

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 711**

BY SENATORS RUCKER, ROBERTS, AZINGER, BEACH,

BOLEY, CLEMENTS, GRADY, PLYMALE, ROMANO,

STOLLINGS, TRUMP, AND UNGER

[Originating in the Committee on Finance; reported on

March 29, 2021]



1 A BILL to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating  
2 to the school aid formula; and changing the minimum enrollment to 1,200 students in each  
3 county.

*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 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. Professional student support personnel shall also include  
18 professional personnel providing direct social and emotional support services to students, as well  
19 as professional personnel addressing chronic absenteeism. For all purposes except for the

20 determination of the allowance for professional educators pursuant to §18-9A-4 of this code,  
21 professional student support personnel are professional educators.

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

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

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

33 (1) Adults enrolled in vocational programs: *Provided*, That net enrollment includes no  
34 more than 2,500 of those adults counted on the basis of full-time equivalency and apportioned  
35 annually to each county to support Advanced Career Education programs, as provided in §18-  
36 2E-11 of this code, in proportion to the adults participating in vocational programs counted on the  
37 basis of full-time equivalency: *Provided further*, That beginning with the 2021 fiscal year and every  
38 year thereafter, a career technical education center may only receive the funding for enrollment  
39 as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this  
40 code;

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

43 (3) A pupil may not be counted more than once by reason of transfer within the county or  
44 from another county within the state, and a pupil may not be counted who attends school in this  
45 state from another state;

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

48 (5) For the purposes of determining the county's basic foundation program only, for any  
49 county whose net enrollment as determined under all other provisions of this definition is less than  
50 1,400, the net enrollment of the county shall be increased by an amount to be determined in  
51 accordance with the following:

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

54 (B) Multiply the amount derived from the calculation in §18-9A-2(i)(5)(A) of this code by  
55 the difference between 1,400 and the county's actual net enrollment;

56 (C) Add the amount derived from the calculation in paragraph (B) of this subdivision to the  
57 county's actual net enrollment and increase that total amount by 10 percent; ~~and~~

58 (D) If the net enrollment as determined under this subdivision is greater than 1,400, the  
59 calculated net enrollment shall be reduced to 1,400; ~~and~~

60 (E) Effective with the fiscal year beginning July 1, 2022, and thereafter, in no event shall  
61 the net enrollment be set below 1,200; and

62 ~~(E)~~ (F) During the 2008-2009 interim period and every three interim periods thereafter, the  
63 Legislative Oversight Commission on Education Accountability shall review this subdivision to  
64 determine whether these provisions properly address the needs of counties with low enrollment  
65 and a sparse population density.

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

69 (k) "Low-density county" means a county whose ratio of net enrollment, excluding any  
70 increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition  
71 of "net enrollment", to the square miles of the county is equal to or greater than five but less than  
72 10.

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

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

80 (n) "Levies for general current expense purposes" means 85 percent of the levy rate for  
81 county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

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

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

89 (q) The amendments to this section during the 2019 First Extraordinary Session of the  
90 Legislature shall be effective for the 2019-2020 funding year, and the provisions of this section  
91 existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in  
92 effect for funding years prior to the 2019-2020 funding year.