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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, amending and reenacting §18-9A-21 of said code, all relating to modifications to the school aid formula, amending the definition of levies for general current expense purposes; instituting a floor of 1,400 students for the purposes of determining the county's basic foundation program; and increasing funding for alternative education programs.

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 §11-8-6f of this code.

For the fiscal year beginning July 1, 2019, "levies for general current expense purposes" means eighty-five 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. For the fiscal year beginning July 1, 2020 and for each fiscal year thereafter, "levies for general current expense purposes" means eighty percent of the levy rate for county boards of education calculated or set

by the Legislature pursuant to §11-8-6f 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 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually to each county to support Advanced Career Education programs, as provided in §18-2E-11 of this code, in proportion to the adults participating in regular secondary vocational programs in the prior year counted on the basis of full-time equivalency: *Provided*, That beginning with the 2021 fiscal year and every year thereafter, a career technical education center may only receive the funding for enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code; and

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

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

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

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

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

55 ~~(d)~~ "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-~~
97 ~~four, article five of this chapter, counted on the basis of full-time equivalency;~~

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

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

103 ~~(5) For the purposes of determining the county's basic foundation program only, for any~~
104 ~~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.

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

~~(k) "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.~~

~~(l) "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.~~

~~(m) "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.~~

~~(n) "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.~~

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

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

§18-9A-21. Funding for alternative education programs.

(a) An appropriation may be made to the state department to be distributed to county boards for the operation of alternative education and prevention programs established in accordance with policies and procedures adopted by the state board under section six, article two of this chapter. The appropriation shall be an amount equal to ~~\$18~~ \$27 per student in net enrollment, subject to appropriation by the Legislature. The state board shall distribute ninety-eight percent of the total appropriation to the county boards proportionate to each county's net enrollment. The remaining two percent of the appropriation shall be retained by the state department to support the provision of services to the county boards in administering programs established in accordance with policies and procedures adopted by the state board under section six, article two of this chapter.

(b) Nothing in this section may be construed to require any specific level of funding by the Legislature.

(c) The increase from ~~\$12~~ \$18 per student in net enrollment to ~~\$18~~ \$27 per student in net enrollment pursuant to the amendment and enactment of this section during the ~~2010 regular~~ 2019 first extraordinary session of the Legislature is not subject to the provisions of section three-

a.

NOTE: The purpose of this bill is to make modifications to the school aid formula such as adjusting the local share calculation rate down by five percentage points per year for the next two years; instituting a floor of 1,400 students for the purposes of determining the county's basic foundation program; and increasing funding for alternative education programs.

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