

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Originating

House Bill 3508

By Delegates Hornby, Dittman, Ellington, Garcia,

Willis, Toney, and Statler

[Originating March 24, 2025

in the Committee on Education; referred to the

Committee on Finance.]

1 A BILL to amend and reenact §18-9A-2, §18-9A-5, §18-9A-10, and §18-9A-15 of the Code of West
2 Virginia, 1931, as amended, all relating to modifying the school aid formula to provide more
3 support for schools under certain circumstances.

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.

14 (f) "Professional student support personnel" means a "teacher" as defined in §18-1-1 of
15 this code who is assigned and serves on a regular full-time basis as a counselor or as a school
16 nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for
17 Registered Professional Nurses. Professional student support personnel shall also include
18 professional personnel providing direct social and emotional support services to students, as well
19 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;

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

47 (5) For the purposes of determining the county's basic foundation program only, for any
48 county whose net enrollment as determined under all other provisions of this definition is less than
49 1,400, the net enrollment of the county shall be increased by an amount to be determined in
50 accordance with the following:

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

53 (B) Multiply the amount derived from the calculation in §18-9A-2(i)(5)(A) of this code by the
54 difference between 1,400 and the county's actual net enrollment;

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

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

59 (E) During the 2008-2009 interim period and every three interim periods thereafter, the
60 Legislative Oversight Commission on Education Accountability shall review this subdivision to
61 determine whether these provisions properly address the needs of counties with low enrollment
62 and a sparse population density.

63 (6) For purposes of computing service personnel funding only, special education
64 enrollment, based on the December 1 exceptionality count of the prior fiscal year, shall be
65 provided a weight of 1.5 for the purpose of providing additional funding to county boards of
66 education to employ special education aides.

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

70 (k) "Low-density county" means a county whose ratio of net enrollment, excluding any
71 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) The amendments to this section during the 2019 First Extraordinary Session of the Legislature shall be effective for the 2019-2020 funding year, and the provisions of this section existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in effect for funding years prior to the 2019-2020 funding year.

§18-9A-5. Foundation allowance for service personnel.

(a) The basic foundation allowance to the county for service personnel shall be the amount of money required to pay the annual state minimum salaries in accordance with the provisions of §18A-4-1 *et seq.* of this code to such service personnel employed, subject to the following:

(1) A county shall receive an allowance for state aid eligible service personnel positions per

1,000 students in net enrollment, as follows:

(A) For each high-density county, ~~43.97~~ 53.79 service personnel per 1,000 students in net enrollment: ~~Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.39 beginning July 1, 2023; 50.65 beginning July 1, 2024; and 53.79 beginning July 1, 2025;~~

(B) For each medium-density county, ~~44.53~~ 54.35 service personnel per 1,000 students in net enrollment: ~~Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.95 beginning July 1, 2023; 51.21 beginning July 1, 2024; and 54.35 beginning July 1, 2025;~~

(C) For each low-density county, ~~45.10~~ 54.92 service personnel per 1,000 students in net enrollment: ~~Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 48.52 beginning July 1, 2023; 51.78 beginning July 1, 2024; and 54.92 beginning July 1, 2025;~~

(D) For each sparse-density county, ~~45.68~~ 55.50 service personnel per 1,000 students in net enrollment: ~~Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 49.10 beginning July 1, 2023; 52.36 beginning July 1, 2024; and 55.50 beginning July 1, 2025; and~~

(E) For any service personnel positions, or fraction thereof, determined for a county pursuant to subdivision (1) of this subsection that exceed the number employed, the county's allowance for these positions shall be determined using the average state funded minimum salary of service personnel for the county;

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

(3) Where two or more counties join together in support of a vocational or comprehensive high school or any other program or service, the service personnel for the school or program may be prorated among the participating counties on the basis of each one's enrollment therein and

that the personnel shall be considered within the above-stated limit.

§18-9A-10. Foundation allowance to improve instructional programs, instructional technology, and teacher and leader induction and professional growth.

(a) The total allowance to improve instructional programs and instructional technology is the sum of the following:

(1) For instructional improvement, in accordance with county and school electronic strategic improvement plans required by §18-2E-5 of this code, an amount equal to 10 percent of the increase in the local share amount for the next school year shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties as follows:

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

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

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

~~Up to 50 percent of this allocation for the improvement of instructional programs may be used to employ professional educators, and service personnel in the county. Prior to the use of any funds from this subdivision for personnel costs, the county board must receive authorization from the state superintendent. The state superintendent shall require the county board to demonstrate:~~

~~(1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3) sharing of services with adjoining counties in the use of the total local district board budget; and (4) employment of technology integration specialists to meet the needs for implementation of the West Virginia Strategic Technology Learning Plan. County boards shall make application for the use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1, the~~

~~state superintendent shall review all applications and notify applying county boards of the approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The state superintendent shall require the county board to demonstrate the need for an allocation for personnel based upon the county's inability to meet the requirements of state law or state board policy.~~

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

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

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

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

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

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

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

(E) The total appropriation computed under the preceding allocation structure will be reduced annually by an amount not to exceed \$15,000,000 to be retained by the Department of

Education to implement and fund annually a replacement uniform budgeting and accounting system pursuant to Department requirements outlined in §18A-9B-5 and §18A-9B-9 of this code, respectively; plus

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

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

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

(B) The number of full-time-equivalent teachers employed by the county who are less than fully certified for the teaching position in which they are employed;

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

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

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

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

79 (G) Notwithstanding any provision of this subsection to the contrary, no county may receive
80 an allocation for the purposes of this subdivision which is less than the county's total 2016-2017
81 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department of
82 Education. Moneys allocated by this subdivision shall be used for implementation of the
83 comprehensive systems for teacher and leader induction and professional growth pursuant to
84 §18A-3C-3 of this code. ~~Notwithstanding any provision of this subsection to the contrary, for each~~
85 ~~of the five school years beginning with the school year 2020 – 2021 and ending after the school~~
86 ~~year 2024 – 2025, from funds to be allocated under this subdivision, \$100,000 shall be retained by~~
87 ~~the Department of Education to assist county boards with the design and implementation of a~~
88 ~~teacher leader framework to accomplish the teacher induction and professional growth aspects of~~
89 ~~their comprehensive systems of support for teacher and leader induction and professional growth~~
90 ~~pursuant to §18A-3C-3 of this code.~~

91 (H) The Department of Education may also retain an ~~additional~~ amount of funds to be
92 allocated under this subdivision beginning with the school year 2024 – 2025, not exceeding
93 \$15,000,000, to accommodate the participation by county school systems in regional professional
94 learning cadres or teacher leadership networks established or supported by the Department of
95 Education, to expand regional professional learning cadres or teacher leadership networks
96 designed to support the full implementation of the Third Grade Success Act provided in §18-2E-10
97 of this code, to implement the Department of Education's academic initiatives, and to assist
98 teachers who are less than fully certified for the teaching position in which they are employed as
99 further provided in §18A-3C-3 of this code. The Governor shall also provide in each budget for the
100 reappropriation for expenditure during the ensuing fiscal year the unused accumulated balance
101 remaining with the Department of Education to continue these initiatives. Up to \$1,000,000 of the

\$15,000,000 shall be distributed to county boards for the purpose of expanding the school districts' ability to contract with organizations that facilitate the school districts' participation in regional professional learning cadres or teacher leadership networks designed to support math and science improvement or to support teachers who are less than fully certified for the teaching position in which they are employed as further provided in §18A-3C-3 of this code. The \$1,000,000 shall be distributed to the county boards under a grant program to be established by the state board by rule pursuant to §29A-3B-1 *et seq.* of this code. The rule shall include at least the following:

(A) (i) A requirement and procedures for county boards to submit applications for a grant;

(B) (ii) Criteria on which awards of the grants will be based on; and

(C) (iii) A requirement for an external evaluation for any program funded by a grant.

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

~~(1) Utilize up to 25 percent of the allocation for the improvement of instructional programs in any school year for school facility and equipment repair, maintenance, and improvement or replacement and other current expense priorities and for emergency purposes. The amount of this allocation used for any of these purposes shall be included and justified in the county and school strategic improvement plans or amendments thereto; and~~

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

(l) Notwithstanding any provision of this subsection to the contrary, beginning with the school year 2025 – 2026 and recurring annually thereafter, from funds to be allocated under this subdivision, the Department of Education may retain an amount not to exceed \$2,000,000 to

128 support the full implementation of the Third Grade Success Act provided in §18-2E-10 of this code.
129 The Governor shall also provide in each budget for the reappropriation for expenditure during the
130 ensuing fiscal year the unused accumulated balance remaining with the Department of Education
131 to continue these initiatives. The Department of Education shall reduce retained funding by the
132 unused accumulated balance.

133 (J) County boards of education may utilize up to 50% of the allocation for teacher and
134 leader induction in any school year for the purpose of funding projects identified in the Safe
135 Schools Fund requests established under §18-5-48 of this code.

§18-9A-15. Allowance for increased enrollment; extraordinary sustained increased

enrollment	impact	supplement.
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(a) To provide for the support of increased net enrollments in the counties and public charter schools in a school year over the net enrollments used in the computation of total state aid for that year, there shall be appropriated for that purpose from the General Revenue Fund an amount to be determined as follows:

(1) The state board shall promulgate a rule pursuant to §29A-3B-1 *et seq.* of this code that establishes an objective method for projecting the increase in net enrollment for each school district, exclusive of the net enrollment of public charter schools physically locate in the district. The state superintendent shall use the method prescribed by the rule to project the increase in net enrollment for each school district.

(2) The state superintendent shall multiply the average total state aid per net pupil by the sum of the projected increases in net enrollment for all school districts and report this amount to the Governor for inclusion in his or her proposed budget to the Legislature. The Legislature shall appropriate to the West Virginia Department of Education the amount calculated by the state superintendent and proposed by the Governor.

(3) The state superintendent shall calculate each school district's share of the appropriation by multiplying the increase in net enrollment for the school district by the average

total state aid per net pupil and shall distribute each school district's share to the school district on or before December 31, of each year.

Nothing in this subsection prohibits, however, the state superintendent, at the request of a school district, before the actual increase in net enrollment is available, from advancing a partial distribution to the school district of up to 60 percent of its estimated share based on its projected increased enrollment, subject to the following:

(A) If the amount of the advanced partial distribution to a school district is greater than the total amount to which a district is entitled to receive for the year, the district shall refund the difference to the Department of Education prior to June 30 of the fiscal year in which the excess distribution is made; and

(B) The Department of Education shall notify the Joint Committee on Government and Finance and the Legislative Oversight Commission on Education Accountability whenever an advanced partial distribution is made.

(4) If the amount of the appropriation for increased enrollment is not sufficient to provide payment in full for the total of these allocations, each county allocation shall be reduced to an amount which is proportionate to the appropriation compared to the total of the allocations and the allocations as thus adjusted shall be distributed to the counties as provided in this section: *Provided*, That the Governor shall request a supplemental appropriation at the next legislative session for the reduced amount.

(b) To help offset the budgetary impact of extraordinary and sustained increases in net enrollment in a county, there shall be included in the basic state aid of any county whose most recent three-year average growth in second month net enrollment is two percent or more, an amount equal to one fourth of the state average per pupil state aid multiplied by the increase in the county's second month net enrollment in the latest year.

(c) No provision of this section shall be construed to in any way affect the allocation of moneys for educational purposes to a county under other provisions of law.

43 (d) County boards of education that fall below the net enrollment provisions of §18-9A-
44 2(i)(5) of this code shall not be eligible for increased enrollment funding afforded under this
45 section.

46 ~~(d)~~ (e) The state board shall promulgate a rule pursuant to §29A-3B-1 *et seq.* of this code
47 that establishes an objective method for calculating the increase in net enrollment for each public
48 charter school based on the school's net enrollment for the current year compared to the prior
49 year. Increased enrollment funding calculated for a public charter school shall be paid directly to
50 the school by the Department of Education no later than December 31st.

NOTE: The purpose of this bill relates to modifying the school aid formula to provide more support for schools under certain circumstances.

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