

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2727

(BY MR. SPEAKER, (MR. THOMPSON)

AND DELEGATE ARMSTEAD)

[BY REQUEST OF THE EXECUTIVE]

[Passed April 13, 2013; in effect July 1, 2013.]

AN ACT to amend and reenact §18-9A-7 and §18-9A-8a of the code of West Virginia, 1931, as amended, all relating to the school aid formula; adjusting the foundation school program allowance for transportation costs by limiting the ten percent additional percentage allowance for alternative fuel vehicles to school buses using compressed natural gas; providing for phased-in elimination of the additional percentage for bio-diesel as an alternative fuel; and adjusting the foundation allowance by reducing the maximum allocation for regional education service agencies (RESA).

Be it enacted by the Legislature of West Virginia:

That §18-9A-7 and §18-9A-8a of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-7. Foundation allowance for transportation cost.

1 (a) The allowance in the foundation school program for each
2 county for transportation shall be the sum of the following
3 computations:

4 (1) A percentage of the transportation costs incurred by the
5 county for maintenance, operation and related costs exclusive of
6 all salaries, including the costs incurred for contracted
7 transportation services and public utility transportation, as
8 follows:

9 (A) For each high-density county, eighty-seven and one-half
10 percent;

11 (B) For each medium-density county, ninety percent;

12 (C) For each low-density county, ninety-two and one-half
13 percent;

14 (D) For each sparse-density county, ninety-five percent;

15 (E) For any county for the transportation cost for
16 maintenance, operation and related costs, exclusive of all
17 salaries, for transporting students to and from classes at a
18 multicounty vocational center, the percentage provided in
19 paragraphs (A) through (D) of this subdivision as applicable for
20 the county plus an additional ten percent; and

21 (F) For any county for that portion of its school bus system
22 that uses as an alternative fuel compressed natural gas, the
23 percentage provided in paragraphs (A) through (D) of this

24 subdivision as applicable for the county plus an additional ten
25 percent: *Provided*, That for any county receiving an additional
26 ten percent for that portion of their bus system using bio-diesel
27 as an alternative fuel during the school year 2012-2013, bio-
28 diesel shall continue to qualify as an alternative fuel under this
29 paragraph to the extent that the additional percentage applicable
30 to that portion of the bus system using bio-diesel shall be
31 decreased by two and one-half percent per year for four
32 consecutive school years beginning in school year 2014-2015:
33 *Provided, however*, That any county using an alternative fuel and
34 qualifying for the additional allowance under this subdivision
35 shall submit a plan regarding the intended future use of
36 alternatively fueled school buses;

37 (2) The total cost, within each county, of insurance
38 premiums on buses, buildings and equipment used in
39 transportation;

40 (3) An amount equal to eight and one-third percent of the
41 current replacement value of the bus fleet within each county as
42 determined by the state board. The amount shall only be used for
43 the replacement of buses. Buses purchased after July 1, 1999,
44 that are driven one hundred eighty thousand miles, regardless of
45 year model, will be subject to the replacement value of eight and
46 one-third percent as determined by the state board. In addition,
47 in any school year in which its net enrollment increases when
48 compared to the net enrollment the year immediately preceding,
49 a school district may apply to the State Superintendent for
50 funding for an additional bus or buses. The State Superintendent
51 shall make a decision regarding each application based upon an
52 analysis of the individual school district's net enrollment history
53 and transportation needs: *Provided*, That the superintendent shall
54 not consider any application which fails to document that the
55 county has applied for federal funding for additional buses. If the
56 State Superintendent finds that a need exists, a request for
57 funding shall be included in the budget request submitted by the
58 state board for the upcoming fiscal year; and

59 (4) Aid in lieu of transportation equal to the state average
60 amount per pupil for each pupil receiving the aid within each
61 county.

62 (b) The total state share for this purpose shall be the sum of
63 the county shares: *Provided*, That no county shall receive an
64 allowance which is greater than one-third above the computed
65 state average allowance per transportation mile multiplied by the
66 total transportation mileage in the county exclusive of the
67 allowance for the purchase of additional buses.

68 (c) One half of one percent of the transportation allowance
69 distributed to each county shall be for the purpose of trips related
70 to academic classroom curriculum and not related to any
71 extracurricular activity. Any remaining funds credited to a
72 county for the purpose of trips related to academic classroom
73 curriculum during the fiscal year shall be carried over for use in
74 the same manner the next fiscal year and shall be separate and
75 apart from, and in addition to, the appropriation for the next
76 fiscal year. The state board may request a county to document
77 the use of funds for trips related to academic classroom
78 curriculum if the board determines that it is necessary.

§18-9A-8a. Foundation allowance for regional education service agencies.

1 For the fiscal year beginning on July 1, 2006, and for each
2 fiscal year thereafter, the foundation allowance for regional
3 education service agencies shall be equal to sixty-three
4 one-hundredths percent of the allocation for professional
5 educators as determined in section four of this article, but not
6 more than \$3,690,750. The allowance shall be distributed to the
7 regional education service agencies in accordance with rules
8 adopted by the state board. The allowance for regional education
9 service agencies shall be excluded from the computation of total
10 basic state aid as provided in section twelve of this article.

That 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 July 1, 2013.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2013.

Governor

