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WEST VIRGINIA LEGISLATURE

2019 FIRST EXTRAORDINARY SESSION

Introduced

Senate Bill Number

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A BILL to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, and amending and reenacting §18-9A-9 of said code, relating to increasing the basic foundation allowance to the county for professional student support personnel.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-2. Definitions.

For the purpose of this article:

~~(a) "State board" means the West Virginia Board of Education.~~

~~(b) "County board" or "board" means a county board of education.~~

~~(c) "Professional salaries" means the state legally mandated salaries of the professional educators as provided in article four, chapter eighteen-a of this code.~~

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

"Levies for general current expense purposes" means ninety percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to section six-f, article eight, chapter eleven of this code.

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

"Medium-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this

section, of the definition of "net enrollment", to the square miles of the county is equal to or greater than ten but less than twenty.

"Net enrollment" means the number of pupils enrolled in special education programs, kindergarten programs and grades one to twelve, inclusive, of the public schools of the county.

Net enrollment further shall include:

(1) Adults enrolled in regular secondary vocational programs existing as of the effective date of this section, subject to the following:

(A) Net enrollment includes no more than one thousand of those adults counted on the basis of full-time equivalency and apportioned annually to each county in proportion to the adults participating in regular secondary vocational programs in the prior year counted on the basis of full-time equivalency; and

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

(2) Students enrolled in early childhood education programs as provided in section forty-four, article five of this chapter, counted on the basis of full-time equivalency;

(3) No pupil shall be counted more than once by reason of transfer within the county or from another county within the state, and no pupil shall be counted who attends school in this state from another state;

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

(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than one thousand four hundred, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

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

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

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

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

55 ~~(e)~~ "Professional educator" shall be synonymous with and shall have the same meaning
56 as "teacher" as defined in section one, article one of this chapter, and includes technology
57 integration specialists.

58 ~~(e)~~ "Professional instructional personnel" means a professional educator whose regular
59 duty is as that of a classroom teacher, librarian, attendance director or school psychologist. A
60 professional educator having both instructional and administrative or other duties shall be
61 included as professional instructional personnel for that ratio of the school day for which he or she
62 is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance
63 or psychologist duties.

64 "Professional salaries" means the state legally mandated salaries of the professional
65 educators as provided in article four, chapter eighteen-a of this code.

66 ~~(f)~~ "Professional student support personnel" means a "teacher" as defined in §18-1-1 of
67 this code who is assigned and serves on a regular full-time basis as a counselor or as a school
68 nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for
69 Registered Professional Nurses. Professional student support personnel shall also include
70 professional personnel providing direct social and emotional support services to students.

71 including, but not limited to, social workers and psychologists. For all purposes except for the
72 determination of the allowance for professional educators pursuant to section four of this article,
73 professional student support personnel are professional educators.

74 ~~(g) "Service personnel salaries" means the state legally mandated salaries for service~~
75 ~~personnel as provided in section eight-a, article four, chapter eighteen-a of this code.~~

76 ~~(h)~~ "Service personnel" means all personnel as provided in section eight, article four,
77 chapter eighteen-a of this code. For the purpose of computations under this article of ratios of
78 service personnel to net enrollment, a service employee shall be counted as that number found
79 by dividing his or her number of employment days in a fiscal year by two hundred: *Provided, That*
80 the computation for any service person employed for three and one-half hours or less per day as
81 provided in section eight-a, article four, chapter eighteen-a of this code shall be calculated as one
82 half an employment day.

83 "Service personnel salaries" means the state legally mandated salaries for service
84 personnel as provided in section eight-a, article four, chapter eighteen-a of this code.

85 ~~(i) "Net enrollment" means the number of pupils enrolled in special education programs,~~
86 ~~kindergarten programs and grades one to twelve, inclusive, of the public schools of the county.~~
87 ~~Net enrollment further shall include:~~

88 ~~(1) Adults enrolled in regular secondary vocational programs existing as of the effective~~
89 ~~date of this section, subject to the following:~~

90 ~~(A) Net enrollment includes no more than one thousand of those adults counted on the~~
91 ~~basis of full-time equivalency and apportioned annually to each county in proportion to the adults~~
92 ~~participating in regular secondary vocational programs in the prior year counted on the basis of~~
93 ~~full-time equivalency; and~~

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

96 ~~(2) Students enrolled in early childhood education programs as provided in section forty-~~

~~four, article five of this chapter, counted on the basis of full-time equivalency;~~

~~(3) No pupil shall be counted more than once by reason of transfer within the county or from another county within the state, and no pupil shall be counted who attends school in this state from another state;~~

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

~~(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than one thousand four hundred, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:~~

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

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

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

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

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

"State board" means the West Virginia Board of Education.

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

127 ~~(k) "Low-density county" means a county whose ratio of net enrollment, excluding any~~
128 ~~increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this~~
129 ~~section, of the definition of "net enrollment", to the square miles of the county is equal to or greater~~
130 ~~than five but less than ten.~~

131 ~~(l) "Medium-density county" means a county whose ratio of net enrollment, excluding any~~
132 ~~increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this~~
133 ~~section, of the definition of "net enrollment", to the square miles of the county is equal to or greater~~
134 ~~than ten but less than twenty.~~

135 ~~(m) "High-density county" means a county whose ratio of net enrollment, excluding any~~
136 ~~increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this~~
137 ~~section, of the definition of "net enrollment", to the square miles of the county is equal to or greater~~
138 ~~than twenty.~~

139 ~~(n) "Levies for general current expense purposes" means ninety percent of the levy rate~~
140 ~~for county boards of education calculated or set by the Legislature pursuant to section six-f, article~~
141 ~~eight, chapter eleven of this code.~~

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

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

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

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

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

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

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

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

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

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

counselor can:

- (1) Enhance student achievement;
- (2) Provide early intervention for students in grades prekindergarten through five; and
- (3) Enhance student development and career readiness.

(c) Effective for the 2020 fiscal year and thereafter, the basic foundation allowance to the county for professional student support personnel is the amount of money required to pay the state minimum salaries, in accordance with provisions of §18A-4-1 *et seq.* of this code, subject to the following:

(1) In making this computation, each county shall receive an allowance for five and seventy-five hundredths state aid eligible professional student support personnel positions to each 1,000 students in net enrollment;

(2) For any professional student support personnel positions, or fraction thereof, determined for a county pursuant to §18-9A-8 of this code that exceed the number employed, the county's allowance for these positions shall be determined using the average state funded salary of professional student support personnel for the county;

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

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

(5) For the 2020 fiscal year only, the number of positions funded for each county by

- 48 subdivision (1) cannot be less than the number of positions that would have been funded in
49 accordance with the previous methodology for determining the number of professional student
50 support personnel positions funded for each county.

NOTE: The purpose of this bill is to increase the basic foundation allowance to the county for professional student support personnel.

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