

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2727**

5 (By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)
6 [By Request of the Executive]

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

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

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

21 That §18-9A-7 and §18-9A-8a of the Code of West Virginia,
22 1931, as amended, be amended and reenacted, all to read as follows:

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

24 **§18-9A-7. Foundation allowance for transportation cost.**

25 (a) The allowance in the foundation school program for each
26 county for transportation shall be the sum of the following

1 computations:

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

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

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

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

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

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

19 (F) For any county for that portion of its school bus system
20 that uses as an alternative fuel compressed natural gas, the
21 percentage provided in paragraphs (A) through (D) of this
22 subdivision as applicable for the county plus an additional ten
23 percent: *Provided*, That for any county receiving an additional ten
24 percent for that portion of their bus system using bio-diesel as an
25 alternative fuel during the school year 2012-2013, bio-diesel shall
26 continue to qualify as an alternative fuel under this paragraph to

1 the extent that the additional percentage applicable to that
2 portion of the bus system using bio-diesel shall be decreased by
3 two and one-half percent per year for four consecutive school years
4 beginning in school year 2014-2015: *Provided, however,* That any
5 county using an alternative fuel and qualifying for the additional
6 allowance under this subdivision shall submit a plan regarding the
7 intended future use of alternatively fueled school buses;

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

10 (3) An amount equal to eight and one-third percent of the
11 current replacement value of the bus fleet within each county as
12 determined by the state board. The amount shall only be used for
13 the replacement of buses. Buses purchased after July 1, 1999, that
14 are driven one hundred eighty thousand miles, regardless of year
15 model, will be subject to the replacement value of eight and
16 one-third percent as determined by the state board. In addition,
17 in any school year in which its net enrollment increases when
18 compared to the net enrollment the year immediately preceding, a
19 school district may apply to the State Superintendent for funding
20 for an additional bus or buses. The State Superintendent shall
21 make a decision regarding each application based upon an analysis
22 of the individual school district's net enrollment history and
23 transportation needs: *Provided,* That the superintendent shall not
24 consider any application which fails to document that the county
25 has applied for federal funding for additional buses. If the State
26 Superintendent finds that a need exists, a request for funding

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

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

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

12 (c) One half of one percent of the transportation allowance
13 distributed to each county shall be for the purpose of trips
14 related to academic classroom curriculum and not related to any
15 extracurricular activity. Any remaining funds credited to a county
16 for the purpose of trips related to academic classroom curriculum
17 during the fiscal year shall be carried over for use in the same
18 manner the next fiscal year and shall be separate and apart from,
19 and in addition to, the appropriation for the next fiscal year.
20 The state board may request a county to document the use of funds
21 for trips related to academic classroom curriculum if the board
22 determines that it is necessary.

23

24 **§18-9A-8a. Foundation allowance for regional education service**
25 **agencies.**

26 For the fiscal year beginning on July 1, 2006, and for each

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