

WEST VIRGINIA LEGISLATURE
2019 FIRST EXTRAORDINARY SESSION

Introduced

Senate Bill 1033

BY SENATORS PREZIOSO, BALDWIN, BEACH, FACEMIRE,
HARDESTY, IHLENFELD, JEFFERIES, LINDSAY, PALUMBO,
PLYMALE, ROMANO, STOLLINGS, UNGER, AND WOELFEL

[Introduced May 20, 2019; Referred
to the Committee on Education]

1 A BILL to amend and reenact §18-9A-2 and §18-9A-21 of the Code of West Virginia, 1931, as
 2 amended, all relating to modifications to the school aid formula; amending the definition
 3 of “levies for general current expense purposes”; instituting a floor of 1,400 students for
 4 the purposes of determining the county’s basic foundation program; and increasing
 5 funding for alternative education programs.

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 article four, chapter eighteen-a of this code~~

6 “High-density county” means a county whose ratio of net enrollment, excluding any
 7 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this
 8 section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater
 9 than 20.

10 “Levies for general current expense purposes” means 90 percent of the levy rate for
 11 county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

12 For the fiscal year beginning July 1, 2019, “levies for general current expense purposes” means
 13 85 percent of the levy rate for county boards of education calculated or set by the Legislature
 14 pursuant to §11-8-6f of this code. For the fiscal year beginning July 1, 2020 and for each fiscal
 15 year thereafter, “levies for general current expense purposes” means 80 percent of the levy rate
 16 for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this
 17 code.

18 “Low-density county” means a county whose ratio of net enrollment, excluding any

19 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this
20 section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater
21 than five but less than 10.

22 “Medium-density county” means a county whose ratio of net enrollment, excluding any
23 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this
24 section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater
25 than 10 but less than 20.

26 “Net enrollment” means the number of pupils enrolled in special education programs,
27 kindergarten programs and grades one to 12, inclusive, of the public schools of the county. Net
28 enrollment further shall include:

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

31 (A) Net enrollment includes no more than 2,500 of those adults counted on the basis of
32 full-time equivalency and apportioned annually to each county to support Advanced Career
33 Education programs, as provided in §18-2E-11 of this code, in proportion to the adults
34 participating in regular secondary vocational programs in the prior year counted on the basis of
35 full-time equivalency: *Provided*, That beginning with the 2021 fiscal year and every year
36 thereafter, a career technical education center may only receive the funding for enrollment as
37 authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this
38 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 §18-5-44 of
42 this code, 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 §18-1-1 of this code, and includes technology integration specialists.

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

63 "Professional salaries" means the state legally mandated salaries of the professional
64 educators as provided in §18A-4-1 et seq. of this code.

65 ~~(f)~~ "Professional student support personnel" means a "teacher" as defined in §18-1-1 of
66 this code who is assigned and serves on a regular full-time basis as a counselor or as a school
67 nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for
68 Registered Professional Nurses. Professional student support personnel shall also include
69 professional personnel providing direct social and emotional support services to students,
70 including, but not limited to, social workers and psychologists. For all purposes except for the

71 determination of the allowance for professional educators pursuant to section four of this article,
72 professional student support personnel are professional educators.

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

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

81 "Service personnel salaries" means the state legally mandated salaries for service
82 personnel as provided in §18A-4-8 of this code.

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

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

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

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

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

96 ~~(3) No pupil shall be counted more than once by reason of transfer within the county or~~

97 ~~from another county within the state, and no pupil shall be counted who attends school in this~~
98 ~~state from another state;~~

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

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

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

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

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

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

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

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

121 "State aid eligible personnel" means all professional educators and service personnel
122 employed by a county board in positions that are eligible to be funded under this article and whose

123 salaries are not funded by a specific funding source such as a federal or state grant, donation,
124 contribution or other specific funding source not listed.

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

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

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

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

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

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

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

1 (a) An appropriation may be made to the state department to be distributed to county

2 boards for the operation of alternative education and prevention programs established in
3 accordance with policies and procedures adopted by the state board under §18-2-6 of this code.
4 The appropriation shall be an amount equal to ~~\$18~~ \$27 per student in net enrollment, subject to
5 appropriation by the Legislature. The state board shall distribute 98 percent of the total
6 appropriation to the county boards proportionate to each county's net enrollment. The remaining
7 two percent of the appropriation shall be retained by the state department to support the provision
8 of services to the county boards in administering programs established in accordance with policies
9 and procedures adopted by the state board under §18-2-6 of this code.

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

12 (c) The increase from ~~\$12~~ \$18 per student in net enrollment to ~~\$18~~ \$27 per student in net
13 enrollment pursuant to the amendment and enactment of this section during the ~~2010 regular~~
14 2019 first extraordinary session of the Legislature is not subject to the provisions of section three-
15 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.