

H. B. 3062

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(By Delegates Lawrence, Longstreth, Hall
and Skaff)

[Introduced February 8, 2011; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

10 A BILL to amend and reenact §18-9A-2, §18-9A-4, §18-9A-10, §18-9A-
11 11, §18-9A-13b and §18-9A-21 of the Code of West Virginia,
12 1931, as amended, all relating to reforming the school aide
13 formula by reducing over two years from ninety percent to
14 eighty, then to seventy percent the amount of the regular levy
15 deducted from county boards of education for general current
16 expense purposes; ensuring that improved instructional
17 programs receive at least \$33 million annually; by providing
18 at least \$5 million to the State Board of Education to assist
19 low performing schools; capturing moneys from declining
20 enrollment and direct it to salaries of classroom teachers and
21 service personnel; and by requiring at least an \$8 million
22 annual appropriations for alternative education programs.

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

24 That §18-9A-2, §18-9A-4, §18-9A-10, §18-9A-11, §18-9A-13b and
25 §18-9A-21 of the Code of West Virginia, 1931, as amended, be
26 amended and reenacted, all to read as follows:

27 **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

1 **§18-9A-2. Definitions.**

2 For the purpose of this article:

3 (a) "State board" means the West Virginia Board of Education.

4 (b) "County board" or "board" means a county board of
5 education.

6 (c) "Professional salaries" means the state legally mandated
7 salaries of the professional educators as provided in article four,
8 chapter eighteen-a of this code.

9 (d) "Professional educator" shall be synonymous with and shall
10 have the same meaning as "teacher" as defined in section one,
11 article one of this chapter, and includes technology integration
12 specialists.

13 (e) "Professional instructional personnel" means a
14 professional educator whose regular duty is as that of a classroom
15 teacher, librarian, attendance director or school psychologist. A
16 professional educator having both instructional and administrative
17 or other duties shall be included as professional instructional
18 personnel for that ratio of the school day for which he or she is
19 assigned and serves on a regular full-time basis in appropriate
20 instruction, library, attendance, or psychologist duties.

21 (f) "Professional student support personnel" means a "teacher"
22 as defined in section one, article one of this chapter who is
23 assigned and serves on a regular full-time basis as a counselor or
24 as a school nurse with a bachelor's degree and who is licensed by
25 the West Virginia Board of Examiners for Registered Professional
26 Nurses. For all purposes except for the determination of the

1 allowance for professional educators pursuant to section four of
2 this article, professional student support personnel are
3 professional educators.

4 (g) "Service personnel salaries" means the state legally
5 mandated salaries for service personnel as provided in section
6 eight-a, article four, chapter eighteen-a of this code.

7 (h) "Service personnel" means all personnel as provided in
8 section eight, article four, chapter eighteen-a of this code. For
9 the purpose of computations under this article of ratios of service
10 personnel to net enrollment, a service employee shall be counted as
11 that number found by dividing his or her number of employment days
12 in a fiscal year by two hundred: *Provided*, That the computation for
13 any service person employed for three and one-half hours or less
14 per day as provided in section eight-a, article four, chapter
15 eighteen-a of this code shall be calculated as one-half an
16 employment day.

17 (i) "Net enrollment" means the number of pupils enrolled in
18 special education programs, kindergarten programs and grades one to
19 twelve, inclusive, of the public schools of the county. Net
20 enrollment further shall include:

21 (1) Adults enrolled in regular secondary vocational programs
22 existing as of the effective date of this section, subject to the
23 following:

24 (A) Net enrollment includes no more than one thousand of those
25 adults counted on the basis of full-time equivalency and
26 apportioned annually to each county in proportion to the adults

1 participating in regular secondary vocational programs in the prior
2 year counted on the basis of full-time equivalency; and

3 (B) Net enrollment does not include any adult charged tuition
4 or special fees beyond that required of the regular secondary
5 vocational student;

6 (2) Students enrolled in early childhood education programs as
7 provided in section forty-four, article five of this chapter,
8 counted on the basis of full-time equivalency;

9 (3) No pupil shall be counted more than once by reason of
10 transfer within the county or from another county within the state,
11 and no pupil shall be counted who attends school in this state from
12 another state;

13 (4) The enrollment shall be modified to the equivalent of the
14 instructional term and in accordance with the eligibility
15 requirements and rules established by the state board; and

16 (5) For the purposes of determining the county's basic
17 foundation program, only, for any county whose net enrollment as
18 determined under all other provisions of this definition is less
19 than one thousand four hundred, the net enrollment of the county
20 shall be increased by an amount to be determined in accordance with
21 the following:

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

24 (B) Multiply the amount derived from the calculation in
25 paragraph (A) of this subdivision by the difference between one
26 thousand four hundred and the county's actual net enrollment;

1 (C) If the increase in net enrollment as determined under this
2 subdivision plus the county's net enrollment as determined under
3 all other provisions of this subsection is greater than one
4 thousand four hundred, the increase in net enrollment shall be
5 reduced so that the total does not exceed one thousand four
6 hundred; and

7 (D) During the 2008-2009 interim period and every three
8 interim periods thereafter, the Legislative Oversight Commission on
9 Education Accountability shall review the provisions of this
10 subdivision to determine whether or not they properly address the
11 needs of counties with low enrollment and a sparse population
12 density.

13 (j) "Sparse-density county" means a county whose ratio of net
14 enrollment, excluding any increase in the net enrollment of
15 counties pursuant to subdivision (5) of the definition of net
16 enrollment, to the square miles of the county is less than five.

17 (k) "Low-density county" means a county whose ratio of net
18 enrollment, excluding any increase in the net enrollment of
19 counties pursuant to subdivision (5) of the definition of net
20 enrollment, to the square miles of the county is equal to or
21 greater than five but less than ten.

22 (l) "Medium-density county" means a county whose ratio of net
23 enrollment, excluding any increase in the net enrollment of
24 counties pursuant to subdivision (5) of the definition of net
25 enrollment, to the square miles of the county is equal to or
26 greater than ten but less than twenty.

1 (m) "High-density county" means a county whose ratio of net
2 enrollment, excluding any increase in the net enrollment of
3 counties pursuant to subdivision (5) of the definition of net
4 enrollment, to the square miles of the county is equal to or
5 greater than twenty.

6 (n) "Levies for general current expense purposes" means
7 ~~ninety-four percent of the levy rate for county boards of education~~
8 ~~calculated or set by the Legislature pursuant to the provisions of~~
9 ~~section six-f, article eight, chapter eleven of this code:~~
10 ~~Provided, That beginning July 1, 2008, "levies for general current~~
11 ~~expense purposes" means ninety percent of the levy rate eighty~~
12 ~~percent of the levy rate for county boards of education beginning~~
13 ~~July 1, 2011 and seventy percent of the levy rate beginning July 1,~~
14 ~~2012 and thereafter for county boards of education calculated or~~
15 ~~set by the Legislature pursuant to the provisions of section six-f,~~
16 ~~article eight, chapter eleven of this code: Provided, That~~
17 ~~effective July 1, 2010, the definitions set forth in this~~
18 ~~subsection are subject to the provisions of section two-a of this~~
19 ~~article.~~

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

25 (p) "State aid eligible personnel" means all professional
26 educators and service personnel employed by a county board in

1 positions that are eligible to be funded under this article and
2 whose salaries are not funded by a specific funding source such as
3 a federal or state grant, donation, contribution or other specific
4 funding source not listed.

5 **§18-9A-4. Foundation allowance for professional educators.**

6 (a) The basic foundation allowance to the county for
7 professional educators shall be the amount of money required to pay
8 the state minimum salaries, in accordance with provisions of
9 article four, chapter eighteen-a of this code, to the personnel
10 employed, subject to the following:

11 (1) Subject to subdivision (2) of this subsection, in making
12 this computation no county shall receive an allowance for the
13 personnel which number is in excess of professional educators to
14 each one thousand students in net enrollment as follows:

15 (A) For each high-density county, the number of personnel for
16 which a county shall receive the allowance shall not exceed
17 seventy-two and one-tenth professional educators per each one
18 thousand students in net enrollment;

19 (B) For each medium-density county, the number of personnel
20 for which a county shall receive the allowance shall not exceed
21 seventy-two and twenty-five one-hundredths professional educators
22 per each one thousand students in net enrollment;

23 (C) For each low-density county, the number of personnel for
24 which a county shall receive the allowance shall not exceed
25 seventy-two and four-tenths professional educators per each one
26 thousand students in net enrollment; and

1 (D) For each sparse-density county, the number of personnel
2 for which a county shall receive the allowance shall not exceed
3 seventy-two and fifty-five one-hundredths professional educators
4 per each one thousand students in net enrollment;

5 (2) For the ratios applicable to each of the four density
6 categories set forth in subdivision (1) of this subsection, the
7 number of professional educators per each one thousand students in
8 net enrollment increases by five one-hundredths per year for each
9 of fiscal years 2010, 2011, 2012 and 2013. For each fiscal year
10 thereafter, the ratios remain at the 2013 level.

11 (3) The number of and the allowance for personnel paid in part
12 by state and county funds shall be prorated; and

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

19 (b) Subject to subsection (c) of this section, each county
20 board shall establish and maintain a minimum ratio of professional
21 instructional personnel per one thousand students in net enrollment
22 as follows:

23 (1) For each high-density county, the minimum number of
24 professional instructional personnel per one thousand students in
25 net enrollment is sixty-five and eight-tenths;

26 (2) For each medium-density county, the minimum number of

1 professional instructional personnel per one thousand students in
2 net enrollment is sixty-five and nine-tenths;

3 (3) For each low-density county, the minimum number of
4 professional instructional personnel per one thousand students in
5 net enrollment is sixty-six;

6 (4) For each sparse-density county, the minimum number of
7 professional instructional personnel per one thousand students in
8 net enrollment is sixty-six and five one-hundredths.

9 (c) For the ratios applicable to each of the four density
10 categories set forth in subsection (b) of this subsection, the
11 number of professional instructional personnel per each one
12 thousand students in net enrollment increases by five one-
13 hundredths per year for each of fiscal years 2010, 2011, 2012 and
14 2013. For each fiscal year thereafter, the ratios remain at the
15 2013 level.

16 (d) Any county board which does not establish and maintain the
17 applicable minimum ratio required in subsection (b) and subsection
18 (c) of this section shall suffer a pro rata reduction in the
19 allowance for professional educators under this section: *Provided,*
20 That no county shall be penalized if it has increases in enrollment
21 during that school year: *Provided, however,* That for the school
22 year 2008-2009, only, no county shall be penalized for not meeting
23 the applicable minimum ratio required in subsection (b) of this
24 section.

25 (e) No county shall increase the number of administrative
26 personnel employed as either professional educators or pay grade

1 "H" service personnel above the number which were employed, or for
2 which positions were posted, on June 30, 1990, and, therefore,
3 county boards shall whenever possible utilize classroom teachers
4 for curriculum administrative positions through the use of modified
5 or extended contracts.

6 (f) As the number of professional educators per each one
7 thousand students in net enrollment increases during fiscal years
8 2009 through 2013, any additional positions that are created as a
9 result of that increase shall be positions that will enhance
10 student achievement and are consistent with the needs as identified
11 in each county board's electronic county strategic improvement
12 plan. County boards are encouraged to fill at least some of the
13 additional positions with technology integration specialists.

14 (g) During the 2008-2009 interim period, and every three
15 interim periods thereafter, the Legislative Oversight Commission on
16 Education Accountability shall review the four density categories
17 created in section two of this article, the ratios for professional
18 educators established in this section and the ratios for service
19 personnel established in section five of this article.

20 **§18-9A-10. Foundation allowance to improve instructional programs.**

21 (a) The total allowance to improve instructional programs
22 shall be ~~the sum of~~ no less than \$50 million to be used for the
23 following:

24 (1) For instructional improvement in accordance with county
25 and school electronic strategic improvement plans required by
26 section five, article two-e of this chapter, an amount equal to

1 fifteen percent of the increase in the local share amount for the
2 next school year above any required allocation pursuant to section
3 six-b of this article shall be added to the amount of the
4 appropriation for this purpose for the immediately preceding school
5 year. The sum of these amounts shall be distributed to the
6 counties as follows:

7 (A) One hundred fifty thousand dollars shall be allocated to
8 each county;

9 (B) Distribution to the counties of the remainder of these
10 funds shall be made proportional to the average of each county's
11 average daily attendance for the preceding year and the county's
12 second month net enrollment. Moneys allocated by provision of this
13 section shall be used to improve instructional programs according
14 to the county and school electronic strategic improvement plans
15 required by section five, article two-e of this chapter and
16 approved by the state board: *Provided*, That notwithstanding any
17 other provision of this code to the contrary, moneys allocated by
18 provision of this section may also be used in the implementation
19 and maintenance of the uniform integrated regional computer
20 information system.

21 Up to twenty-five percent of this allocation may be used to
22 employ professional educators and service personnel in counties
23 after all applicable provisions of sections four and five of this
24 article have been fully utilized.

25 Prior to the use of any funds from this section for personnel
26 costs, the county board must receive authorization from the state

1 Superintendent of Schools. The state superintendent shall require
2 the county board to demonstrate: (1) The need for the allocation;
3 (2) efficiency and fiscal responsibility in staffing; (3) sharing
4 of services with adjoining counties and the regional educational
5 service agency for that county in the use of the total local
6 district board budget; and (4) employment of technology integration
7 specialists to meet the needs for implementation of the West
8 Virginia 21st Century Strategic Technology Learning Plan. County
9 boards shall make application for available funds for the next
10 fiscal year by May 1 of each year. On or before June 1, the state
11 superintendent shall review all applications and notify applying
12 county boards of the distribution of the allocation. The funds
13 shall be distributed during the fiscal year appropriate. The state
14 superintendent shall require the county board to demonstrate the
15 need for an allocation for personnel based upon the county's
16 inability to meet the requirements of state law or state board
17 policy: *Provided*, That the funds available for personnel under this
18 section may not be used to increase the total number of
19 professional noninstructional personnel in the central office
20 beyond four. The plan shall be made available for distribution to
21 the public at the office of each affected county board; plus

22 (2) For the purposes of the West Virginia 21st Century
23 Strategic Technology Learning Plan provided for in section seven,
24 article two-e of this chapter, an amount equal to fifteen percent
25 of the increase in the local share amount for the next school year
26 above any required allocation pursuant to section six-b of this

1 article shall be added to the amount of the appropriation for this
2 purpose for the immediately preceding school year. The sum of
3 these amounts shall be allocated to the counties as provided in
4 section seven, article two-e of this chapter to meet the objectives
5 of the West Virginia 21st Century Strategic Technology Learning
6 Plan; plus

7 (3) One percent of the state average per pupil state aid
8 multiplied by the number of students enrolled in dual credit,
9 advanced placement and international baccalaureate courses, as
10 defined by the state board, distributed to the counties
11 proportionate to enrollment in these courses in each county; plus

12 (4) An amount not less than the amount required to meet debt
13 service requirements on any revenue bonds issued prior to January
14 1, 1994, and the debt service requirements on any revenue bonds
15 issued for the purpose of refunding revenue bonds issued prior to
16 January 1, 1994, shall be paid into the School Building Capital
17 Improvements Fund created by section six, article nine-d of this
18 chapter and shall be used solely for the purposes of that article.

19 The School Building Capital Improvements Fund shall not be utilized
20 to meet the debt services requirement on any revenue bonds or
21 revenue refunding bonds for which moneys contained within the
22 School Building Debt Service Fund have been pledged for repayment
23 pursuant to that section.

24 (b) When the school improvement bonds secured by funds from
25 the School Building Capital Improvements Fund mature, the State
26 Board of Education shall annually deposit an amount equal to \$24

1 million, from the funds allocated in this section into the School
2 Construction Fund created pursuant to the provisions of section
3 six, article nine-d of this chapter to continue funding school
4 facility construction and improvements.

5 (c) Any project funded by the School Building Authority shall
6 be in accordance with a comprehensive educational facility plan
7 which must be approved by the state board and the School Building
8 Authority.

9 (d) For the fiscal year beginning on July 1, 2011, and each
10 fiscal year thereafter, the foundation allowance for capacity
11 building to assist schools that have been identified as seriously
12 impaired in accordance with section five, article two-e, of this
13 chapter and schools that have not met adequately yearly progress
14 for two consecutive years under the federal, "No Child Left Behind"
15 statute, shall be an amount of at least \$5 million. The allowance
16 for capacity building is appropriated to the state board. The
17 state board shall adopt a rule in accordance with article three-b,
18 chapter twenty-nine-a of this code establishing criteria for
19 distribution of these funds to schools. The first priority shall
20 be schools that have been identified as seriously impaired, the
21 second priority shall be schools that have failed to make
22 adequately yearly progress on test assessments for at least two
23 consecutive years. Each year the state board shall make a report
24 to the Legislative Oversight Commission on Education Accountability
25 on the number of schools that received capacity building money the
26 previous year and what impact these resources had on removing a

1 school from the seriously impaired list or the list of schools
2 failing to meet adequately yearly progress under the provisions of
3 the No Child Left Behind Act.

4 **§18-9A-11. Computation of local share; appraisal and assessment of**
5 **property; public library support.**

6 (a) On the basis of each county's certificates of valuation as
7 to all classes of property as determined and published by the
8 assessors pursuant to section six, article three, chapter eleven of
9 this code for the next ensuing fiscal year in reliance upon the
10 assessed values annually developed by each county assessor pursuant
11 to the provisions of articles one-c and three of said chapter, the
12 state board shall for each county compute by application of the
13 levies for general current expense purposes, as defined in section
14 two of this article, the amount of revenue which the levies would
15 produce if levied upon one hundred percent of the assessed value of
16 each of the several classes of property contained in the report or
17 revised report of the value, made to it by the Tax Commissioner as
18 follows:

19 (1) The state board shall first take ninety-five percent of
20 the amount ascertained by applying these rates to the total
21 assessed public utility valuation in each classification of
22 property in the county; and

23 (2) The state board shall then apply these rates to the
24 assessed taxable value of other property in each classification in
25 the county as determined by the Tax Commissioner and shall deduct
26 therefrom five percent as an allowance for the usual losses in

1 collections due to discounts, exonerations, delinquencies and the
2 like. All of the amount so determined shall be added to the
3 ninety-five percent of public utility taxes computed as provided in
4 subdivision (1) of this subsection and this total shall be further
5 reduced by the amount due each county assessor's office pursuant to
6 the provisions of section eight, article one-c, chapter eleven of
7 this code and this amount shall be the local share of the
8 particular county.

9 As to any estimations or preliminary computations of local
10 share required prior to the report to the Legislature by the Tax
11 Commissioner, the state shall use the most recent projections or
12 estimations that may be available from the tax department for that
13 purpose.

14 (b) Effective July 1, 2013, subsection (a) of this section is
15 void and local share shall be calculated in accordance with the
16 following:

17 (1) The state board shall for each county compute by
18 application of the levies for general current expense purposes, as
19 defined in sections two and two-a of this article, the amount of
20 revenue which the levies would produce if levied upon one hundred
21 percent of the assessed value calculated pursuant to section five-
22 b, article one-c, chapter eleven of this code;

23 (2) Five percent shall be deducted from the revenue calculated
24 pursuant to subdivision (1) of this subsection as an allowance for
25 the usual losses in collections due to discounts, exonerations,
26 delinquencies and the like; and

1 (3) The amount calculated in subdivision (2) of this
2 subsection shall further be reduced by the sum of money due each
3 assessor's office pursuant to the provisions of section eight,
4 article one-c, chapter eleven of this code and this reduced amount
5 shall be the local share of the particular county.

6 (c) Whenever in any year a county assessor or a county
7 commission fails or refuses to comply with the provisions of this
8 section in setting the valuations of property for assessment
9 purposes in any class or classes of property in the county, the
10 State Tax Commissioner shall review the valuations for assessment
11 purposes made by the county assessor and the county commission and
12 shall direct the county assessor and the county commission to make
13 corrections in the valuations as necessary so that they comply with
14 the requirements of chapter eleven of this code and this section
15 and the Tax Commissioner shall enter the county and fix the
16 assessments at the required ratios. Refusal of the assessor or the
17 county commission to make the corrections constitutes grounds for
18 removal from office.

19 (d) For the purposes of any computation made in accordance
20 with the provisions of this section, in any taxing unit in which
21 tax increment financing is in effect pursuant to the provisions of
22 article eleven-b, chapter seven of this code, the assessed value of
23 a related private project shall be the base-assessed value as
24 defined in section two of said article.

25 (e) For purposes of any computation made in accordance with
26 the provisions of this section, in any county where the county

1 board of education has adopted a resolution choosing to use the
2 provisions of the Growth County School Facilities Act set forth in
3 section six-f, article eight, chapter eleven of this code,
4 estimated school board revenues generated from application of the
5 regular school board levy rate to new property values, as that term
6 is designated in said section, may not be considered local share
7 funds and shall be subtracted before the computations in
8 subdivisions (1) and (2), subsection (a) of this section or in
9 subdivisions (2) and (3), subsection (b) of this section, as
10 applicable, are made.

11 (f) The Legislature finds that public school systems
12 throughout the state provide support in varying degrees to public
13 libraries through a variety of means including budgeted
14 allocations, excess levy funds and portions of their regular school
15 board levies as may be provided by special act. A number of public
16 libraries are situated on the campuses of public schools and
17 several are within public school buildings serving both the
18 students and public patrons. To the extent that public schools
19 recognize and choose to avail the resources of public libraries
20 toward developing within their students such legally recognized
21 elements of a thorough and efficient education as literacy,
22 interests in literature, knowledge of government and the world
23 around them and preparation for advanced academic training, work
24 and citizenship, public libraries serve a legitimate school purpose
25 and may do so economically. For the purposes of any computation
26 made in accordance with the provisions of this section, the library

1 funding obligation on the regular school board levies which is
2 created by a special act and is due and payable from the levy
3 revenues to a library shall be paid from the county school board's
4 discretionary retainage, which is hereby defined as the amount by
5 which the regular school board levies exceeds the local share as
6 determined hereunder. If the library funding obligation which is
7 created by a special act and is due and payable to a library is
8 greater than the county school board's discretionary retainage, the
9 library funding obligation created by the special act is amended
10 and is reduced to the amount of the discretionary retainage,
11 notwithstanding any provisions of the special act to the contrary.
12 Any excess of the discretionary retainage over the library funding
13 obligation shall be available for expenditure by the county board
14 in its discretion for its properly budgeted purposes.

15 (g) It is the intent of the Legislature that whenever a
16 provision of subsection (f) of this section is contrary to any
17 special act of the Legislature which has been or may in the future
18 be enacted by the Legislature that creates a library funding
19 obligation on the regular school board levy of a county, subsection
20 (f) of this section controls over the special act. Specifically,
21 the special acts which are subject to said subsection upon the
22 enactment of this section during the 2007 regular session of the
23 Legislature include:

24 (1) Enrolled Senate Bill No. 11, passed on February 12, 1970,
25 applicable to the Berkeley County Board of Education;

26 (2) Enrolled House Bill No. 1352, passed on April 7, 1981,

1 applicable to the Hardy County Board of Education;

2 (3) Enrolled Committee Substitute for House Bill No. 2833,
3 passed on March 14, 1987, applicable to the Harrison County Board
4 of Education;

5 (4) Enrolled House Bill No. 161, passed on March 6, 1957,
6 applicable to the Kanawha County Board of Education;

7 (5) Enrolled Senate Bill No. 313, passed on March 12, 1937, as
8 amended by Enrolled House Bill No. 1074, passed on March 8, 1967,
9 and as amended by Enrolled House Bill No. 1195, passed on January
10 18, 1982, applicable to the Ohio County Board of Education;

11 (6) Enrolled House Bill No. 938, passed on February 28, 1969,
12 applicable to the Raleigh County Board of Education;

13 (7) Enrolled House Bill No. 398, passed on March 1, 1935,
14 applicable to the Tyler County Board of Education;

15 (8) Enrolled Committee Substitute for Senate Bill No. 450,
16 passed on March 11, 1994, applicable to the Upshur County Board of
17 Education; and

18 (9) Enrolled House Bill No. 2994, passed on March 13, 1987,
19 applicable to the Wood County Board of Education.

20 (h) Notwithstanding any provision of any special act set forth
21 in subsection (g) of this section to the contrary, the county board
22 of any county with a special act creating a library obligation out
23 of the county's regular school levy revenues may transfer that
24 library obligation so that it becomes a continuing obligation of
25 its excess levy revenues instead of an obligation of its regular
26 school levy revenues, subject to the following:

1 (1) If a county board chooses to transfer the library
2 obligation pursuant to this subsection, the library funding
3 obligation shall remain an obligation of the regular school levy
4 revenues until the fiscal year in which the excess levy is
5 effective or would have been effective if it had been passed by the
6 voters;

7 (2) If a county board chooses to transfer the library
8 obligation pursuant to this subsection, the county board shall
9 include the funding of the public library obligation in the same
10 amount as its library funding obligation which exists or had
11 existed on its regular levy revenues as one of the purposes for the
12 excess levy to be voted on as a specifically described line item of
13 the excess levy: *Provided*, That if the county board has transferred
14 the library obligation to the excess levy and the excess levy fails
15 to be passed by the voters or the excess levy passes and thereafter
16 expires upon the time limit for continuation as set forth in
17 section sixteen, article eight, chapter eleven of this code, then
18 in any subsequent excess levy which the county board thereafter
19 submits to the voters the library funding obligation again shall be
20 included as one of the purposes of the subsequent excess levy as a
21 specifically described line item of the excess levy;

22 (3) If a county board chooses to transfer the library
23 obligation pursuant to this subsection, regardless of whether or
24 not the excess levy passes, effective the fiscal year in which the
25 excess levy is effective or would have been effective if it had
26 been passed by the voters, a county's library obligation on its

1 regular levy revenues is void notwithstanding any provision of the
2 special acts set forth in subsection (g) of this section to the
3 contrary; and

4 (4) Nothing in subdivision (3) of this subsection prohibits a
5 county board from funding its public library obligation
6 voluntarily.

7 (i) Any additional funds received by a county board as a
8 result of reduction in percentage of levies for general current
9 expense purpose from ninety percent to eighty percent, then to
10 seventy percent and from the reduction of the computation of public
11 utility taxes as provided in subdivision (1) of this section shall
12 be used to improve the salaries of classroom teachers and service
13 personnel employed by the county board. These funds are
14 distributed seventy percent to increase the salaries of classroom
15 teachers and thirty percent to increase the salaries of service
16 personnel.

17 ~~§18-9A-13b. Allowance for legislative reserve fund, current~~
18 ~~expense and substitute costs. Reserve allowance~~
19 ~~for education salary~~

20 Commencing with the ~~school~~ fiscal year beginning on July 1,
21 ~~2000~~ 2011 and every fiscal year thereafter, ~~funds which accrue from~~
22 ~~allocations due to decreases~~ a separate appropriation is made in
23 the State Department of Education budget, to be designated as the
24 education salary enhancement line item, that is equal to the
25 reduction in the amount of funds required to be appropriated for
26 the basic foundation program pursuant to this article as a result

1 of a decrease in net and adjusted enrollment from the net and
 2 adjusted enrollment of the preceding ~~school~~ year. ~~shall be~~
 3 ~~deposited in a special revenue fund which is hereby created in the~~
 4 ~~State Treasury, designated the "legislative reserve fund". The~~
 5 ~~fund shall be an interest bearing account and shall be appropriated~~
 6 ~~by the Legislature. The allocation of the funds appropriated for~~
 7 this purpose each year shall be used to enhance the salaries of
 8 classroom teachers and service personnel and shall be allocated
 9 seventy percent for classroom teachers and thirty percent for
 10 service personnel.

11 **§18-9A-21. Funding for alternative education programs.**

12 (a) An appropriation may be made to the state department to be
 13 distributed to county boards for the operation of alternative
 14 education and prevention programs established in accordance with
 15 policies and procedures adopted by the state board under section
 16 six, article two of this chapter. ~~The appropriation shall be an~~
 17 ~~amount equal to \$18 per student in net enrollment, subject to~~
 18 ~~appropriation by the Legislature. The state board shall distribute~~
 19 ~~ninety-eight percent~~ \$2 million of the total appropriation to the
 20 county boards proportionate to each county's net enrollment and \$6
 21 million ~~The remaining two percent of the appropriation shall be~~
 22 ~~retained~~ distributed by the state department as competitive grants
 23 to county boards for the operation of pilot or innovative
 24 alternative education programs. ~~to support the provision of~~
 25 ~~services to the county boards in administering programs established~~
 26 ~~in accordance with policies and procedures adopted by the state~~

1 ~~board under section six, article two of this chapter.~~

2 ~~—— (b) Nothing in this section may be construed to require any~~
3 ~~specific level of funding by the Legislature.~~

4 ~~—— (c) The increase from \$12 per student in net enrollment to \$18~~
5 ~~per student in net enrollment pursuant to the amendment and~~
6 ~~enactment of this section during the 2010 regular session of the~~
7 ~~Legislature is not subject to the provisions of section three-a.~~

8 (b) The state superintendent shall grant county boards awards
9 for pilot or innovative alternative education programs that promote
10 safe schools based on the following criteria:

11 (1) Programs will serve the most students in the alternative
12 program;

13 (2) Programs in elementary schools that utilize in-school
14 suspension and requirements that alternative students work their
15 way back into the regular classroom through improved behavior;

16 (3) Programs in middle or junior high schools and high schools
17 that provide at least sixteen hours of instruction per week and
18 requirements that students work their way back to the regular
19 classroom through improved behavior; and

20 (4) Other criteria developed by the State Board of Education.

21 (c) Each county board shall apply to the state superintendent
22 for competitive grants in the manner set forth by the state
23 superintendent consistent with the policies and procedures adopted
24 by the state board for the establishment and maintenance of
25 alternative education programs.

NOTE: The purpose of this bill is to reform the school aide formula by reducing over two years from ninety percent to eighty, then to seventy percent the amount of the regular levy deducted from county boards of education for general current expense purposes; ensuring that improved instructional programs receive at least \$33 million annually; by providing at least \$5 million to the State Board of Education to assist low performing schools; capturing moneys from declining enrollment and direct it to salaries of classroom teachers and service personnel; and by requiring at least an \$8 million annual appropriations for alternative education programs.

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