

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2939

By Delegates Kyle, Coop-Gonzalez, McCormick,
Ward, Dean, Campbell, T. Howell, Hornby, Browning,
and Martin

[Introduced February 25, 2025; referred to the
Committee on Education then Finance]

1 A BILL to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended; and to
2 amend the code by adding a new section, designated §18-9A-13, relating to the creation of
3 the Remote Schools Support Act; defining an "extremely remote school" and setting forth
4 the requirements, including examples of extremely remote schools; providing additional
5 support to extremely remote schools by addressing costs of building operations, funding
6 for schools to prepare for extreme weather, and funding for professional development;
7 providing for keeping the extremely remote school open by additional state aid; providing
8 that no county board may close an extremely remote school; providing for a reporting
9 requirement to LOCEA; and providing for a waiver requirement.

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 §18A-4-1 *et seq.* of this code.

6 (d) "Professional educator" shall be synonymous with and shall have the same meaning as
7 "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 included
11 as professional instructional personnel for that ratio of the school day for which he or she is
12 assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or
13 psychologist duties.

(f) "Professional student support personnel" means a "teacher" as defined in §18-1-1 of this code who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. Professional student support personnel shall also include professional personnel providing direct social and emotional support services to students, as well as professional personnel addressing chronic absenteeism. For all purposes except for the determination of the allowance for professional educators pursuant to §18-9A-4 of this code, professional student support personnel are professional educators.

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

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

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

(1) Adults enrolled in vocational programs: *Provided*, That 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 vocational programs counted on the basis of full-time equivalency: *Provided further*, 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;

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

(3) A pupil may not be counted more than once by reason of transfer within the county or from another county within the state, and a pupil may not 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 1,400, 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 §18-9A-2(i)(5)(A) of this code by the difference between 1,400 and the county's actual net enrollment;

(C) Add the amount derived from the calculation in paragraph (B) of this subdivision to the county's actual net enrollment and increase that total amount by 10 percent; and

(D) If the net enrollment as determined under this subdivision is greater than 1,400, the calculated net enrollment shall be reduced to 1,400; and

(E) 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 these provisions properly address the needs of counties with low enrollment and a sparse population density; and

(6) For the purposes of determining the county's basic foundation program only, any student enrolled in an extremely remote school as defined by this section shall be considered to be a total of 2.5 students.

(j) "Sparse-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is less than five.

(k) "Low-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is equal to or greater than five but less than 10.

(l) "Medium-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is equal to or greater than 10 but less than 20.

(m) "High-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is equal to or greater than 20.

(n) "Levies for general current expense purposes" means 85 percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f 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.

(q) "Extremely remote school" is a school that meets all of the following criteria, as determined by the State Superintendent:

(A) Located 20 travel miles or more from an existing public school, public charter school, and private school;

(B) Located 20 travel miles within the county of the remote school;

(C) Serves a minimum of 20 students; and

(D) Examples of extremely remote schools include, but are not limited to, Pickens School, Harman School, Hacker Valley Elementary School, Paw Paw Elementary School and High School, Meadow Bridge Elementary School, and Aurora Elementary and Junior High School.

~~(q)~~ (r) The amendments to this section during the 2019 2025 First-Extraordinary Regular Session of the Legislature shall be effective for the 2019-2020 2025-2026 funding year, and the provisions of this section existing immediately prior to the 2019 2025 First-Extraordinary Regular Session of the Legislature remain in effect for funding years prior to the 2019-2020 2025-2026 funding year.

§18-9A-13. Support for extremely remote schools.

(a) The purpose of this act is to provide additional support to extremely remote schools, to address challenges relating to:

(1) Ongoing costs of building operations, including utilities, heating, snow removal, routine maintenance, repairs, and upgrades to ensure buildings remain safe, energy efficient, and operational year-round;

(2) Funding for school to prepare for extreme weather, including snow removal equipment, heating system upgrades, and backup power generators; and

(3) Funding for professional development tailored to rural and multi-grade teaching environments.

(b) Pursuant to this article, any county board having students enrolled in an extremely remote school as defined by §18-9A-2 and receiving state aid shall receive additional state aid for the purpose of keeping the extremely remote school open.

(c) No county board may close an extremely remote school.

(d) County boards shall submit any documentation requested by the State Superintendent that is necessary to determine whether the school is an extremely remote school.

- 16 (e) Any county receiving additional funding as a result of one or more of its schools
17 qualifying as being an extremely remote school shall submit reports to the State Superintendent
18 annually on how the funds were used and their impact on student safety, education quality, and
19 operational sustainability. The State Superintendent shall compile the reports and report the data
20 to the Legislative Oversight Commission on Education Accountability. The report also shall include
21 the State Superintendent's assessment on the program's effectiveness and may include
22 recommendations on funding adjustments or any other recommendations.
- 23 (f) An extremely remote school also may request a waiver from any requirement, including
24 school personnel related requirements, pursuant to §18-5A-3.

NOTE: The purpose of this bill is to provide for the creation of the Remote Schools Support Act.

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