

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5438

BY DELEGATES TONEY AND STATLER

[Introduced in the Committee on Education;

Passed March 14, 2026; in effect July 1, 2026]

FILED
02 MAR
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

HB 5438

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

1 AN ACT to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended,
2 relating to modifying the foundation allowance to improve instructional programs; relating
3 to the implementation and funding of a replacement uniform budgeting and accounting
4 system; providing for the Governor to include in each budget for the reappropriation for
5 expenditure during the ensuing fiscal year the unused accumulated balance remaining
6 with the Department of Education to continue initiatives; providing funding to support the
7 full implementation of the Third Grade Success Act; providing for the Department of
8 Education to reduce retained funding by the unused accumulated balance; and providing
9 that county boards of education may utilize up to 50% of the allocation for teacher and
10 leader induction in any school year for the purpose of funding projects identified in the
11 "Safe Schools Fund"

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, 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;

(C) Moneys allocated by this subdivision shall be used to improve instructional programs according to the county and school strategic improvement plans required by §18-2E-5 of this code and approved by the state board;

(D) The funds available for personnel under this subdivision may not be used to increase the total number of professional noninstructional personnel in the central office beyond four;

(E) The plan shall be made available for distribution to the public at the office of each affected county board; plus

(2) For the purposes of improving instructional technology, an amount equal to 20 percent of the increase in the local share amount for the next school year shall be added to the amount of the appropriation for this purpose for the immediately preceding school year. The sum of these amounts shall be allocated to the counties as follows:

(A) Thirty thousand dollars shall be allocated to each county; and

(B) Allocation to the counties of the remainder of these funds shall be made proportional to the average of each county's average daily attendance for the preceding year and the county's second month net enrollment;

(C) Moneys allocated by this subdivision shall be used to improve instructional technology programs according to the county board's strategic technology learning plan;

(D) This allocation for the improvement of instructional technology programs may also be used for the employment of technology system specialists essential for the technology systems of the schools of the county to be fully functional and readily available when needed by classroom teachers. The amount of this allocation used for the employment of technology system specialists shall be included and justified in the county board's strategic technology learning plan;

(E) The total appropriation computed under the preceding allocation structure shall be reduced annually by an amount not to exceed \$15 million to be retained by the Department of Education to implement and fund annually a replacement uniform budgeting and accounting

37 system pursuant to Department requirements outlined in §18-9B-5 and §18-9B-9 of this code,
38 respectively; plus

39 (3) One percent of the state average per pupil state aid multiplied by the number of
40 students enrolled in dual credit, advanced placement, and international baccalaureate courses,
41 as defined by the state board, distributed to the counties proportionate to enrollment in these
42 courses in each county; plus

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

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

51 (B) The number of full-time-equivalent teachers employed by the county who are less than
52 fully certified for the teaching position in which they are employed;

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

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

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

62 (F) Needs identified in the strategic plans for continuous improvement of schools and
63 school systems including those identified through the performance evaluations of professional
64 personnel;

65 (G) Notwithstanding any provision of this subsection to the contrary, no county may
66 receive an allocation for the purposes of this subdivision which is less than the county's total 2016-
67 2017 allocation from the Teacher Mentor and Principals Mentorship appropriations to the
68 Department of Education. Moneys allocated by this subdivision shall be used for implementation
69 of the comprehensive systems for teacher and leader induction and professional growth pursuant
70 to §18A-3C-3 of this code.

71 (H) The Department of Education may retain an amount of funds to be allocated under
72 this subdivision beginning with the school year 2024 – 2025, not exceeding \$15,000,000, to
73 accommodate the participation by county school systems in regional professional learning cadres
74 or teacher leadership networks established or supported by the Department of Education, to
75 expand regional professional learning cadres or teacher leadership networks designed to support
76 the full implementation of the Third Grade Success Act provided in §18-2E-10 of this code, to
77 implement the Department of Education's academic initiatives to provide and promote training in
78 the science of reading as defined in 18-2E-10(c) of this code for kindergarten through fifth grade
79 classroom teachers, and to assist teachers who are less than fully certified for the teaching
80 position in which they are employed as further provided in §18A-3C-3 of this code. The Governor
81 shall also provide in each budget for the reappropriation for expenditure during the ensuing fiscal
82 year the unused accumulated balance remaining with the Department of Education to continue
83 these initiatives including training in the science of reading as defined in §18-2E-10(c) of this code
84 for kindergarten through fifth grade classroom teachers. Up to \$1,000,000 of the \$15,000,000
85 shall be distributed to county boards for the purpose of expanding the school districts' ability to
86 contract with organizations that facilitate the school districts' participation in regional professional
87 learning cadres or teacher leadership networks designed to support math and science

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88 improvement or to support teachers who are less than fully certified for the teaching position in
89 which they are employed as further provided in §18A-3C-3 of this code. The \$1,000,000 shall be
90 distributed to the county boards under a grant program to be established by the state board by
91 rule pursuant to §29A-3B-1 *et seq.* of this code. The rule shall include at least the following:

92 (A) A requirement and procedures for county boards to submit applications for a grant;

93 (B) Criteria on which awards of the grants will be based on; and

94 (C) A requirement for an external evaluation for any program funded by a grant.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.



Clerk of the House of Delegates



Clerk of the Senate

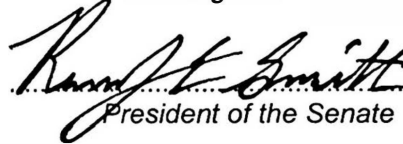
Originated in the House of Delegates.

In effect July 1, 2026.

FILED
2026 MAR 27 P 4: 16
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

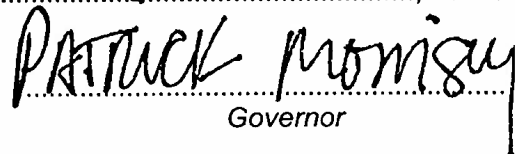


Speaker of the House of Delegates



President of the Senate

The within is approved this the 27th
Day of March, 2026.


Governor

PRESENTED TO THE GOVERNOR

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Time 3:30pm