

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4619

BY DELEGATES ESPINOSA, STATLER, UPSON, FOLK,

COOPER, ROHRBACH, ATKINSON AND COWLES

[Passed March 2, 2018; in effect July 1, 2018.]

1 AN ACT to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended,
2 relating to supporting implementation of comprehensive systems for teacher and leader
3 induction and professional growth; requiring amount of increase in local share to be added
4 to preceding year appropriation for such purpose; providing factors to be taken into
5 account in making allocations to counties; providing county may not receive less than the
6 2016-2017 allocation from certain line items; requiring moneys allocated to be used for
7 implementation of comprehensive systems for teacher and leader induction and
8 professional growth; and removing obsolete cross-references.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-10. Foundation allowance to improve instructional programs, instructional technology, and teacher and leader induction and professional growth.

1 (a) The total allowance to improve instructional programs and instructional technology is
2 the sum of the following:

3 (1) For instructional improvement, in accordance with county and school electronic
4 strategic improvement plans required by §18-2E-5 of this code, an amount equal to ten percent
5 of the increase in the local share amount for the next school year shall be added to the amount
6 of the appropriation for this purpose for the immediately preceding school year. The sum of these
7 amounts shall be allocated to the counties as follows:

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

9 (B) Allocation to the counties of the remainder of these funds shall be made proportional
10 to the average of each county's average daily attendance for the preceding year and the county's
11 second month net enrollment.

12 Moneys allocated by this subdivision shall be used to improve instructional programs
13 according to the county and school strategic improvement plans required by §18-2E-5 of this code
14 and approved by the state board.

15 Up to fifty percent of this allocation for the improvement of instructional programs may be
16 used to employ professional educators and service personnel in the county. Prior to the use of
17 any funds from this subdivision for personnel costs, the county board must receive authorization
18 from the state superintendent. The state superintendent shall require the county board to
19 demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3)
20 sharing of services with adjoining counties in the use of the total local district board budget; and
21 (4) employment of technology integration specialists to meet the needs for implementation of the
22 West Virginia Strategic Technology Learning Plan. County boards shall make application for the
23 use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1,
24 the state superintendent shall review all applications and notify applying county boards of the
25 approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The
26 state superintendent shall require the county board to demonstrate the need for an allocation for
27 personnel based upon the county's inability to meet the requirements of state law or state board
28 policy.

29 The funds available for personnel under this subdivision may not be used to increase the
30 total number of professional noninstructional personnel in the central office beyond four.

31 The plan shall be made available for distribution to the public at the office of each affected
32 county board; plus

33 (2) For the purposes of improving instructional technology, an amount equal to twenty
34 percent of the increase in the local share amount for the next school year shall be added to the
35 amount of the appropriation for this purpose for the immediately preceding school year. The sum
36 of these amounts shall be allocated to the counties as follows:

37 (A) Thirty thousand dollars shall be allocated to each county; and

38 (B) Allocation to the counties of the remainder of these funds shall be made proportional
39 to the average of each county's average daily attendance for the preceding year and the county's
40 second month net enrollment.

41 Moneys allocated by this subdivision shall be used to improve instructional technology
42 programs according to the county board's strategic technology learning plan.

43 This allocation for the improvement of instructional technology programs may also be used
44 for the employment of technology system specialists essential for the technology systems of the
45 schools of the county to be fully functional and readily available when needed by classroom
46 teachers. The amount of this allocation used for the employment of technology system specialists
47 shall be included and justified in the county board's strategic technology learning plan; plus

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

52 (4) For the purpose of supporting county-level implementation of the comprehensive
53 systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this
54 code, an amount equal to twenty percent of the increase in the local share amount for the next
55 school year shall be added to the amount of the appropriation for this purpose for the immediately
56 preceding school year. The sum of these amounts shall be allocated to the counties in a manner
57 established by the State Board which takes into account the following factors:

58 (A) The number of full-time-equivalent teachers employed by the county with zero years
59 of experience;

60 (B) The total number of full-time-equivalent teachers employed by the county with one
61 year of experience, with two years of experience and with three years of experience;

62 (C) The number of full-time-equivalent principals, assistant principals and vocational
63 administrators employed by the county who are in their first or second year of employment as a
64 principal, assistant principal or vocational administrator;

65 (D) The number of full-time-equivalent principals, assistant principals and vocational
66 administrators employed by the county who are in their first year in an assignment at a school

67 with a programmatic level in which they have not previously served as a principal, assistant
68 principal or vocational administrator; and

69 (E) Needs identified in the strategic plans for continuous improvement of schools and
70 school systems including those identified through the performance evaluations of professional
71 personnel.

72 Notwithstanding any provision of this subsection to the contrary, no county may receive
73 an allocation for the purposes of this subdivision which is less than the county's total 2016-2017
74 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department
75 of Education. Moneys allocated by this subdivision shall be used for implementation of the
76 comprehensive systems for teacher and leader induction and professional growth pursuant to
77 §18A-3C-3 of this code; plus

78 (5) An amount not less than the amount required to meet debt service requirements on
79 any revenue bonds issued prior to January 1, 1994, and the debt service requirements on any
80 revenue bonds issued for the purpose of refunding revenue bonds issued prior to January 1,
81 1994, shall be paid by the Department of Education in accordance with the expenditure schedule
82 approved by the state budget office into the School Building Capital Improvements Fund created
83 by §18-9D-6 of this code and shall be used solely for the purposes of that article. The School
84 Building Capital Improvements Fund shall not be utilized to meet the debt services requirement
85 on any revenue bonds or revenue refunding bonds for which moneys contained within the School
86 Building Debt Service Fund have been pledged for repayment pursuant to that section.

87 (b) Notwithstanding the restrictions on the use of funds pursuant to subdivisions (1) and
88 (2), subsection (a) of this section, a county board may:

89 (1) Utilize up to twenty-five percent of the allocation for the improvement of instructional
90 programs in any school year for school facility and equipment repair, maintenance and
91 improvement or replacement and other current expense priorities and for emergency purposes.

92 The amount of this allocation used for any of these purposes shall be included and justified in the
93 county and school strategic improvement plans or amendments thereto; and

94 (2) Utilize up to fifty percent of the allocation for improving instructional technology in any
95 school year for school facility and equipment repair, maintenance and improvement or
96 replacement and other current expense priorities and for emergency purposes. The amount of
97 this allocation used for any of these purposes shall be included and justified in the county board's
98 strategic technology learning plan or amendments thereto.

99 (c) When the school improvement bonds secured by funds from the School Building
100 Capital Improvements Fund mature, the State Board of Education shall annually deposit an
101 amount equal to \$24,000,000 from the funds allocated in this section into the School Construction
102 Fund created pursuant to the provisions of §18-9D-6 of this code to continue funding school facility
103 construction and improvements.

104 (d) Any project funded by the School Building Authority shall be in accordance with a
105 comprehensive educational facility plan which must be approved by the state board and the
106 School Building Authority.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect July 1, 2018.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2018.

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Governor