

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### Senate Bill 47

FISCAL  
NOTE

By Senator Rucker

[Introduced January 11, 2023; referred to  
the Committee on School Choice; 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-17, 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 of  
9 grant amount plus interest if the recipient has not 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-17. 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 the  
4 resources for start-up costs and costs associated with renovating or remodeling existing buildings  
5 and structures. The fund consists of moneys appropriated by the Legislature, grants, gifts,  
6 devises, and donations from any public or private source. All interest and other returns derived  
7 from the deposit and investment of moneys in the Charter Schools Stimulus Fund shall be credited  
8 to the fund. Any balance, including accrued interest and other returns, remaining in the fund at the  
9 end of each fiscal year shall not revert to the General Revenue Fund, but shall remain in the fund  
10 and be expended as provided in this section. The West Virginia Professional Charter School  
11 Board shall administer the fund.

12 (b) On or before June 1, 2023, 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, 2023, 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 of  
24 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 the

40 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.