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.]
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[Passed March 11, 2022; in effect ninety days from passage.]
AN ACT to amend and reenact §18-9A-4 of the Code of West Virginia, 1931, as amended, relating
to public school support, foundation allowance for professional educators; and providing
that a county board of education serving as the fiscal agent for a multi-county vocational
center may not be penalized if the county's failure to meet the applicable minimum ratio is
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.

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

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

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

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

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

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

   E) For any professional educator positions, or fraction thereof, determined for a county
   pursuant to paragraphs (A), (B), (C) and (D) of this subdivision that exceed the number employed,
   the county's allowance for these positions shall be determined using the average state funded
   salary of professional educators for the county;
(2) The number of and the allowance for personnel paid in part by state and county funds shall be prorated; and

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

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

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

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

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

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

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

(c) Any county board which does not establish and maintain the applicable minimum ratio required in subsection (b) of this section shall suffer a pro rata reduction in the allowance for
provided, That a county may not be penalized if it has increases in enrollment during that school year: Provided, however, That a county board of education serving as the fiscal agent for a multi-county vocational center may not be penalized if the county's failure to meet the applicable minimum ratio is due to the staffing levels at the multi-county vocational center.

(d) A county may not increase the number of administrative personnel employed as either professional educators or pay grade "H" service personnel above the number which were employed, or for which positions were posted, on June 30, 1990, and, therefore, county boards shall whenever possible utilize classroom teachers for curriculum administrative positions through the use of modified or extended contracts.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within ...is approved... this the... day of... March.... 20th...

2022 03 30 P 5:21

FILED

Secretary of State

Governor