

1 **H. B. 2478**

2
3 (By Delegates J. Miller, Andes and Michael)
4 [Introduced January 14, 2011; referred to the
5 Committee on Education then Finance.]

6 **FISCAL**
7 **NOTE**

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9
10 A BILL amend the Code of West Virginia, 1931, as amended, by adding
11 thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-
12 3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9,
13 §18-2L-10, §18-2L-11, §18-2L-12, §18-2L-13, §18-2L-14 and §18-
14 2L-15, all relating to authorizing the establishment of
15 charter schools; stating a purpose; when applicable; formation
16 of charter schools; charter school contracts; providing
17 exemption from statutes and rules; requirements and admission
18 requirements; standards; minimum instruction days; student
19 transportation; teacher leave of absence; and providing a
20 severability and repealer clause.

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

22 That the Code of West Virginia, 1931, as amended, be amended
23 by adding thereto a new article, designated §18-2L-1, §18-2L-2,
24 §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-

1 9, §18-2L-10, §18-2L-11, §18-2L-12, §18-2L-13, §18-2L-14 and §18-
2 2L-15, all to read as follows:

3 **ARTICLE 2L. CHARTER SCHOOLS ACT.**

4 **§18-2L-1. Title.**

5 This article may be cited as the "Charter Schools Act."

6 **§18-2L-2. Purpose.**

7 The purposes of this bill are to:

8 (1) Improve pupil learning;

9 (2) Increase learning opportunities for pupils;

10 (3) Encourage the use of different and innovative methods of
11 teaching;

12 (4) Require the measurement of learning outcomes and create
13 different and innovative forms of measuring outcomes;

14 (5) Establish new forms of accountability for schools; and

15 (6) Create new professional opportunities for teachers and
16 other educators, including the opportunity to be responsible for
17 the learning program at the school site.

18 **§18-2L-3. Applicability.**

19 This article applies only to charter schools formed and
20 operated under this article.

21 **§18-2L-4. Formation of schools.**

22 A sponsor may authorize one or more individuals or an
23 organization to form and operate an outcome-based school. An

1 individual or organization shall organize and operate as a
2 cooperative under chapter thirty-six-b of this code. The sponsor's
3 authorization shall be in the form of a written contract between
4 the sponsor and the board of directors of the charter school.

5 **§18-2L-5. The charter schools contract.**

6 The contract shall be in writing and contain at least the
7 following:

8 (1) A description of a program that carries out one or more of
9 the purposes in section two of this article;

10 (2) Specific outcomes to be achieved by the pupils;

11 (3) Admission policies and procedures;

12 (4) Management and administration of the school;

13 (5) Requirements and procedures for program and financial
14 audits;

15 (6) Assumption of liability by the charter school;

16 (7) Types and amounts of insurance coverage to be obtained by
17 the charter school; and

18 (8) The term of the contract, which may be up to three years.

19 **§18-2L-6. Advisory committee.**

20 The State Board of Education shall appoint an advisory
21 committee comprised of ten members to advise it concerning matters
22 arising under this article.

23 **§18-2L-7. Exemption from statutes and rules.**

24 Except as provided in this section, a charter school is exempt

1 from all statutes and rules applicable to a school board or school
2 district, although it may elect to comply with one or more
3 provisions of the statutes or rules.

4 **§18-2L-8. Requirements.**

5 (a) A charter school shall meet the same health and safety
6 requirements required of a school district.

7 (b) The school location may not be prescribed or limited by a
8 sponsor or other authority except a zoning authority.

9 (c) The school shall be nonsectarian in its programs,
10 admission policies, employment practices and all other operations.

11 (d) The primary focus of the school shall be to provide a
12 comprehensive program of instruction for at least one grade or age
13 group from five through eighteen years of age. Instruction may be
14 provided to people younger than five years and older than eighteen
15 years of age.

16 (e) The school may not charge tuition.

17 **§18-2L-9. Admission requirements.**

18 (a) The school may limit admission in the following ways:

19 (1) Pupils within an age group or grade level;

20 (2) Pupils who have attributes designating them as at risk of
21 failure; or

22 (3) Pupils who have a specific affinity for the school's
23 teaching methods, the school's learning philosophy or a subject
24 such as mathematics, science, fine arts, performing arts or a

1 foreign language.

2 (b) The school may not limit admission to students on the
3 basis of athletic ability.

4 **§18-2L-10. Standards.**

5 A charter school shall design its programs to at least meet
6 the standards adopted by this state, or in the absence of state
7 requirements, the school shall meet the outcomes contained in the
8 contract with the sponsor. The achievement levels of the outcomes
9 contained in the contract may exceed the achievement levels of any
10 outcomes adopted by the state board.

11 **§18-2L-11. Minimum instructional days.**

12 The school shall provide instruction each year for at least
13 the number of days required by state law.

14 **§18-2L-12. Transportation.**

15 Transportation for students enrolled at a charter school shall
16 be provided by the school district in which the school is located
17 for any student who resides in the same school district in which
18 the charter school is located. Transportation may be provided by
19 the school district in which the school is located for a student
20 residing in a different school district.

21 **§18-2L-13. Leave of absence.**

22 If a teacher employed by a school district makes a written
23 request for an extended leave of absence to teach at a charter

1 school, the school district shall grant the leave.

2 **§18-2L-14. Severability provision.**

3 If any provision of this article or the application thereof to
4 any person or circumstance is held invalid, the invalidity shall
5 not affect other provisions or applications of this article which
6 can be given effect without the invalid provision or application
7 and to that end the provisions of this article are severable.

8 **§18-2L-15. Inconsistent articles repealed.**

9 All articles and parts of articles inconsistent with the
10 provisions of this article, to the extent of the inconsistency
11 only, are hereby repealed.

NOTE: The purpose of this bill is to authorize the establishment of charter schools.

This article is new; therefore, it has been completely underscored.