

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 644

FISCAL
NOTE

BY SENATOR RUCKER

[Introduced February 15, 2022; referred
to the Committee on Education; and then 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 §18-5G-16, relating to creating the Charter Schools Stimulus Fund to provide
3 financial support to charter school applicants and charter schools that may not otherwise
4 have the resources for start-up costs and costs associated with renovating or remodeling
5 existing buildings and structures; requiring State Board of Education rules; specifying
6 requirements the rules are to include; requiring the West Virginia Professional Charter
7 School Board to distribute moneys from the fund to qualifying charter school applicants
8 and charter schools; specifying the manner of distribution; and requiring reimbursement
9 of grant amount plus interest if the recipient hasn't begun operating a charter school within
10 the next 18 months.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5G. PUBLIC CHARTER SCHOOLS.

§18-5G-16. Charter Schools Stimulus Fund.

1 (a) There is hereby created in the State Treasury a special revenue fund designated and
2 known as the Charter Schools Stimulus Fund. The fund is established for the purpose of providing
3 financial support to charter school applicants and charter schools that may not otherwise have
4 the resources for start-up costs and costs associated with renovating or remodeling existing
5 buildings and structures. The fund consists of moneys appropriated by the Legislature, grants,
6 gifts, devises, and donations from any public or private source. All interest and other returns
7 derived from the deposit and investment of moneys in the Charter Schools Stimulus Fund shall
8 be credited to the fund. Any balance, including accrued interest and other returns, remaining in
9 the fund at the end of each fiscal year shall not revert to the General Revenue Fund, but shall
10 remain in the fund and be expended as provided in this section. The West Virginia Professional
11 Charter School Board shall administer the fund.

12 (b) On or before June 1, 2022, the state board of education shall promulgate legislative
13 rules pursuant to §29A-3B-1 et seq. to implement the provisions of this section. If necessary to

14 meet the June 1, 2022 deadline, the state board shall promulgate an emergency rule. The rules
15 shall include application requirements, requirements for the West Virginia Professional Charter
16 School Board to notify potential applicants, and a requirement for the applicant to attest to or
17 demonstrate that it:

18 (1) Would not otherwise have the financial capacity without moneys from the Charter
19 Schools Stimulus Fund to:

20 (A) Successfully apply to an authorizer; or

21 (B) Start a public charter school; and

22 (2) Is not working with or financed by any organization that has started or financed other
23 charter schools to the degree that facilitating and starting charter schools is a significant portion
24 of the organization's purpose.

25 (c) Subject to the availability of funding, the West Virginia Professional Charter School
26 Board shall distribute moneys from the Charter Schools Stimulus Fund to qualifying charter school
27 applicants and charter schools in the following manner:

28 (1) Each qualifying charter school applicant or charter school shall be awarded an initial
29 grant of up to \$100,000 during or before the first year of the charter school's operation. If an
30 applicant for a charter school receives an initial grant pursuant to this paragraph and fails to begin
31 operating a charter school within the next 18 months, the applicant shall reimburse the West
32 Virginia Professional Charter School Board for the amount of the initial grant plus interest
33 calculated at a prorated rate of 10 percent a year: *Provided*, That the West Virginia Professional
34 Charter School Board may lengthen this 18-month time period in extenuating circumstances;

35 (2) Applicants for charter schools and charter schools that received initial grants pursuant
36 to subdivision (1) of this section may apply to the West Virginia Professional Charter School Board
37 for an additional grant of up to \$100,000. If an applicant for a charter school receives an additional
38 grant pursuant to this paragraph and fails to begin operating a charter school within the next 18
39 months, the applicant shall reimburse the West Virginia Professional Charter School Board for

- 40 the amount of the additional grant plus interest calculated at a prorated rate of 10 percent a year:
41 *Provided*, That the West Virginia Professional Charter School Board may lengthen this 18-month
42 time period in extenuating circumstances. A reimbursement required by this subdivision is in
43 addition to any reimbursement required by subdivision (1) of this subsection.

NOTE: The purpose of this bill is to create the Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs and costs associated with renovating or remodeling existing buildings and structures.

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