

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 246**

**FISCAL  
NOTE**

By Senator Clements

[Introduced January 14, 2026; referred

to the Committee on Education; and then to the

Committee on Finance]

1 A BILL to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating  
2 to the school aid formula; and establishing a minimum net enrollment of 1,200 students for  
3 each county.

*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,  
29 shall 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 also include:

33 (1) Adults enrolled in vocational programs: *Provided*, That net enrollment includes no more  
34 than 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually  
35 to each county to support Advanced Career Education programs, as provided in §18-2E-11 of this  
36 code, in proportion to the adults participating in vocational programs counted on the basis of full-  
37 time equivalency: *Provided further, however*, 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) For the purposes of determining the county's basic foundation program for the 2026-  
60       2027 school year and each year thereafter, in no event shall the net enrollment be set below 1,200,  
61       subject to the following:

62 (i) For purposes of calculating funding for the 2026-2027 school year only, a county may  
63 not be penalized for failure to meet the applicable minimum ratio of professional instructional  
64 personnel per state aid funded professional educators set forth in §18A-9A-4 of this code to the  
65 extent that failure is due to an increase in net enrollment to 1,200 because of this paragraph; and

66                   (ii) Any increase in net enrollment that is due to a county board sending students to a jointly  
67                   established school in another county pursuant to §18-5-11 of this code shall be added to net  
68                   enrollment after application of this paragraph; and

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

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

(I) "Medium-density county" means a county whose ratio of net enrollment, excluding any  
se in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition  
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  
use in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition  
"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  
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 regarding immediately prior to the 2019 First Extraordinary Session of the Legislature remain in effect for funding years prior to the 2019-2020 funding year.

NOTE: The purpose of this bill is to update the school aid formula by establishing a minimum net enrollment of 1,200 students for each county.

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