

Board Member Summary

Proposed Modernization of the West Virginia Public School Support Program (W. Va. Code §18-9A)

Working Draft - Major Proposed Revisions

Executive Overview

The proposed legislation comprehensively restructures West Virginia's Public School Support Program. It moves the formula toward stabilized enrollment, weighted funding for student needs, revised staffing and operating-cost assumptions, greater transparency, and recurring legislative review. The proposal also integrates public charter schools more directly into the state aid formula.

Major Revisions at a Glance

Area	Proposed Revision
Funding enrollment	Uses the greater of prior-year second-month enrollment or a three-year average, providing protection against abrupt enrollment-related losses.
Student-need weights	Adds weights for special education service intensity, poverty, English learners, career and technical education, gifted students, and rurality.
Small-district support	Raises the low-enrollment adjustment threshold from 1,400 to 2,000 students and creates progressively larger adjustments for smaller districts, subject to planning requirements.
Personnel funding	Creates a separate allowance for professional operations personnel, increases student support and medical personnel, and replaces density-based staffing ratios with statewide ratios.
Operations and transportation	Rebases funding around actual costs, statewide benchmarks, rural adjustments, facility utilization, and efficiency limits.
Transparency and review	Requires public formula data and a replicable calculator and creates a commission to review formula adequacy at least every five years.
Charter school funding	Treats public charter schools as school districts for state aid formula purposes and generally funds them through the same methodology.

1. Stabilized Funding Enrollment

- Creates a new “funding enrollment” measure based on the greater of the immediately preceding year’s second-month enrollment or the average of the three immediately preceding years.
- Uses funding enrollment in major personnel and support allowance calculations, which is intended to reduce sudden funding losses associated with declining enrollment.
- Provides an available-year averaging method for newly operating districts when three years of data do not exist.

2. Weighted Funding for Student Needs

- Special education: Adds 0.50 for Level I, 1.00 for Level II, 2.00 for Level III, and 0.05 for gifted students. Levels are based on service intensity rather than disability category alone.
- Poverty: Establishes cumulative weights tied to school poverty concentrations above 40 percent, 60 percent, and 75 percent.
- English learners: Adds a 0.10 weight for each qualifying student.
- Career and technical education: Adds a 0.05 weight on the FTE portion of instruction delivered in a CTE setting.
- Rurality: Creates a rural or sparsity index based on “livable land,” with effects on pupil weighting, transportation, and facilities operations.

- Funds generated by special education, poverty, English learner, and CTE weights are restricted to the designated purposes rather than included in unrestricted block-grant flexibility.

3. Expanded Support for Small Districts

- Expands the low-enrollment adjustment to districts below 2,000 students rather than the current 1,400-student threshold.
- Creates tiered adjustments that increase as enrollment falls, with an additional adjustment for a district under 1,000 students operating only one school location.
- Requires affected districts to submit an annual consolidated-services plan for State Board approval.

4. Revised Personnel Categories and Staffing Ratios

- Professional educators: Establishes a statewide allowance of 71 positions per 1,000 students and removes separate density-based ratios and minimum instructional-personnel percentage provisions.
- Service personnel: Establishes a statewide allowance of 55 positions per 1,000 students.
- Student support and medical providers: Increases the allowance from 5 to 7 positions per 1,000 students and expands eligibility to include nurses, psychologists, social workers, occupational and physical therapists, speech-language pathologists, and other designated licensed professionals.
- Professional operations personnel: Creates a separate category for system-level functions such as administration, finance, compliance, personnel, technology, transportation, facilities, accountability, and child nutrition. The allowance is 2.5 base positions per district plus 0.5 position per 1,000 students.
- Districts below 4,000 students must submit an approved plan for sharing professional operations services or forfeit that allowance.

5. Operations, Maintenance, Transportation, and Substitutes

- Operations and maintenance: Replaces the square-footage methodology with a model based on district non-salary operating expenditures per student, a 90 percent base allocation, a rural adjustment, and efficiency limitations.
- Facility utilization: Applies reduced funding to the proportional enrollment associated with schools operating below 50 percent building utilization.
- Transportation: Sets the general reimbursement level at 90 percent of eligible non-salary costs, applies a rural adjustment, and retains specified enhancements for multicounty vocational transportation and qualifying alternative-fuel buses.
- Substitutes: Replaces percentage-of-salary allocations with calculations based on authorized positions, statewide average eligible leave use, and annual benchmark substitute rates.

6. Inflation and Flexible Use of Selected Funds

- Links annual growth for instructional improvement, instructional technology, and teacher and leader induction to the Consumer Price Index for All Urban Consumers, with no negative adjustment.
- Allows districts to use up to 50 percent of the teacher and leader induction allocation for safety and security improvements.

7. Local Share and State Aid Adjustments

- Excludes property valuations from the local share calculation when a county board lacks statutory authority to levy a tax on the property.
- Reduces state aid by 85 percent, rather than the full amount, of payments or contributions in lieu of property taxes distributed to a county board.

8. Public Transparency and Periodic Review

- Requires annual publication of each district’s formula inputs, funding enrollment, allowances, local share, allocated state aid, transition aid, and final payment in machine-readable form.
- Requires a public calculator that allows users to replicate district computations.
- Creates a Public School Support Plan Review Commission to evaluate formula adequacy at least every five years and publicly report recurring costs, transition costs, local-share effects, and district-by-district gains and losses.
- Commission recommendations do not change the formula without legislative enactment or a specific lawful appropriation.

9. Newly Operating Districts and Charter Schools

- Creates an initial funding process for newly operating school districts using projected enrollment, followed by adjustment to certified October 1 enrollment.
- Moves public charter schools into the Public School Support Program as school districts for funding purposes and removes the existing requirement that 99 percent of a county-calculated per-pupil amount follow the student.
- Public charter schools remain local education agencies, and the authorizer oversight fee provisions continue.

Board-Level Considerations

Consideration	What It Means for Boards
Potential funding gains	Districts with declining enrollment, high-need student populations, rural characteristics, small enrollment, or significant student-support staffing could receive additional formula recognition.
Potential funding pressure	Districts with underutilized buildings may experience reductions within the operations allowance, and some smaller districts must demonstrate consolidated or shared services.
Restricted funding	Several new student weights generate restricted funds, which limits local flexibility and adds compliance monitoring.
Implementation requirements	WVDE and districts would need new data definitions, service-intensity classifications, calculations, reporting processes, and State Board rules.
Need for fiscal modeling	District-by-district outcomes cannot be determined from the bill text alone. Board decisions should rely on county impact files showing changes in state aid, local share, restricted funds, and transition effects.

Overall assessment: The proposal is a major redesign of the Public School Support Program. It emphasizes enrollment stability, student-specific need, statewide staffing assumptions, operational efficiency, transparency, and recurring review. The ultimate impact on any county board will depend on final definitions, appropriations, implementation rules, and district-level fiscal simulations.

Source: Working draft, “Public School Support Program Modernization,” proposing amendments to W. Va. Code §18-9A and related charter school provisions. This summary is informational and should be read with the full proposed legislation and any official fiscal note.