

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5435**

By Delegates Moore, Dittman, Petitto, Kyle, and

Drennan

[Introduced February 11, 2026; 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-2a, relating to increasing  
 3 funding for rural county school systems in this state.

*Be it enacted by the Legislature of West Virginia:*

<b>ARTICLE</b>	<b>9A.</b>	<b>PUBLIC</b>	<b>SCHOOL</b>	<b>SUPPORT.</b>
<b>§18-9A-2.</b>				<b>Definitions.</b>

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*, That beginning with the 2021 fiscal year and every  
38 year thereafter, a career technical education center may only receive the funding for enrollment as  
39 authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code;

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

42 (3) A pupil may not be counted more than once by reason of transfer within the county or  
43 from another county within the state, and a pupil may not be counted who attends school in this  
44 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 (j) "Sparse-density county" means a county whose ratio of net enrollment, excluding any  
64 increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition  
65 of "net enrollment", to the square miles of the county is less than five.

66 (k) "Low-density county" means a county whose ratio of net enrollment, excluding any  
67 increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition  
68 of "net enrollment", to the square miles of the county is equal to or greater than five but less than  
69 10.

70 (l) "Medium-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  
72 of "net enrollment", to the square miles of the county is equal to or greater than 10 but less than 20.

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

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

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

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

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

89 (r) "Rural county" means a county which has a total enrollment of less than 2,200 students  
90 for the entire county which also has students with Individualized Education Plan ("IEP") enrolled in  
91 their \_\_\_\_\_ schools.

**§18-9A-2a. Increase in per child allotment for certain rural students.**

1 The per child allotment set forth in this article shall be increased to a 3:1 ratio for those rural  
2 counties who have students with an Individualized Education Plan ("IEP") in their school system.

3 The state Board of Education, as well as the county Board of Education in the county where the

- 4 rural students reside shall assist in the implementation of this per child allotment.

NOTE: The purpose of this bill is to increase funding for rural counties in this state by adding a multiplier to the IEP calculation.

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