

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **Senate Bill 125**

BY SENATORS CLEMENTS

[Introduced January 9, 2019; 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 providing that counties with less than 1,400 in net enrollment shall be considered to  
3 have 1,400 in net enrollment for the purposes of determining the county's basic foundation  
4 program only.

*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  
7 as "teacher" as defined in §18-1-1 *et seq.* of this code, and includes technology integration  
8 specialists.

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

15 (f) "Professional student support personnel" means a "teacher" as defined in §18-1-1 *et*  
16 *seq.* of this code who is assigned and serves on a regular full-time basis as a counselor or as a  
17 school nurse with a bachelor's degree and who is licensed by the West Virginia Board of  
18 Examiners for Registered Professional Nurses. For all purposes except for the determination of  
19 the allowance for professional educators pursuant to §18-19A-4 of this code, professional student

20 support personnel are professional educators.

21 (g) "Service personnel salaries" means the state legally mandated salaries for service  
22 personnel as provided in §18A-4-8a of this code.

23 (h) "Service personnel" means all personnel as provided in §18A-4-8 of this code. For the  
24 purpose of computations under this article of ratios of service personnel to net enrollment, a  
25 service employee shall be counted as that number found by dividing his or her number of  
26 employment days in a fiscal year by 200: *Provided*, That the computation for any service person  
27 employed for three and one-half hours or less per day as provided in §18A-4-8a of this code shall  
28 be calculated as one half an employment day.

29 (i) "Net enrollment" means the number of pupils enrolled in special education programs,  
30 kindergarten programs, and grades one to 12, inclusive, of the public schools of the county. Net  
31 enrollment further shall include:

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

34 (A) Net enrollment includes no more than 1,000 of those adults counted on the basis of  
35 full-time equivalency and apportioned annually to each county in proportion to the adults  
36 participating in regular secondary vocational programs in the prior year counted on the basis of  
37 full-time equivalency; and

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

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) No pupil ~~shall~~ may be counted more than once by reason of transfer within the county  
43 or from another county within the state, and no pupil ~~shall~~ may be counted who attends school in  
44 this 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~~ considered to be 1,400 for the purposes of determining the county's  
51 basic foundation program only. During the 2019-2020 interim period and every three interim  
52 periods thereafter, the Legislative Oversight Commission on Education Accountability shall review  
53 this subdivision to determine whether or not these provisions properly address the needs of  
54 counties with low enrollment and a sparse population density.

55 ~~(A) Divide the state's lowest county student population density by the county's actual~~  
56 ~~student population density;~~

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

59 ~~(C) If the increase in net enrollment as determined under this subdivision plus the county's~~  
60 ~~net enrollment as determined under all other provisions of this subsection is greater than one~~  
61 ~~thousand four hundred, the increase in net enrollment shall be reduced so that the total does not~~  
62 ~~exceed one thousand four hundred; and~~

63 ~~(D) During the 2008-2009 interim period and every three interim periods thereafter, the~~  
64 ~~Legislative Oversight Commission on Education Accountability shall review this subdivision to~~  
65 ~~determine whether or not these provisions properly address the needs of counties with low~~  
66 ~~enrollment and a sparse population density~~

67 (j) "Sparse-density county" means a county whose ratio of net enrollment, excluding any  
68 increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition  
69 of "net enrollment", to the square miles of the county is less than five.

70 (k) "Low-density county" means a county whose ratio of net enrollment, excluding any  
71 increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition

72 of “net enrollment”, to the square miles of the county is equal to or greater than five but less than  
73 10.

74 (l) “Medium-density county” means a county whose ratio of net enrollment, excluding any  
75 increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition  
76 of “net enrollment”, to the square miles of the county is equal to or greater than 10 but less than  
77 20.

78 (m) “High-density county” means a county whose ratio of net enrollment, excluding any  
79 increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition  
80 of “net enrollment”, to the square miles of the county is equal to or greater than 20.

81 (n) “Levies for general current expense purposes” means 90 percent of the levy rate for  
82 county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

83 (o) “Technology integration specialist” means a professional educator who has expertise  
84 in the technology field and is assigned as a resource teacher to provide information and guidance  
85 to classroom teachers on the integration of technology into the curriculum.

86 (p) “State aid eligible personnel” means all professional educators and service personnel  
87 employed by a county board in positions that are eligible to be funded under this article and whose  
88 salaries are not funded by a specific funding source such as a federal or state grant, donation,  
89 contribution, or other specific funding source not listed.

NOTE: The purpose of this bill is to provide that counties with less than 1,400 in net enrollment shall be considered to have 1,400 in net enrollment for the purposes of determining the county’s basic foundation program only.

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