

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

House Bill 4571

BY DELEGATES HAMRICK, HANSHAW (MR. SPEAKER),
TONEY, ELLINGTON, STATLER, PACK, SMITH AND MAYNOR

[Passed March 12, 2022; in effect July 1, 2022.]

1 AN ACT to amend and reenact §18-9A-7 of the Code of West Virginia, 1931, as amended, relating
2 to increasing the foundation allowance for transportation cost for the portion of the county's
3 school bus system that is fully powered by electricity that is stored in an onboard
4 rechargeable battery or other storage device and for the portion of its school bus system
5 that is manufactured within the state of West 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
11 costs, exclusive of all salaries, for transporting students to and from classes at a multicounty
12 vocational center, the percentage provided in paragraphs (A) through (D) of this subdivision as
13 applicable for 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, the percentage provided in paragraphs (A) through
17 (D) of this subdivision as applicable for the county plus an additional 10 percent, as well as an
18 additional 5% for the portion of its school bus system that is manufactured within the state of West

19 Virginia: *Provided*, That any county using an alternative fuel and qualifying for the additional
20 allowance under this subdivision shall submit a plan regarding the intended future use of
21 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
25 within each county as determined by the state board. The amount shall only be used for the
26 replacement of buses except as provided in subdivision (4) of this subsection. Buses purchased
27 after July 1, 1999, that are driven 180,000 miles, regardless of year model, are subject to the
28 replacement value of 8.33 percent as determined by the state board. In addition, in any school
29 year in which its net enrollment increases when compared to the net enrollment the year
30 immediately preceding, a school district may apply to the state superintendent for funding for an
31 additional bus or buses. The state superintendent shall make a decision regarding each
32 application based upon an analysis of the individual school district's net enrollment history and
33 transportation needs: *Provided*, That the superintendent may not consider any application which
34 fails to document that the county has applied for federal funding for additional buses. If the state
35 superintendent finds that a need exists, a request for funding shall be included in the budget
36 request submitted by the state board for the 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
42 the 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
48 a 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
52 for 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
54 to 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
57 of funds for trips related to academic classroom curriculum if the board determines that it is
58 necessary.

The 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, 2022.

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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

The within this the.....
day of, 2022.

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Governor