WEST VIRGINIA CODE: §18-5G-17

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

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

(b) On or before June 1, 2023, the state board shall promulgate legislative rules pursuant to §29A-3B-1 *et seq*. of this code to implement the provisions of this section. If necessary to meet the June 1, 2023, deadline, the state board shall promulgate an emergency rule. The rules shall include application requirements, requirements for the West Virginia Professional Charter School Board to notify potential applicants, and a requirement for the applicant to attest to or demonstrate that it:

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

(A) Successfully apply to an authorizer; or

(B) Start a public charter school; and

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

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

(1) Each qualifying charter school applicant or charter school shall be awarded an initial grant of up to $300,000 during or before the first two years of the charter school’s operation. If an applicant for a charter school receives an initial grant pursuant to this paragraph and fails to begin operating a charter school within the next 30 months, the applicant shall reimburse the West Virginia Professional Charter School Board for the initial

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grant plus interest calculated at a prorated rate of 10 percent a year: *Provided*, That the West Virginia Professional Charter School Board may lengthen this 30-month time period in extenuating circumstances; and

(2) Applicants for charter schools and charter schools that received initial grants pursuant to subdivision (1) of this subsection may apply to the West Virginia Professional Charter School Board for an additional grant of up to $100,000. If an applicant for a charter school receives an additional grant pursuant to this paragraph and fails to begin operating a charter school within the next 30 months, the applicant shall reimburse the West Virginia Professional Charter School Board for the additional grant plus interest calculated at a prorated rate of 10 percent a year: *Provided*, That the West Virginia Professional Charter School Board may lengthen this 30-month time period in extenuating circumstances. A reimbursement required by this subdivision is in addition to any reimbursement required by subdivision (1) of this subsection.

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