

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 988

By Senators M. Maynard, Chapman, and Weld

[Introduced February 18, 2026; referred
to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §18-9A-27, relating to staffing oversight and accountability for county boards of
 3 education; requiring staffing plans; authorizing staffing recommendations and limits by the
 4 West Virginia Department of Education; creating an objection and waiver process;
 5 providing enforcement mechanisms and penalties; and requiring reporting and audits.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-27. County Board Staffing Oversight, Compliance, and Accountability.

1 (a) Legislative findings and purpose. – The Legislature finds that county boards of
 2 education must responsibly manage taxpayer-funded education resources and maintain staffing
 3 levels consistent with student enrollment, instructional needs, and state funding formulas. The
 4 purpose of this section is to require the West Virginia Department of Education to maintain
 5 oversight of county staffing levels and ensure that counties do not exceed staffing
 6 recommendations and allowances without justification and approval.

7 (b) Definitions: - For purposes of this section:

8 (1) "Department" means the West Virginia Department of Education (WVDE).

9 (2) "County board" means a county board of education.

10 (3) "Staffing recommendation" means the recommended staffing levels issued by the
 11 Department using enrollment, service needs, state aid formulas, and other objective criteria
 12 established by rule.

13 (4) "Covered employee" means any employee of a county board paid in whole or in part
 14 with state, county, or local education funds, including but not limited to professional educators,
 15 service personnel, administrators, and non-classroom personnel.

16 (c) Annual staffing plan required.

17 (1) Each county board shall submit an annual staffing plan to the Department on or before
 18 May 1 of each year for the upcoming fiscal year.

- 19 (2) The staffing plan shall include:
- 20 (A) Total number of covered employees by category and job classification;
- 21 (B) Staffing justification by school and program, including student enrollment data;
- 22 (C) A projected budget impact statement;
- 23 (D) Certification from the county superintendent and treasurer that the plan is accurate and
- 24 financially supportable.

25 (d) WVDE staffing recommendation and maximum allowance.

26 (1) The Department shall issue to each county board an annual staffing recommendation
27 and maximum funded allowance, broken down by employee category, on or before April 1 of each
28 year.

29 (2) The Department shall calculate staffing recommendations using objective measures
30 including:

31 (A) Net enrollment;

32 (B) Special education and federally required services;

33 (C) Transportation demands;

34 (D) School building count and square footage where applicable;

35 (E) Existing staffing ratios and best practices;

36 (F) Any other factors established by legislative rule.

37 (3) Notwithstanding funds approved by the respective county, a county board may not
38 exceed the Department's staffing recommendation and maximum funded allowance unless
39 approved under subsection (e) of this section. All other non-state funding shall not be used to hire
40 staff above the Department staffing recommendation.

41 (e) County objection and waiver process.

42 (1) A county board may object to the Department staffing recommendation by submitting a
43 written objection request no later than 15 business days after receipt of the recommendation.

44 (2) The objection request must include:

- 45 (A) The specific positions requested beyond the recommendation;
- 46 (B) A justification explaining why the county requires additional employees;
- 47 (C) Evidence that the additional staffing is necessary for safety, student services,
- 48 compliance, or operational function;
- 49 (D) A financial plan identifying how the county proposes to fund the positions.
- 50 (3) The Department shall review the objection request and issue a written decision within
- 51 30 days.
- 52 (4) The Department may approve additional positions if it finds:
- 53 (A) The positions are necessary due to unique county conditions; or
- 54 (B) The county has enacted a proper levy to hire additional staff; or
- 55 (C) The positions are required to meet student needs or legal obligations; and
- 56 (D) The county has demonstrated fiscal responsibility and sustainability.
- 57 (5) The county board may appeal a denial to the State Board of Education within 15
- 58 business days. The State Board of Education shall issue a final written decision within 45 days.
- 59 (f) Enforcement and penalties.
- 60 (1) If a county board hires or retains covered employees above the Department's staffing
- 61 recommendation and maximum funded allowance without an approved waiver under subsection
- 62 (e), the Department shall notify the county board in writing and order corrective action.
- 63 (2) Corrective action shall require one or more of the following:
- 64 (A) Elimination of unfunded or unapproved positions through attrition or reassignment;
- 65 (B) Reduction-in-force consistent with state and federal law;
- 66 (C) Suspension of hiring for non-instructional positions until compliance is restored.
- 67 (3) If the county board fails to come into compliance within 90 days, the Department may
- 68 impose penalties including:
- 69 (A) Withholding or restricting discretionary state education funds not required by federal
- 70 law;

- 71 (B) Requiring a county board financial improvement plan;
- 72 (C) Ordering a targeted audit of staffing expenditures;
- 73 (D) Any additional corrective measures authorized by the State Board of Education.
- 74 (E) Any county board found to have knowingly submitted inaccurate staffing data or
75 intentionally circumvented staffing limits may be referred to the appropriate authority for
76 investigation, and the Department may require additional oversight or approval authority for future
77 staffing plans.
- 78 (g) Reporting and public transparency.
- 79 (1) The Department shall publish an annual staffing compliance report for each county
80 board, including:
- 81 (A) Recommended staffing levels;
- 82 (B) Actual staffing levels;
- 83 (C) Waivers granted or denied;
- 84 (D) Corrective actions and penalties imposed, if any.
- 85 (2) All county boards shall post their approved staffing plans on their public website within
86 10 business days of approval.
- 87 (h) These provisions are not subject to §18A-4-7a of this code.
- 88 (i) Rulemaking authority. - The Department shall promulgate legislative rules in
89 accordance with §29A-3-1 et seq. of this code to implement this section, including staffing
90 categories, calculation methods, forms, waiver procedures, enforcement standards, and reporting
91 requirements.
- 92 (j) Effective date. - This section shall take effect July 1, 2026, and shall apply beginning
93 with the staffing plans for fiscal year 2027.

NOTE: The purpose of this bill relates to staffing oversight and accountability for county boards of education.

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