

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

**Introduced**

### **House Bill 4366**

**FISCAL  
NOTE**

BY DELEGATES HIGGINBOTHAM, HAMRICK, BARNHART

AND HANNA

[Introduced January 16, 2020; Referred to the  
Committee on Education then Finance]

1 A BILL to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating  
 2 to allowances for instructional technology and for advanced placement, dual credit and  
 3 international baccalaureate programs; increasing base allocation to each county for  
 4 improving instructional technology; and changing basis of determining amount to be  
 5 distributed to counties for enrollment in advanced placement and dual credit programs.

*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, advanced placement, dual credit and international baccalaureate  
programs; 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 10 percent of  
 5 the increase in the local share amount for the next school year shall be added to the amount of  
 6 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 50 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 20 percent  
34 of the increase in the local share amount for the next school year shall be added to the amount  
35 of the appropriation for this purpose for the immediately preceding school year. The sum of these  
36 amounts shall be allocated to the counties as follows:

37         (A) ~~Thirty~~ Sixty 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) To support the program costs for student enrollment in dual credit, advanced  
49 placement, and international baccalaureate courses as defined by the state board:

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

54           (B) Fifty dollars multiplied by the duplicated count of the students enrolled in dual credit  
55 courses offered by the county shall be distributed to each respective county for the purpose of  
56 supporting enrollment in these courses; plus

57           (C) Fifty dollars multiplied by the duplicated count of the students enrolled in advanced  
58 placement courses offered by the county shall be distributed to each respective county for the  
59 purpose of supporting enrollment in these courses; plus

60           (4) For the purpose of supporting county-level implementation of the comprehensive  
61 systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this  
62 code, an amount equal to 20 percent of the increase in the local share amount for the next school  
63 year shall be added to the amount of the appropriation for this purpose for the immediately  
64 preceding school year. The sum of these amounts shall be allocated to the counties in a manner  
65 established by the state board which takes into account the following factors:

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

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

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

73 (D) The number of full-time-equivalent principals, assistant principals and vocational  
74 administrators employed by the county who are in their first year in an assignment at a school  
75 with a programmatic level in which they have not previously served as a principal, assistant  
76 principal or vocational administrator; and

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

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

86 (5) An amount not less than the amount required to meet debt service requirements on  
87 any revenue bonds issued prior to January 1, 1994, and the debt service requirements on any  
88 revenue bonds issued for the purpose of refunding revenue bonds issued prior to January 1,  
89 1994, shall be paid by the Department of Education in accordance with the expenditure schedule  
90 approved by the state budget office into the School Building Capital Improvements Fund created  
91 by §18-9D-6 of this code and shall be used solely for the purposes of that article. The School  
92 Building Capital Improvements Fund shall not be utilized to meet the debt services requirement

93 on any revenue bonds or revenue refunding bonds for which moneys contained within the School  
94 Building Debt Service Fund have been pledged for repayment pursuant to that section.

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

97 (1) Utilize up to 25 percent of the allocation for the improvement of instructional programs  
98 in any school year for school facility and equipment repair, maintenance and improvement or  
99 replacement and other current expense priorities and for emergency purposes. The amount of  
100 this allocation used for any of these purposes shall be included and justified in the county and  
101 school strategic improvement plans or amendments thereto; and

102 (2) Utilize up to 50 percent of the allocation for improving instructional technology in any  
103 school year for school facility and equipment repair, maintenance and improvement or  
104 replacement and other current expense priorities and for emergency purposes. The amount of  
105 this allocation used for any of these purposes shall be included and justified in the county board's  
106 strategic technology learning plan or amendments thereto.

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

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

NOTE: The purpose of this bill is to change the school aid formula Step 7 allowances for instructional technology and for AP and dual credit courses. The bill provides that the base allocation to each county for instructional technology to be increased by \$30,000. The bill increases basis of determining each county's allowance for advanced placement and dual credit programs to \$50 for each such course in which a student enrolls, rather than one per

cent of the state average per pupil state aid for each student who enrolls in one or more of courses.

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