

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 47**

By Senators Rucker, Oliverio, and Roberts

[Originating in the Committee on School Choice;

reported on January 26, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §18-5G-17, relating to creating the Charter Schools Stimulus Fund to provide  
3 financial support to charter school applicants and charter schools that may not otherwise  
4 have the resources for start-up costs; requiring State Board of Education rules; specifying  
5 requirements the rules are to include; requiring the West Virginia Professional Charter  
6 School Board to distribute moneys from the fund to qualifying charter school applicants  
7 and charter schools; specifying the manner of distribution; and requiring reimbursement of  
8 grant amount plus interest if the recipient has not begun operating a charter school within  
9 the next 18 months.

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

**ARTICLE 5G. PUBLIC CHARTER SCHOOLS.**

**§18-5G-17. Charter Schools Stimulus Fund.**

1 (a) There is hereby created in the State Treasury a special revenue fund designated and  
2 known as the Charter Schools Stimulus Fund. The fund is established for the purpose of providing  
3 financial support to charter school applicants and charter schools that may not otherwise have the  
4 resources for start-up costs such as costs associated with renovating or remodeling existing  
5 buildings and structures and costs for the purchase of school buses. The fund consists of money  
6 appropriated by the Legislature, grants, gifts, devises, and donations from any public or private  
7 source. All interest and other returns derived from the deposit and investment of money in the  
8 Charter Schools Stimulus Fund shall be credited to the fund. Any balance, including accrued  
9 interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the  
10 General Revenue Fund, but shall remain in the fund and be expended as provided in this section.  
11 The West Virginia Professional Charter School Board shall administer the fund.

12 (b) On or before June 1, 2023, the state board shall promulgate legislative rules pursuant  
13 to §29A-3B-1 et seq. to implement the provisions of this section. If necessary to meet the June 1,  
14 2023, deadline, the state board shall promulgate an emergency rule. The rules shall include

15 application requirements, requirements for the West Virginia Professional Charter School Board to  
16 notify potential applicants, and a requirement for the applicant to attest to or demonstrate that it:

17 (1) Would not otherwise have the financial capacity without money from the Charter  
18 Schools Stimulus Fund to:

19 (A) Successfully apply to an authorizer; or

20 (B) Start a public charter school; and

21 (2) Is not working with or financed by any organization that has started or financed other  
22 charter schools to the degree that facilitating and starting charter schools is a significant portion of  
23 the organization's purpose.

24 (c) Subject to the availability of funding, the West Virginia Professional Charter School  
25 Board shall distribute money from the Charter Schools Stimulus Fund to qualifying charter school  
26 applicants and charter schools in the following manner:

27 (1) Each qualifying charter school applicant or charter school shall be awarded an initial  
28 grant of up to \$300,000 during or before the first year of the charter school's operation. If an  
29 applicant for a charter school receives an initial grant pursuant to this paragraph and fails to begin  
30 operating a charter school within the next 18 months, the applicant shall reimburse the West  
31 Virginia Professional Charter School Board for the initial grant plus interest calculated at a  
32 prorated rate of 10 percent a year: *Provided*, That the West Virginia Professional Charter School  
33 Board may lengthen this 18-month time period in extenuating circumstances; and

34 (2) Applicants for charter schools and charter schools that received initial grants pursuant  
35 to subdivision (1) of this section may apply to the West Virginia Professional Charter School Board  
36 for an additional grant of up to \$100,000. If an applicant for a charter school receives an additional  
37 grant pursuant to this paragraph and fails to begin operating a charter school within the next 18  
38 months, the applicant shall reimburse the West Virginia Professional Charter School Board for the  
39 additional grant plus interest calculated at a prorated rate of 10 percent a year: *Provided*, That the  
40 West Virginia Professional Charter School Board may lengthen this 18-month time period in

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- 41 extenuating circumstances. A reimbursement required by this subdivision is in addition to any  
42 reimbursement required by subdivision (1) of this subsection.