

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5197

FISCAL
NOTE

By Delegates Hardy, Criss, Pinson, Hornby, Holstein,
Householder, Hott, Phillips, Jeffries, and Ellington

[Introduced January 25, 2024; Referred to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-5-48a; and to amend and reenact §18-9A-2 of said code, all relating to the
 3 inclusion of school resource officers ("SROs") in the school aid formula; establishing a
 4 grant process for counties to apply for funding to be administered by the State Auditor's
 5 office; establishing the fund; ensuring that rural counties have sufficient school resource
 6 officers for their student population; and defining school resource officers in the school aid
 7 formula.

Be it enacted by the Legislature of West Virginia: _

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-48a. School resource officers included in school aid formula.

1 (a) School resource officers, otherwise known as "SROs," shall be included in the school
 2 funding formula set forth in §18-9A-2 of this code.

3 (b) There is hereby created within the office of the State Auditor a special revenue fund to
 4 be known as the School Resource Officer Fund. The fund shall consist of all moneys received from
 5 the school aid formula as set forth in §18-9A-2 of this code in the amount of \$28 million.

6 (c) Counties shall apply for funding through the School Resource Officer Fund in the form
 7 of a grant, and the maximum amount awarded to each county shall be 70%, with the county
 8 commission of that county to fund the other 30% of the cost of the SROs. The State Auditor's office
 9 shall be responsible for the implementation of the grant program and application process.

10 (d) The State Board of Education shall ensure that rural counties have sufficient SROs at
 11 each school location regardless of the distance for purposes of the school aid formula.

12 (e) The State Board of Education shall ensure that SROs are part of summer activities
 13 outside of the calendar school year, including but not limited to summer school, summer feeding
 14 programs, or otherwise.

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 as
7 "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 included
11 as professional instructional personnel for that ratio of the school day for which he or she is
12 assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or
13 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 shall
29 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 §18-2E-
36 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 as
39 authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code;

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

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

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

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

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

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

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

66 (k) "Low-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 equal to or greater than five but less than
69 10.

70 (l) "Medium-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 10 but less than 20.

73 (m) "High-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 20.

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

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

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

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

89 (r) "School resource officers" or "SROs" are sworn law enforcement officers responsible for
90 safety and crime prevention in schools. School resource officers are funded under this section
91 effective for the 2024-2025 funding year pursuant to the requirements set forth in §18-5-48a of this
92 code.

NOTE: The purpose of this bill is to include school resource officers ("SROs") as part of the school aid formula.

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