

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### House Bill 3201

FISCAL  
NOTE

By Delegate Toney

[Introduced February 02, 2023; Referred to the  
Committee on Education then Finance]

1 A BILL to amend and reenact §18-9A-7 of the Code of West Virginia, 1931, as amended, relating  
 2 to including electric-powered school buses in the county foundation allowance; and  
 3 increasing by 5% the allowance for school bus systems manufactured in the State of West  
 4 Virginia.

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

**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

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

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

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

6 (A) For each high-density county, 87.5 percent;

7 (B) For each medium-density county, 90 percent;

8 (C) For each low-density county, 92.5 percent;

9 (D) For each sparse-density county, 95 percent;

10 (E) For any county for the transportation cost for maintenance, operation and related costs,  
 11 exclusive of all salaries, for transporting students to and from classes at a multicounty vocational  
 12 center, the percentage provided in paragraphs (A) through (D) of this subdivision as applicable for  
 13 the county plus an additional 10 percent; and

14 (F) For any county for that portion of its school bus system that uses as an alternative fuel  
 15 compressed natural gas, propane, or is fully powered by electricity that is stored in an onboard  
 16 rechargeable battery or other storage device that is manufactured within the State of West  
 17 Virginia, the percentage provided in paragraphs (A) through (D) of this subdivision as applicable  
 18 for the county plus an additional 15 40 percent: ~~as well as an additional 5% for the portion of its~~  
 19 ~~school bus system that is manufactured within the state of West Virginia: *Provided*, That any~~

20 county using an alternative fuel and qualifying for the additional allowance under this subdivision  
21 shall submit a plan regarding the intended future use of alternatively fueled school buses;

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

24 (3) An amount equal to 8.33 percent of the current replacement value of the bus fleet within  
25 each county as determined by the state board. The amount shall only be used for the replacement  
26 of buses except as provided in subdivision (4) of this subsection. Buses purchased after July 1,  
27 1999, that are driven 180,000 miles, regardless of year model, are subject to the replacement  
28 value of 8.33 percent as determined by the state board. In addition, in any school year in which its  
29 net enrollment increases when compared to the net enrollment the year immediately preceding, a  
30 school district may apply to the state superintendent for funding for an additional bus or buses. The  
31 state superintendent shall make a decision regarding each application based upon an analysis of  
32 the individual school district's net enrollment history and transportation needs: *Provided*, That the  
33 superintendent may not consider any application which fails to document that the county has  
34 applied for federal funding for additional buses. If the state superintendent finds that a need exists,  
35 a request for funding shall be included in the budget request submitted by the state board for the  
36 upcoming fiscal year;

37 (4) Notwithstanding the restriction on the use of funds for the replacement of buses  
38 pursuant to subdivision (3) of this subsection, up to \$200,000 of these funds in any school year  
39 may be used by a county for school facility and equipment repair, maintenance and improvement  
40 or replacement or other current expense priorities if a request by the county superintendent listing  
41 the amount, the intended use of the funds and the serviceability of the bus fleet is approved by the  
42 state superintendent. Before approving the request, the state superintendent shall verify the  
43 serviceability of the county's bus fleet based upon the state school bus inspection defect rate of  
44 the county over the two prior years; and

45 (5) Aid in lieu of transportation equal to the state average amount per pupil for each pupil

46 receiving the aid within each county.

47 (b) The total state share for this purpose is the sum of the county shares: *Provided*, That a  
48 county may not receive an allowance which is greater than one-third above the computed state  
49 average allowance per transportation mile multiplied by the total transportation mileage in the  
50 county exclusive of the allowance for the purchase of additional buses.

51 (c) One half of one percent of the transportation allowance distributed to each county is for  
52 the purpose of trips related to academic classroom curriculum and not related to any  
53 extracurricular activity. Any remaining funds credited to a county for the purpose of trips related to  
54 academic classroom curriculum during the fiscal year shall be carried over for use in the same  
55 manner the next fiscal year and shall be separate and apart from, and in addition to, the  
56 appropriation for the next fiscal year. The state board may request a county to document the use of  
57 funds for trips related to academic classroom curriculum if the board determines that it is  
58 necessary.

NOTE: The purpose of this bill relates to the Foundation allowance for transportation cost.

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