

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

House Bill 4110

BY DELEGATES TONEY, HANSHAW (MR. SPEAKER),

PAYNTER, DEAN, FERRELL, STATLER, COOPER,

ELLINGTON AND BOOTH

[Passed March 11, 2022; in effect ninety days from passage.]

1 AN ACT to amend and reenact §18-9A-4 of the Code of West Virginia, 1931, as amended, relating
2 to public school support, foundation allowance for professional educators; and providing
3 that a county board of education serving as the fiscal agent for a multi-county vocational
4 center may not be penalized if the county's failure to meet the applicable minimum ratio is
5 due to the staffing levels at the multi-county vocational center.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-4. Foundation allowance for professional educators.

1 (a) The basic foundation allowance to the county for professional educators is the amount
2 of money required to pay the state minimum salaries, in accordance with §18A-4-1 *et seq.* of this
3 code, subject to the following:

4 (1) In making this computation a county shall receive an allowance for state aid eligible
5 professional educator positions to each one thousand students in net enrollment as follows:

6 (A) For each high-density county, seventy-two and three tenths professional educators
7 per each one thousand students in net enrollment;

8 (B) For each medium-density county, seventy-two and forty-five one hundredths
9 professional educators per each one thousand students in net enrollment;

10 (C) For each low-density county, seventy-two and six tenths professional educators per
11 each one thousand students in net enrollment;

12 (D) For each sparse-density county, seventy-two and seventy-five one hundredths
13 professional educators per each one thousand students in net enrollment; and

14 (E) For any professional educator positions, or fraction thereof, determined for a county
15 pursuant to paragraphs (A), (B), (C) and (D) of this subdivision that exceed the number employed,
16 the county's allowance for these positions shall be determined using the average state funded
17 salary of professional educators for the county;

18 (2) The number of and the allowance for personnel paid in part by state and county funds
19 shall be prorated; and

20 (3) Where two or more counties join together in support of a vocational or comprehensive
21 high school or any other program or service, the professional educators for the school or program
22 may be prorated among the participating counties on the basis of each one's enrollment therein
23 and the personnel shall be considered within the above-stated limit.

24 (b) Each county board shall establish and maintain a minimum ratio of professional
25 instructional personnel per state aid funded professional educators as follows:

26 (1) For each high-density county, the minimum ratio of professional instructional personnel
27 per state aid funded professional educators, or the number employed, whichever is less, is ninety-
28 one and twenty-nine one hundredths percent;

29 (2) For each medium-density county, the minimum ratio of professional instructional
30 personnel per state aid funded professional educators, or the number employed, whichever is
31 less, is ninety-one and twenty-four one hundredths percent;

32 (3) For each low-density county, the minimum ratio of professional instructional personnel
33 per state aid funded professional educators, or the number employed, whichever is less, is ninety-
34 one and eighteen one hundredths percent;

35 (4) For each sparse-density county, the minimum ratio of professional instructional
36 personnel per state aid funded professional educators, or the number employed, whichever is
37 less, is ninety-one and seven one hundredths percent; and

38 (5) Where two or more counties join together in support of a vocational or comprehensive
39 high school or any other program or service, the professional instructional personnel for the school
40 or program may be prorated among the participating counties on the basis of each one's
41 enrollment therein and the personnel shall be considered within the above-stated limit.

42 (c) Any county board which does not establish and maintain the applicable minimum ratio
43 required in subsection (b) of this section shall suffer a pro rata reduction in the allowance for

44 professional educators under this section: *Provided*, That a county may not be penalized if it has
45 increases in enrollment during that school year: *Provided, however*, That a county board of
46 education serving as the fiscal agent for a multi-county vocational center may not be penalized if
47 the county's failure to meet the applicable minimum ratio is due to the staffing levels at the multi-
48 county vocational center.

49 (d) A county may not increase the number of administrative personnel employed as either
50 professional educators or pay grade "H" service personnel above the number which were
51 employed, or for which positions were posted, on June 30, 1990, and, therefore, county boards
52 shall whenever possible utilize classroom teachers for curriculum administrative positions through
53 the use of modified or extended contracts.

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 ninety days from passage.

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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, 2022.

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Governor