

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

Introduced

### House Bill 2919

FISCAL  
NOTE

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[Introduced February 8, 2019; Referred  
to the Committee on Education.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §18-5-48; and to amend and reenact §18-9A-2 of said code, all relating to  
 3 establishing an Education Employees Fund; requiring county school boards to establish a  
 4 fund; specifying purpose of expenditures from the fund; and allocating a portion of revenue  
 5 from county levies.

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

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-48. Education employees fund from county levies.**

1 Each county board shall create and maintain an “Education Employees Fund.” The  
 2 moneys from the fund may only be used to pay for wages and benefits of public education  
 3 employees. Money for the fund shall come from county levies in the amount of 20 percent of the  
 4 levy rate for county boards of education as calculated pursuant to the provisions of §11-8-6f of  
 5 this code.

**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 §18-4-1 *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 of this code, and includes technology integration specialists.

8 (e) “Professional instructional personnel” means a professional educator whose regular  
 9 duty is as that of a classroom teacher, librarian, attendance director or school psychologist. A  
 10 professional educator having both instructional and administrative or other duties shall be

11 included as professional instructional personnel for that ratio of the school day for which he or she  
12 is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance  
13 or psychologist duties.

14 (f) "Professional student support personnel" means a "teacher" as defined in §18-1-1 of  
15 this code who is assigned and serves on a regular full-time basis as a counselor or as a school  
16 nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for  
17 Registered Professional Nurses. For all purposes except for the determination of the allowance  
18 for professional educators pursuant to §18-9A-4 of this code, professional student support  
19 personnel are professional educators.

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

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

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

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

33 (A) Net enrollment includes no more than 1000 of those adults counted on the basis of  
34 full-time equivalency and apportioned annually to each county in proportion to the adults  
35 participating in regular secondary vocational programs in the prior year counted on the basis of  
36 full-time equivalency; and

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

39 (2) Students enrolled in early childhood education programs as provided in §18-5-44 of  
40 this code, counted on the basis of full-time equivalency;

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

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

46 (5) For the purposes of determining the county's basic foundation program only, for any  
47 county whose net enrollment as determined under all other provisions of this definition is less than  
48 1,400, the net enrollment of the county shall be increased by an amount to be determined in  
49 accordance with the following:

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

52 (B) Multiply the amount derived from the calculation in paragraph (A) of this subdivision  
53 by the difference between 1,400 and the county's actual net enrollment;

54 (C) If the increase in net enrollment as determined under this subdivision plus the county's  
55 net enrollment as determined under all other provisions of this subsection is greater than 1,400,  
56 the increase in net enrollment shall be reduced so that the total does not exceed 1,000; and

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

61 (j) "Sparse-density county" means a county whose ratio of net enrollment, excluding any  
62 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this

63 section, of the definition of “net enrollment”, to the square miles of the county is less than five.

64 (k) “Low-density county” means a county whose ratio of net enrollment, excluding any  
65 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this  
66 section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater  
67 than five but less than 10.

68 (l) “Medium-density county” means a county whose ratio of net enrollment, excluding any  
69 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this  
70 section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater  
71 than 10 but less than 20.

72 (m) “High-density county” means a county whose ratio of net enrollment, excluding any  
73 increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this  
74 section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater  
75 than 20.

76 (n) “Levies for general current expense purposes” means ~~ninety~~ 70 percent of the levy  
77 rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of  
78 this code.

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

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

NOTE: The purpose of this bill is to establish Education Employees Funds in each county to dedicate more money to pay wages and benefits for education employees.

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