

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 801

By Senator Grady

[Introduced February 6, 2026; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18-9A-4 and §18-9A-5 of the Code of West Virginia, 1931, as
2 amended, relating to increasing each school district's basic foundation program by
3 increasing the ratio of professional educators per 1,000 students and the ratio of service
4 personnel per 1,000 students, both of which are a part of the calculation used to determine
5 each school district's basic foundation program; and providing that for the 2026-2027
6 school year only, a school district cannot be penalized for failing to meet the minimum ratio
7 of professional instructional personnel per state aid funded professional educators.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE	9A.	PUBLIC	SCHOOL	SUPPORT.
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§18-9A-4. Foundation allowance for professional educators.

1 (a) The basic foundation allowance to the county for professional educators is the amount
2 of money required to pay the state minimum salaries, in accordance with §18A-4-1 *et seq.* of this
3 code, subject to the following:

4 (1) In making this computation a county shall receive an allowance for state aid eligible
5 professional educator positions to each one thousand students in net enrollment as follows:

6 (A) For each high-density county, ~~seventy-two~~ seventy-five and three tenths professional
7 educators per each one thousand students in net enrollment;

8 (B) For each medium-density county, ~~seventy-two~~ seventy-five and forty-five one
9 hundredths professional educators per each one thousand students in net enrollment;

10 (C) For each low-density county, ~~seventy-two~~ seventy-five and six tenths professional
11 educators per each one thousand students in net enrollment;

12 (D) For each sparse-density county, ~~seventy-two~~ seventy-five and seventy-five one
13 hundredths professional educators per each one thousand students in net enrollment; and

14 (E) For any professional educator positions, or fraction thereof, determined for a county

15 pursuant to paragraphs (A), (B), (C) and (D) of this subdivision that exceed the number employed,
16 the county's allowance for these positions shall be determined using the average state funded
17 salary of professional educators for the county;

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

20 (3) Where two or more counties join together in support of a vocational or comprehensive
21 high school or any other program or service, the professional educators for the school or program
22 may be prorated among the participating counties on the basis of each one's enrollment therein
23 and the personnel shall be considered within the above-stated limit.

24 (b) Each county board shall establish and maintain a minimum ratio of professional
25 instructional personnel per state aid funded professional educators as follows:

26 (1) For each high-density county, the minimum ratio of professional instructional personnel
27 per state aid funded professional educators, or the number employed, whichever is less, is ninety-
28 one and twenty-nine one hundredths percent;

29 (2) For each medium-density county, the minimum ratio of professional instructional personnel
30 personnel per state aid funded professional educators, or the number employed, whichever is
31 less, is ninety-one and twenty-four one hundredths percent;

32 (3) For each low-density county, the minimum ratio of professional instructional personnel
33 per state aid funded professional educators, or the number employed, whichever is less, is ninety-
34 one and eighteen one hundredths percent;

35 (4) For each sparse-density county, the minimum ratio of professional instructional
36 personnel per state aid funded professional educators, or the number employed, whichever is
37 less, is ninety-one and seven one hundredths percent; and

38 (5) Where two or more counties join together in support of a vocational or comprehensive
39 high school or any other program or service, the professional instructional personnel for the school
40 or program may be prorated among the participating counties on the basis of each one's

41 enrollment therein and the personnel shall be considered within the above-stated limit.

42 (c) Any county board which does not establish and maintain the applicable minimum ratio
43 required in subsection (b) of this section shall suffer a pro rata reduction in the allowance for
44 professional educators under this section, subject to the following:

45 (1) Provided, That a A county may not be penalized if it has increases in enrollment during
46 that school year;

47 (2) Provided, however, That a A county board of education serving as the fiscal agent for a
48 multi-county vocational center may not be penalized if the county's failure to meet the applicable
49 minimum ratio is due to the staffing levels at the multi-county vocational center; and

50 (3) For the school year 2026-2027 only, a county may not be penalized for not meeting the
51 applicable minimum ratio required in subsection (b) of this section.

52 (d) A county may not increase the number of administrative personnel employed as either
53 professional educators or pay grade "H" service personnel above the number which were
54 employed, or for which positions were posted, on June 30, 1990, and, therefore, county boards
55 shall whenever possible utilize classroom teachers for curriculum administrative positions through
56 the use of modified or extended contracts.

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

1 (a) The basic foundation allowance to the county for service personnel shall be the amount
2 of money required to pay the annual state minimum salaries in accordance with the provisions of
3 §18A-4-1 *et seq.* of this code to such service personnel employed, subject to the following:

4 (1) A county shall receive an allowance for state aid eligible service personnel positions per
5 1,000 students in net enrollment, as follows:

6 (A) For each high-density county, ~~43.97 service personnel per 1,000 students in net~~
7 enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall
8 increase to 47.39 beginning July 1, 2023; 50.65 beginning July 1, 2024; and 53.79 beginning July
9 1, 2025 service personnel per 1,000 students in net enrollment: Provided, That this ratio shall

10 increase to 56.79 service personnel per 1,000 students in net enrollment beginning July 1, 2026;

11 (B) For each medium-density county, ~~44.53 service personnel per 1,000 students in net~~
12 enrollment: *Provided*, That this ratio of service personnel per 1,000 students in net enrollment shall
13 ~~increase to 47.95 beginning July 1, 2023; 51.21 beginning July 1, 2024; and 54.35 beginning July~~
14 ~~1, 2025~~ service personnel per 1,000 students in net enrollment: Provided, That this ratio shall
15 increase to 57.35 service personnel per 1,000 students in net enrollment beginning July 1, 2026;

16 (C) For each low-density county, ~~45.10 service personnel per 1,000 students in net~~
17 enrollment: *Provided*, That this ratio of service personnel per 1,000 students in net enrollment shall
18 ~~increase to 48.52 beginning July 1, 2023; 51.78 beginning July 1, 2024; and 54.92 beginning July~~
19 ~~1, 2025~~ service personnel per 1,000 students in net enrollment: Provided, That this ratio shall
20 increase to 57.92 service personnel per 1,000 students in net enrollment beginning July 1, 2026;

21 (D) For each sparse-density county, ~~45.68 service personnel per 1,000 students in net~~
22 enrollment: *Provided*, That this ratio of service personnel per 1,000 students in net enrollment shall
23 ~~increase to 49.10 beginning July 1, 2023; 52.36 beginning July 1, 2024; and 55.50 beginning July~~
24 ~~1, 2025~~ service personnel per 1,000 students in net enrollment: Provided, That this ratio shall
25 increase to 58.50 service personnel per 1,000 students in net enrollment beginning July 1, 2026;

26 and

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

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

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

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

NOTE: The purpose of this bill is to increase each school district's basic foundation program by increasing the ratio of professional educators per 1,000 students and the ratio of service personnel per 1,000 students, both of which are a part of the calculation used to determine each school district's basic foundation program; and provide that for the 2026-2027 school year only, a school district cannot be penalized for failing to meet the minimum ratio of professional instructional personnel per state aid funded professional educators.

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