

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 5265**

**FISCAL  
NOTE**

By Delegates Pushkin and Garcia

[Introduced February 05, 2026; referred to the

Committee on Education]

1 A BILL to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating  
2 to calculation of the school aid formula based on net enrollment at alternative and year-  
3 round schools.

*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  
20 determination of the allowance for professional educators pursuant to §18-9A-4 of this code,

21 professional student support personnel are professional educators.

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

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

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

33 (1) Adults enrolled in vocational programs: *Provided*, That net enrollment includes no  
34 more than 2,500 of those adults counted on the basis of full-time equivalency and apportioned  
35 annually to each county to support Advanced Career Education programs, as provided in §18-2E-  
36 11 of this code, in proportion to the adults participating in vocational programs counted on the  
37 basis of full-time equivalency: *Provided, further however*, That beginning with the 2021 fiscal year  
38 and every year thereafter, a career technical education center may only receive the funding for  
39 enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-  
40 11 of this code;

41 (2) Students enrolled in early childhood education programs as provided in §18-5-44 of this  
42 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 a pupil may not 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 the purposes of determining the county's basic foundation program only, for any  
49 county whose net enrollment as determined under all other provisions of this definition is less than  
50 1,400, the net enrollment of the county shall be increased by an amount to be determined in  
51 accordance with the following:

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

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

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

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

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

64 (6) For the purpose of calculation of the net enrollment of year-round schools and  
65 alternative placement schools, full time equivalent enrollment funding shall be calculated at the  
66 annual date of maximum enrollment for that school in a school year multiplied by one and one-half  
67 times the number of students enrolled.

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

71 (k) "Low-density county" means a county whose ratio of net enrollment, excluding any  
72 increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition

73 of "net enrollment", to the square miles of the county is equal to or greater than five but less than  
74 10.

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

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

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

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

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

90 (q) The amendments to this section during the 2019 First Extraordinary Session of the  
91 Legislature shall be effective for the 2019-2020 funding year, and the provisions of this section  
92 existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in  
93 effect for funding years prior to the 2019-2020 funding year.

NOTE: The purpose of this bill is to calculate the maximum number of students during the course of a year at alternative and year-round schools based on the maximum attendance for that school year.

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