

H. B. 2014

(By Delegates Upson, Pasdon, Cowles, McCuskey, Hamrick, Ihle
Walters, Overington, Faircloth and Azinger)

[Introduced January 14, 2015; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, §18-33-8, §18-33-9, §18-33-10, §18-33-11, §18-33-12, §18-33-13, §18-33-14, §18-33-15 and §18-33-16, all relating to creating the West Virginia Public Charter Schools Act of 2015; providing purpose and intent; defining terms; establishing that charter schools are subject to certain requirements and exempt from certain requirements; providing for creation or conversion of charter schools; providing an application process; providing approval for approval and denials of applications; providing for governing bodies and their duties; providing what a charter school must do; providing for funding; providing for enrollment; providing for student transportation; requiring the state superintendent to provide information on charter schools to the public; providing for school personnel policies; providing for termination of a charter school; and providing for charter school evaluations.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new

1 article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7,
2 §18-33-8, §18-33-9, §18-33-10, §18-33-11, §18-33-12 , §18-33-13, §18-33-14, §18-33-15 and
3 §18-33-16, all to read as follows:

4 **ARTICLE 33. WEST VIRGINIA PUBLIC CHARTER SCHOOLS ACT OF 2015.**

5 **§18-33-1. Legislative purpose and intent.**

6 The purpose of this article is to authorize the establishment of public charter schools. The
7 Legislature intends for the public charter schools to provide teachers with the flexibility to design
8 their own education environment and to provide a mechanism for discovering successful education
9 practices that can be replicated in all public schools.

10 **§18-33-2. Definitions.**

11 "Authorizer" means any county board of education.

12 "Governing body" means the organized group of persons who will operate a public charter
13 school by deciding matters including, but not limited to, budgeting, curriculum and other operating
14 procedures for the public charter school and by overseeing management and administration of a
15 public charter school. Each governing body shall consist of the members set forth in section seven
16 of this article.

17 "Public charter school" means a public school that is established and operating pursuant to
18 this article.

19 "Sponsor" or "applicant" means a group of teachers, an education organization which may
20 include a state institution of higher education or a local school improvement council filing an
21 application in support of the establishment of a public charter school. A sponsor or applicant cannot
22 be a for-profit entity, a private school, a religious or church school or promote the agenda of any

1 religious denomination or religiously affiliated entity.

2 **§18-33-3. Public charter schools.**

3 (a) Public charter schools are a part of the state program of public education.

4 (b) Public charter schools are subject to any regulatory and statutory requirements related to:

5 (1) Federal and state civil rights;

6 (2) Federal, state and local health and safety;

7 (3) Federal and state public records;

8 (4) Immunizations;

9 (5) School nutrition;

10 (6) Confidentiality of student data;

11 (7) Possession of weapons on school grounds;

12 (8) Background checks and fingerprinting of personnel;

13 (9) Federal and state special education services;

14 (10) Student due process;

15 (11) Parental rights;

16 (12) Federal and state student assessment and accountability;

17 (13) Open meetings;

18 (14) Freedom of information;

19 (15) Accounting procedures;

20 (16) Purchasing procedures;

21 (17) All school personnel certification requirements; and

22 (18) All other provisions of state and federal law, state board rules and county board rules

1 except for those specifically listed in subsection (c) of this section.

2 (c) Subject to subsection (d) of this section, public charter schools are not subject to state
3 laws, state board rules and county board rules related to the following:

4 (1) School calendar;

5 (2) Any minimum instructional minutes per day requirement;

6 (3) Except as otherwise provided in this article, any personnel laws set forth in chapter
7 eighteen-a of this code relating to hiring; termination of employment; evaluations; seniority; and
8 reductions in force;

9 (4) Required programs of study;

10 (5) Instructional goals and objectives and instructional methods; and

11 (6) School uniforms, subject to section eight of this article.

12 (d) In addition to exempting a public charter school from the laws and rules set forth in
13 subsection (c) of this section, the governing body of a public charter school may apply to the state
14 board for a waiver of any provisions of its rules and to the county board for a waiver of any
15 provisions of its rules. Also, the governing body may request the Legislature to exempt it from
16 certain provisions or to change certain school law provisions generally.

17 **§18-33-4. Creation or conversion of charter schools.**

18 (a) A public charter school may be formed by creating a new school or converting an eligible
19 public school to charter status pursuant to the provisions of this article.

20 (b) Only teachers, education organizations which may include state institutions of higher
21 education and local school improvement councils can convert existing public schools to public
22 charter schools. Only teachers and education organizations which may include state institutions of

1 higher education can create new public charter schools. A local school improvement council may
2 not create a new public charter school.

3 (c) A sponsor seeking to establish a public charter school shall file a public charter school
4 application with the county board of the county in which the sponsor plans to create the charter
5 school.

6 (d) Upon a determination that a sponsor meets the requirements set forth in this article, that
7 the merits of the application are in the best interest of the students and that the sponsor has not
8 engaged in any of the conduct that would justify revocation of a public charter school's charter status
9 pursuant to section six of this article, the county board shall approve the application. In determining
10 whether or not to approve the application, the county board only shall consider whether the
11 requirements of this article are satisfied, whether the merits of the application are in the best interest
12 of the students and whether or not the sponsor has engaged in any of the conduct that would justify
13 revocation of a public charter school's charter status pursuant to section six of this article. The
14 county board may not consider any other factor.

15 (e) A public charter school shall be operated by a not-for-profit organization that is exempt
16 from federal taxation under Section 501(c)(3) of the Internal Revenue Code. No charter may be
17 granted to a for-profit entity.

18 (f) The conversion of a public school is subject to the following:

19 (1) A sponsor may apply to convert an eligible public school to a public charter school
20 pursuant to the provisions of this article only if sixty percent of the teachers assigned to the school
21 agree and demonstrate support by signing a petition seeking conversion or the local school
22 improvement council at the school demonstrates support by voting unanimously to seek conversion;

1 (2) The petition or record of vote, as applicable, shall be submitted to the county board along
2 with the public charter school application;

3 (3) Only for the purposes of a local school improvement council voting to seek conversion,
4 a quorum consists of all members of the local school improvement council; and

5 (4) Any conversion may only occur in between employment terms and shall be in compliance
6 with the provisions of this article.

7 (g) A sponsor may apply to create a new public charter school pursuant to the provisions of
8 this article only if sixty percent of the teachers employed by the county board of the district where
9 the new public charter school will be located agree and demonstrate support by signing a petition
10 seeking conversion. The petition shall be submitted to the county board along with the public charter
11 school application.

12 (h) No charter application may be approved under this article that authorizes the:

13 (1) Conversion of any private, parochial, Internet-based or home-based school to charter
14 status; or

15 (2) Creation of any private, parochial, Internet-based or home-based charter school.

16 (i) Nothing in this article prohibits any individual or organization from providing funding
17 or other assistance to the establishment or operation of a public charter school, but the funding or
18 assistance does not entitle the individual or organization to any ownership interest in the school.

19 **§18-33-5. Application process.**

20 (a) At least sixty days before the proposed public charter school plans to begin operation, the
21 sponsor seeking to establish a public charter school shall prepare and file with the county board an
22 application providing the following information and documents:

- 1 (1) A statement defining the mission and goals of the proposed charter school;
- 2 (2) The proposed instructional goals and objectives and instructional methods for the school,
3 which at a minimum, shall include teaching and classroom instruction methods that will be used to
4 provide students with the knowledge, proficiency and skills needed to reach the goals of the school;
- 5 (3) An operating budget for the first two years of operation of the public charter school based
6 on anticipated enrollment;
- 7 (4) A timetable for commencing operations as a public charter school;
- 8 (5) Information on the minimum daily instruction time requirements, the minimum
9 instructional day per year requirement and the amount of professional development that will be
10 provided to personnel employed at the public charter school;
- 11 (6) The proposed rules and policies for governance and operation of the school;
- 12 (7) The identification of the teachers, education organization which may include a state
13 institution of higher education or members of the local school improvement council sponsoring the
14 proposed public charter school, including names and addresses;
- 15 (8) The plan for management and administration of the school; and
- 16 (9) Any other reasonable information the county board determines is necessary to ascertain
17 whether or not the public charter school is complying with the requirements set forth in this article,
18 whether or not the merits of the application are in the best interest of the students and whether or not
19 the sponsor has engaged in any of the conduct that would justify revocation of a public charter
20 school’s charter status pursuant to section six of this article. However, the county board may not
21 require any information that places an undue hardship on the sponsor or results in unnecessary delay
22 in the charter application process.

1 (b) Much of the information required by subsection (a) of this section is for informational
2 purposes only. Pursuant to section six of this article, the county board only has authority to deny an
3 application for failure to meet the requirements of this article, upon a determination that the merits
4 of the application are not in the best interest of the students or upon a determination that the sponsor
5 has engaged in any of the conduct that would justify revocation of a public charter school's charter
6 status pursuant to section six of this article.

7 **§18-33-6. Approval and denial of application; charter status term.**

8 (a) The county board has authority to approve or deny applications to establish a public
9 charter school. However, the county board may only deny an application based on failure to comply
10 with the requirements of this article, based on a determination that the merits of the application are
11 not in the best interest of the students or based on a determination that the sponsor has engaged in
12 any of the conduct that would justify revocation of a public charter school's charter status pursuant
13 to this section. The county board shall approve any application when the applicant has fully
14 complied with all the requirements set forth in this article, the county board has determined that the
15 merits of the application are in the best interest of the students and the county board has determined
16 that the sponsor has not engaged in any of the conduct that would justify revocation of a public
17 charter school's charter status pursuant to this section.

18 (b) The county board shall approve or deny an initial charter application within ninety days
19 of receiving the application.

20 (c) If a decision of the county board is to deny a charter school application, it shall state its
21 reasons in writing to the sponsor who submitted the application. The sponsor may correct any
22 deficiencies and resubmit the application or submit an amended application, as applicable. Each

1 time an application is resubmitted or an amended application is submitted, the county board shall
2 approve or deny the charter application within sixty days.

3 (d) Initial approval of a public charter school application is effective for three years from the
4 date of approval, after which the school’s status as a public charter school is revoked unless the
5 sponsor applies for public charter school status and the sponsor’s application is approved again
6 pursuant to this article, subject to the following:

7 (1) Any subsequent approval of a public charter school application is effective for five years
8 from the date of approval;

9 (2) The county board shall make the determination of whether the approval given is initial
10 approval or subsequent approval. Factors that may be used in making this determination include
11 whether the same sponsor is submitting the application, whether the mission of the school is the
12 same, whether the charter school will be located in the same attendance zone and other factors the
13 county board determines are relevant; and

14 (3) A county board may revoke a public school’s status as a charter school before the end of
15 the three or five year term, as applicable, only if the board determines that the governing body has
16 engaged in gross misconduct, mismanagement of funds, incompetence, willful neglect of duty that
17 is detrimental to student achievement or two consecutive years without improved test scores.

18 **§18-33-7. Charter school governing body.**

19 (a) A public charter school shall be governed and managed by a governing body consisting
20 of:

21 (1) Four teachers elected by the faculty senate of the school;

22 (2) One service person elected by the school service personnel employed at the school. Only

1 service personnel employed as classroom aides, autism mentors, braille or sign language specialists
2 and paraprofessionals are eligible to be elected;

3 (3) Four parents, guardians or custodians of students enrolled at the school elected by the
4 parent, guardian or custodian members of the school's parent teacher organization. If there is no
5 parent teacher organization, the parent, guardian or custodian members shall be elected by the
6 parents, guardians or custodians of students enrolled at the school in such a manner as determined
7 by the principal and approved by the governing body;

8 (4) In the case of a school with students in grade nine or higher, the student body president
9 or other student in grade nine or higher elected by the student body in those grades shall be a
10 nonvoting member; and

11 (5) The county superintendent or his or her designee shall be a nonvoting member. However,
12 in the event of a tie vote of the governing body, the county superintendent or his or her designee shall
13 cast a vote to break the tie.

14 (b) All members of the governing body except for the county superintendent or his or her
15 designee shall serve two-year terms. However, of the members initially elected to the governing
16 body, two of the teachers and two of the parents, guardians or custodians shall serve a one-year term.

17 (c) For a newly created public charter school, the principal of the school may serve as the
18 governing body until the governing body is formed. However, in no event may the principal serve
19 as the governing body for more that thirty days.

20 (d) Under no circumstances may any of the parent members of the governing body be then
21 employed at that school in any capacity nor may any of the parent members have any interest in or
22 connection to the school other than being a parent of one or more of the students at the school.

1 (e) The principal and one person from the central office selected by the county superintendent
2 shall arrange for the elections to be held each year prior to the beginning of the instructional term
3 and shall give notice of the elections at least one week prior to the elections being held. To the
4 extent practicable, all elections shall be held within the same week.

5 (f) Elected governing body members only may be replaced upon death, resignation or failure
6 to appear at three consecutive meetings of the governing body for which notice was given.

7 (g) As soon as practicable after the election of governing body members and no later than the
8 first day of the instructional term, the principal shall convene an organizational meeting of the
9 governing body. The principal shall notify each member in writing at least two employment days
10 in advance of the organizational meeting. At this meeting, the governing body shall elect from its
11 membership a chair to serve a one-year term and a person may not serve as chair for more than two
12 consecutive terms. If the chair's position becomes vacant for any reason, the principal shall call a
13 meeting of the governing body to elect another qualified person to serve the unexpired term. Once
14 elected, the chair is responsible for notifying each member of the governing body in writing two
15 employment days in advance of any meeting of the governing body.

16 (h) The governing body of each charter school shall meet at least monthly. Upon application
17 of three fifths of the members of the governing body in writing, the chair shall call a meeting of the
18 governing body. If the chair's position is vacant for any reason, upon application of three fifths of
19 the members of the governing body in writing, the principal shall call a meeting of the governing
20 body.

21 **§18-33-8. Compliance.**

22 (a) A public charter school shall:

- 1 (1) Operate as a public, nonsectarian, nonreligious public school, with control of instruction
2 vested in the governing body of the school under the general supervision of the county board and in
3 compliance with the charter application as approved by the county board and this article;
- 4 (2) Meet the same performance standards adopted by the state board for other public schools;
- 5 (3) Receive state, federal and local funds from the county board of the district in which the
6 school is located; and
- 7 (4) Provide special education services as required for all public schools by federal law.
- 8 (b) A public charter school is subject to all federal and state laws and constitutional
9 provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin,
10 religion, ancestry or need for special education services.
- 11 (c) A public charter school shall comply with all applicable health and safety standards,
12 regulations and laws of the United States and state of West Virginia.
- 13 (d) A public charter school is accountable to the county board pursuant to this article.
- 14 (e) A public charter school is governed and managed by a governing body pursuant to section
15 seven of this article.
- 16 (f) The governing body of a public charter school is subject to section five, article two,
17 chapter six-b and any other ethical standards that are applicable to county board members.
- 18 (g) The meetings of the governing body of a public charter school are considered public
19 business and shall comply with the Open Governmental Proceedings Act set forth in article nine-a,
20 chapter six of this code.
- 21 (h) All teachers in a charter school must have a current valid West Virginia teaching
22 certificate or permit.

1 (i) A public charter school is subject to all state audit procedures and audit requirements, and
2 shall submit quarterly financial reports to the county board of the district in which the public charter
3 school is located.

4 (j) A public charter school may not charge tuition.

5 (k) A public charter school shall be operated on a July 1, to June 30, fiscal year and the
6 governing body shall adopt and operate under an annual budget for the fiscal year. The budget shall
7 be prepared in the same format as that required for county boards, and shall be presented to the
8 county board before the start of the fiscal year.

9 (l) A public charter school shall maintain its accounts and records in accordance the
10 Governmental Accounting Standards Board standards.

11 (m) A public charter school shall require all students to wear a school uniform.

12 (n) Teachers at a public charter school shall be paid a salary that is equivalent to the salary
13 of other teachers in the county with the same years of service and collegiate or graduate hours.
14 Teachers certified by the National Board for Professional Teaching Standards also shall be paid the
15 bonus pursuant to section two-a, article four, chapter eighteen-a of this code. Additionally, the
16 governing body of the public charter school may award performance pay based on a career ladder
17 concept to teachers at the school using funds of the public charter school. The performance pay
18 based on a career ladder concept shall be based on increases in student achievement and other
19 factors.

20 (o) Service personnel at a public charter school shall be paid an amount that is equivalent to
21 the pay of other service personnel in the county with the same years of service and pay grade.
22 Service personnel also shall be paid the additional amounts set forth in section eight-a, article four,

1 chapter eighteen-a of this chapter.

2 (p) A public charter school shall have a faculty senate pursuant to section five, article five-a
3 of this chapter, subject to the following:

4 (1) The governing body may elect to allocate any amount of funding to the faculty senate.
5 No funds may be allocated to the faculty senate pursuant to section nine, article nine-a of this
6 chapter;

7 (2) Any process established for faculty members to interview new prospective professional
8 educators and paraprofessional employees at the school pursuant to section five, article five-a of this
9 chapter shall be consistent with section fourteen of this article;

10 (3) The authority of a faculty senate to review the evaluation procedure as conducted in their
11 school to ascertain whether the evaluations were conducted in accordance with section twelve, article
12 two, chapter eighteen-a of this code does not make public charter schools subject to that section. The
13 faculty senate at a public charter school may review the evaluation procedure and the evaluation
14 procedure as conducted and make recommendations to the principal, governing body or both; and

15 (4) The provisions of section five, article five-a of this chapter requiring that a faculty senate
16 be provided a two-hour block of time for a faculty senate meeting on a day scheduled for the opening
17 of school and a two-hour block of time on each instructional support and enhancement day does not
18 require a public charter school to dedicate a day for the opening of school or to schedule instructional
19 support and enhancement days pursuant to section forty-five, article five of this chapter. However,
20 a public charter school at least shall provide comparable amounts of time at comparable intervals
21 for the faculty senate to meet.

22 (q) A public charter school is subject to an audit by the office of education performance

1 audits pursuant to section five, article two-e of this chapter. However, no part of that section makes
2 a public charter school subject to any other legal requirements that a public charter school is
3 otherwise exempt from pursuant to this article.

4 (r) A public charter school employee is eligible to file a grievance pursuant to article two,
5 chapter six-c of this code. This subsection does not make any personnel provisions set forth in
6 chapter eighteen-a of this code relating to hiring, termination of employment, evaluations, seniority
7 and reductions in force applicable to public charter schools.

8 **§18-33-9. Funding.**

9 (a) The county board of the county in which a public charter school is located shall allocate
10 one hundred percent of the state and local education funds to the public charter school based on the
11 per pupil expenditure of the county board for current operations, subject to sections eleven and
12 fourteen of this article. The per pupil expenditure shall be based on the second month headcount
13 enrollment of the district for the previous school year. All funds shall be spent according to the
14 budget required to be adopted pursuant to section eight of this article, subject to state and federal
15 law.

16 (b) For a newly created public charter school, funds which would otherwise be allocated on
17 the basis of enrollment in the prior year shall be allocated, during the first full academic year of
18 operation of any public charter school, on the basis of the anticipated enrollment in the charter
19 application as approved by the county board, which amount shall be subsequently adjusted to reflect
20 the actual number of students enrolled.

21 (c) A public charter school also may be funded by federal grants; grants, gifts, devises or
22 donations from any private sources; and state funds appropriated for the support of the public charter

1 school, if any, and any other funds that may be received by the county board of the district in which
2 the public charter school is located. Receipt of any of these funds except funds from the county
3 board shall be reported to the county board. Public charter schools, county boards and the state
4 superintendent are encouraged to apply for federal funds appropriated specifically for the support
5 of charter schools.

6 **§18-33-10. Enrollment.**

7 Enrollment at a public charter school shall be determined pursuant to section sixteen, article
8 five of this chapter and in the same manner as enrollment is determined for all other public schools
9 in the district.

10 **§18-33-11. Student transportation.**

11 (a) Transportation shall be provided by agreement with the county board of the district within
12 which the school is located in the same manner it would be provided if the students were enrolled
13 in any other school within the district. The county board may reduce the amount of funding paid to
14 the public charter school under section nine of this article or may otherwise charge the public charter
15 school for the transportation services pursuant to the agreement between the county board and the
16 public charter school.

17 (b) Except for any agreement with the county board to provide transportation services to
18 public charter school students, a public charter school may not contract out for transportation
19 services.

20 **§18-33-12. Information on charter schools.**

21 (a) The state superintendent shall provide information to the public through the department
22 of education's Internet site and otherwise on how to form and operate a public charter school. This

1 information shall include a standard application format which shall include the information specified
2 in section five of this article.

3 (b) The state superintendent shall monitor the status of charter school applications and shall
4 maintain information on the total number of charter school applications, total number of charter
5 school applications granted by type of school and total number of charter school applications denied.

6 **§18-33-13. Accumulation of seniority; years of service; deselected school personnel;**
7 **resignation.**

8 (a) School personnel employed in a public charter school shall accrue seniority in the district
9 in which the public charter school is located.

10 (b) School personnel employed in a public charter school shall accrue years of service for the
11 purposes of salary and retirement.

12 (c) Any permanently employed instructional person at a public charter school who is
13 deselected or resigns shall continue to hold that status as a permanently employed instructional
14 person solely for the purpose of applying for a position in a regular public school pursuant to section
15 seven-a, article four, chapter eighteen-a of this code. Any regularly employed service person at a
16 public charter school who is deselected or resigns shall continue to hold that status as a regularly
17 employed service person solely for the purposes of applying for a position in a regular public school
18 pursuant to section eight-b, article four, chapter eighteen-a of this code. Any person holding
19 permanently employed instructional person status or regularly employed service person status
20 pursuant to this subsection only shall retain that status pursuant to this subsection until he or she is
21 selected for another position in a regular public school.

22 (d) Any person employed by a public charter school who is deselected pursuant to section

1 eight, article two, chapter eighteen-a shall not retain the status of a permanently employed
2 instructional person or a regularly employed service person, as applicable, pursuant to subsection (c)
3 of this section.

4 (e) The transfer limitations and conditions set forth in section seven-a, article four, chapter
5 eighteen-a of this code for persons assigned to professional positions and the transfer limitations and
6 conditions set forth in section eight, article five, chapter eighteen-a of this code for autism mentors
7 and aides who work with autistic students apply to subsection (c) of this section.

8 **§18-33-14. Employment of school personnel; performance pay based on a career ladder**
9 **concept; insurance; retirement.**

10 (a) School personnel employed at a public charter school are considered employees of the
11 county board of the district in which the public charter school is located for the purposes of salary
12 and benefits. Therefore, all school personnel employed at a public charter school are:

13 (1) Eligible for public employee insurance agency benefits in the same manner that other
14 school personnel employed by the county board of the district in which the school is located are;

15 (2) Eligible to participate in either the Teachers Retirement System or the defined
16 contribution plan, as applicable, in the same manner that other school personnel employed by the
17 county board of the district in which the school is located are; and

18 (3) Eligible for any other benefits provided to other school personnel employed by the county
19 board.

20 (b) The county board initially shall select the principal of a public charter school. Thereafter,
21 the selection and deselection of the principal shall be made by the county board only upon
22 recommendation of the governing body. Before July 1, of each year, the governing body shall make

1 a recommendation to the county board as to whether to retain the current principal for the next
2 school year or to deselect the current principal. This recommendation to the county board is
3 nonbinding.

4 (c) Each public charter school shall establish an advisory group for selecting and deselecting
5 teachers at the charter school. This advisory group shall consist of the four teachers on the governing
6 board and one other teacher employed at the public charter school selected by the other teachers at
7 the school. The selection of the one public charter school teacher shall be by an election
8 administered by the principal and one person from the central office selected by the county
9 superintendent. The advisory group shall interview all teacher candidates and recommend one or
10 more candidates for the teaching position. If the principal notifies the advisory group that none of
11 the recommended candidates are acceptable for the teaching position, the advisory group shall
12 recommend one or more additional candidates for the teaching position. This process shall continue
13 until a teacher is hired by the principal to fill the position. For any teacher conducting an interview
14 pursuant to this subsection during a time that is not part of his or her employment term, the public
15 charter school shall pay that teacher in an amount that is based on the time spent conducting the
16 interviews and that teacher's normal rate of pay. However, no teacher may be paid more than the
17 equivalent of five days pay annually for conducting the interviews.

18 (d) The advisory group required to be created by this section shall recommend a system of
19 performance pay based on a career ladder concept to the governing body within one year of the
20 public charter school receiving its initial authorization. The recommended system of performance
21 pay based on a career ladder concept shall include increases in student achievement and other factors.

22 (e) The principal of a public charter school shall select personnel to fill positions in the public

1 charter school and the county board shall employ those personnel and assign them to the public
2 charter school. The county board also shall deselect school personnel assigned to a public charter
3 school upon the request of the principal of a public charter school. The principal has supervisory
4 authority over the school personnel assigned to the school.

5 (f) The county board may not select, deselect or transfer any person employed at a public
6 charter school without the request or direction of the principal of the public charter school.

7 (g) The county board shall either reduce the amount of funding paid to the public charter
8 school under section nine of this article or may otherwise charge the public charter school for the
9 cost of the salaries and benefits for the school personnel employed by the county board and assigned
10 to the charter school.

11 **§18-33-15. Termination of public charter school.**

12 (a) Upon dissolution of a public charter school for any reason or if a charter is not renewed,
13 any unencumbered public funds from the public charter school revert to the county board of the
14 district in which the public charter school is located.

15 (b) If a public charter school is dissolved for any reason or a charter is not renewed, the
16 charter school is responsible for all debts of the charter school. Neither the county board of the
17 district where the charter school is located or any other governmental entity may assume the debt
18 from any contract for services made between the governing body of the public charter school and a
19 third party, except for a debt that is previously detailed and agreed upon in writing by both the county
20 board and the governing body of the public charter school.

21 **§18-33-16. Public charter school evaluation.**

22 (a) During the 2019-2020 interim period, the Legislative Oversight Commission on

1 Education Accountability shall conduct a comprehensive evaluation of public charter schools in
2 West Virginia. The evaluation at least shall include a review of academic achievement in charter
3 schools and the identification of successful practices that should be replicated in other public schools
4 in the state.

5 (b) In addition to the comprehensive review required in subsection (a) of this section, the
6 Legislative Oversight Commission on Education Accountability also shall conduct limited annual
7 evaluations.

8 (c) The Legislative Oversight Commission on Education Accountability may request the Joint
9 Committee on Government and Finance to contract with a nationally recognized independent entity
10 with expertise in the subject matter to conduct both the comprehensive evaluation and the limited
11 annual evaluations and report to the Legislative Oversight Commission on Education .

NOTE: The purpose of this bill is to create the West Virginia Public Charter Schools Act of 2015. The bill provides purpose and intent. The bill defines terms. The bill establishes that charter schools are subject to certain requirements and exempt from certain requirements. The bill provides for creation or conversion of charter schools. The bill provides an application process. The bill provides approval for approval and denials of applications. The bill provides for governing bodies and their duties. The bill provides what a charter school must do. The bill provides for funding. The bill provides for enrollment. The bill provides for student transportation. The bill requires the State Superintendent to provide information on charter schools to the public. The bill provides for school personnel policies. The bill provides for termination of a charter school. The bill provides for charter school evaluations.

This article is new; therefore, strike-throughs and underscoring have been omitted.