

# ENROLLED

COMMITTEE SUBSTITUTE

for

## H. B. 2478

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(BY MR. SPEAKER, (MR. ARMSTEAD)  
AND DELEGATE MILEY)  
[BY REQUEST OF THE EXECUTIVE]

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[Passed March 14, 2015;  
in effect July 1, 2015.]

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AN ACT to amend and reenact §18-9A-7 of the Code of West Virginia, 1931, as amended, relating to the foundation allowance for public education transportation cost; including propane as an eligible fuel for the ten percent additional percentage allowance for school bus systems using alternative fuels; and fixing the amount to be used for the replacement of buses for the school years beginning July 1, 2015, and July 1, 2016.

*Be in enacted by the Legislature of West Virginia:*

That §18-9A-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted 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 or  
23 propane, the percentage provided in paragraphs (A) through (D)  
24 of this subdivision as applicable for the county plus an additional  
25 ten percent: *Provided*, That for any county receiving an  
26 additional ten percent for that portion of their bus system using

27 bio-diesel as an alternative fuel during the school year 2012-  
28 2013, bio-diesel shall continue to qualify as an alternative fuel  
29 under this paragraph to the extent that the additional percentage  
30 applicable to that portion of the bus system using bio-diesel shall  
31 be 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: *Provided,* That the amount for the  
43 school year beginning July 1, 2015, will be \$15,000,000 and the  
44 amount for the school year beginning July 1, 2016, will be  
45 \$18,000,000. The amount shall only be used for the replacement  
46 of buses. Buses purchased after July 1, 1999 that are driven one  
47 hundred eighty thousand miles, regardless of year model, will be  
48 subject to the replacement value of eight and one-third percent  
49 as determined by the state board. In addition, in any school year  
50 in which its net enrollment increases when compared to the net  
51 enrollment the year immediately preceding, a school district may  
52 apply to the state superintendent for funding for an additional  
53 bus or buses. The state superintendent shall make a decision  
54 regarding each application based upon an analysis of the  
55 individual school district's net enrollment history and  
56 transportation needs: *Provided,* That the superintendent shall not  
57 consider any application which fails to document that the county  
58 has applied for federal funding for additional buses. If the state  
59 superintendent finds that a need exists, a request for funding

60 shall be included in the budget request submitted by the state  
61 board for the upcoming fiscal year; and

62 (4) Aid in lieu of transportation equal to the state average  
63 amount per pupil for each pupil receiving the aid within each  
64 county.

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

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

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect July 1, 2015.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2015.

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*Governor*





