

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Committee Substitute

for

Senate Bill 47

By Senators Rucker, Oliverio, and Roberts

[Passed March 10, 2023; in effect 90 days from
passage]

1 AN ACT 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 30 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.* of this code to implement the provisions of this section. If necessary to meet
14 the June 1, 2023, deadline, the state board shall promulgate an emergency rule. The rules shall

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

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

20 (A) Successfully apply to an authorizer; or

21 (B) Start a public charter school; and

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

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

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

35 (2) Applicants for charter schools and charter schools that received initial grants pursuant
36 to subdivision (1) of this subsection may apply to the West Virginia Professional Charter School
37 Board for an additional grant of up to \$100,000. If an applicant for a charter school receives an
38 additional grant pursuant to this paragraph and fails to begin operating a charter school within the
39 next 30 months, the applicant shall reimburse the West Virginia Professional Charter School
40 Board for the additional grant plus interest calculated at a prorated rate of 10 percent a year:

41 *Provided*, That the West Virginia Professional Charter School Board may lengthen this 30-month
42 time period in extenuating circumstances. A reimbursement required by this subdivision is in
43 addition to any reimbursement required by subdivision (1) of this subsection.