, advanced  
49 placement and international baccalaureate courses as defined by the state board:

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

54 (B) Fifty dollars multiplied by the number of dual credit courses enrolled in by the students  
55 of the county shall be distributed to each respective county for the purpose of supporting  
56 enrollment in these courses in the county; plus

57 (C) Fifty dollars multiplied by the number of advanced placement courses enrolled in by  
58 the students of the county shall be distributed to each respective county for the purpose of  
59 supporting enrollment in these courses in the county; plus

60 (4) For the purpose of supporting county-level implementation of the comprehensive  
61 systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this  
62 code, an amount equal to 20 percent of the increase in the local share amount for the next school  
63 year shall be added to the amount of the appropriation for this purpose for the immediately  
64 preceding school year. The sum of these amounts shall be allocated to the counties in a manner  
65 established by the state board which takes into account the following factors:

66 (A) The number of full-time-equivalent teachers employed by the county with zero years

67 of experience;

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

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

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

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

80 Notwithstanding any provision of this subsection to the contrary, no county may receive  
81 an allocation for the purposes of this subdivision which is less than the county's total 2016-2017  
82 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department  
83 of Education. Moneys allocated by this subdivision shall be used for implementation of the  
84 comprehensive systems for teacher and leader induction and professional growth pursuant to  
85 §18A-3C-3 of this code; plus

86 (5) An amount not less than the amount required to meet debt service requirements on  
87 any revenue bonds issued prior to January 1, 1994, and the debt service requirements on any  
88 revenue bonds issued for the purpose of refunding revenue bonds issued prior to January 1,  
89 1994, shall be paid by the Department of Education in accordance with the expenditure schedule  
90 approved by the state budget office into the School Building Capital Improvements Fund created  
91 by §18-9D-6 of this code and shall be used solely for the purposes of that article. The School  
92 Building Capital Improvements Fund shall not be utilized to meet the debt services requirement

93 on any revenue bonds or revenue refunding bonds for which moneys contained within the School  
94 Building Debt Service Fund have been pledged for repayment pursuant to that section.

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

97 (1) Utilize up to 25 percent of the allocation for the improvement of instructional programs  
98 in any 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 and  
101 school strategic improvement plans or amendments thereto; and

102 (2) Utilize up to 50 percent of the allocation for improving instructional technology in any  
103 school year for school facility and equipment repair, maintenance and improvement or  
104 replacement and other current expense priorities and for emergency purposes. The amount of  
105 this allocation used for any of these purposes shall be included and justified in the county board's  
106 strategic technology learning plan or amendments thereto.

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

112 ~~(d) Any project funded by the School Building Authority shall be in accordance with a~~  
113 ~~comprehensive educational facility plan which must be approved by the state board and the~~  
114 ~~School Building Authority~~

NOTE: The purpose of this bill is to change the school aid formula Step 7 allowances for instructional technology and enrollment advanced placement and dual credit courses. The base allocation to each county for improving instructional technology is increased by \$30,000. The basis of determining amount to be distributed to counties for enrollment in advanced placement and dual credit programs is changed from 1 percent of the state

average per pupil state aid for each student enrolled in one or more of these courses to \$50 for each of these courses in which a student enrolls. The funding use is restricted for program support.

The bill also removes language requiring prospective deposits into School Construction Fund of \$24 million once debt service for School Building Authority bonds issued before 1994 is paid.

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