

1 **Senate Bill No. 370**

2 (By Senators Kessler (Mr. President) and M. Hall,

3 By Request of the Executive)

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5 [Introduced February 26, 2013; referred to the Committee on

6 Education; and then to the Committee on Finance.]

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10 A BILL 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; restricting the ten-percent

14 additional percentage allowance for alternative-fuel vehicles

15 to school buses using compressed natural gas or propane; and

16 adjusting the foundation allowance by reducing the maximum

17 allocation for Regional Education Service Agencies.

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

19 That §18-9A-7 and §18-9A-8a of the Code of West Virginia,

20 1931, as amended, be amended and reenacted, all to read as follows:

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

22 **§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 ~~such as~~ compressed natural gas or

1 ~~other acceptable alternative fuel~~ propane, the percentage provided
2 in paragraphs (A) through (D) of this subdivision as applicable for
3 the county plus an additional ten percent: *Provided*, That any
4 county using an alternative fuel and qualifying for the additional
5 allowance under this subdivision shall submit a plan regarding the
6 intended future use of alternatively fueled school buses;

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

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

1 consider any application which fails to document that the county
2 has applied for federal funding for additional buses. If the State
3 Superintendent finds that a need exists, a request for funding
4 shall be included in the budget request submitted by the state
5 board for the upcoming fiscal year; and

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

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

15 (c) One half of one percent of the transportation allowance
16 distributed to each county shall be for the purpose of trips
17 related to academic classroom curriculum and not related to any
18 extracurricular activity. Any remaining funds credited to a county
19 for the purpose of trips related to academic classroom curriculum
20 during the fiscal year shall be carried over for use in the same
21 manner the next fiscal year and shall be separate and apart from,
22 and in addition to, the appropriation for the next fiscal year.

1 The state board may request a county to document the use of funds
2 for trips related to academic classroom curriculum if the board
3 determines that it is necessary.

4 (d) The amendments made to this section during the 2008
5 regular session of the Legislature are intended to be temporary
6 while the transportation issue is further studied during the
7 2008-2009 nine interim period.

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

10 For the fiscal year beginning on July 1, 2006, and for each
11 fiscal year thereafter, the foundation allowance for regional
12 education service agencies shall be equal to sixty-three
13 one-hundredths percent of the allocation for professional educators
14 as determined in section four of this article, but not more than
15 ~~\$3,990,000~~ \$3,690,750. The allowance shall be distributed to the
16 regional education service agencies in accordance with rules
17 adopted by the state board. The allowance for regional education
18 service agencies shall be excluded from the computation of total
19 basic state aid as provided in section twelve of this article.

NOTE: The purpose of this bill is to restrict the additional percentage allowance for school buses to those using compressed natural gas or propane as an alternative fuel and to reduce the cap

on the foundation allowance for regional service agencies (RESA) by 7.5%.

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