

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 3139**

By Delegates Coop-Gonzalez, Kyle, and Ellington

[Introduced March 4, 2025; referred to the Committee  
on Education]



1 A BILL to amend and reenact §18-5G-4 of the Code of West Virginia, 1931, as amended, relating  
2 to making April 30 of the proposed school year the application deadline in the case of a  
3 conversion public charter school or a program conversion public charter school, for the  
4 purpose of soliciting applications for public charter schools, for applicants to complete  
5 applications, and for establishing quality charter contracts that include a framework for  
6 performance standards.

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

**ARTICLE 18. PUBLIC CHARTER SCHOOLS.**

**§18-5G-4. West Virginia Board of Education; powers and duties for implementation, general supervision and support of public charter schools.**

1 (a) The state board along with the West Virginia Public Charter School Board established  
2 in §18-5G-15 of this code shall consult with nationally recognized charter school organizations and  
3 establish and maintain a catalogue of best practices for public charter schools applicable for all  
4 applicants, authorizers, governing board members, and administrators that are consistent with this  
5 article and nationally recognized principles and professional standards for quality public charter  
6 school authorizing and governance in all major areas of authorizing and governance responsibility  
7 in the following areas:

- 8 (1) Organizational capacity and infrastructure;
- 9 (2) Solicitation and evaluation of charter applications;
- 10 (3) A framework to guide the development of charter contracts;
- 11 (4) Performance contracting including a performance framework;
- 12 (5) Providing transparency and avoiding all conflicts of interest;
- 13 (6) Ongoing public charter school oversight and evaluation; and
- 14 (7) Charter approval and renewal decision-making;

15 (b) The state board is responsible for exercising, in accordance with this article, the  
16 following powers and duties with respect to the oversight and authorization of public charter  
17 schools:

18 (1) Provide forms to promote the quality and ease of use for authorizers to solicit  
19 applications for public charter schools, for applicants to complete applications, and for establishing  
20 quality charter contracts that include a framework for performance standards. The forms shall be  
21 available for use and solicitations made not later than the beginning of February, 2020. The forms  
22 shall include an application deadline of August 31st of the year prior to the beginning of operations  
23 for the proposed school year, or April 30 of the proposed school year in the case of a conversion  
24 public charter school or a program conversion public charter school. No public charter school may  
25 begin operation prior to the beginning of the proposed school year ~~following the previous year~~  
26 ~~August application~~;

27 (2) Provide training programs for public charter school applicants, administrators and  
28 governing board members, as applicable, that include, but are not limited to:

29 (i) Pre-application training programs and forms to assist in the development of high quality  
30 public charter school applications;

31 (ii) The required components and the necessary information of the public charter school  
32 application and the charter contract as set forth in this article;

33 (iii) The public charter school board's statutory role and responsibilities;

34 (iv) Public charter school employment policies and practices; and

35 (v) Authorizer responsibilities for public charter school contract oversight and performance  
36 evaluation;

37 (3) Receive and expend appropriate gifts, grants and donations of any kind from any public  
38 or private entity to carry out the purposes of this act, subject to all lawful terms and conditions  
39 under which the gifts, grants or donations are given;

40 (4) Apply for any federal funds that may be available for the implementation of public  
41 charter school programs;

42 (5) Establish reporting requirements that enable the state board to monitor the  
43 performance and legal compliance of authorizers and public charter schools;

44 (6) Establish a framework and procedures for interactions between public charter schools,  
45 public noncharter schools and county boards of education to facilitate cooperation for shared  
46 services, training and information and to ensure the prompt transfer of student records, including  
47 IEP's, so as to minimize the interruption of a student's education when transferring between  
48 noncharter public schools and public charter schools; and

49 (7) Submit to the Governor and the Legislature an annual report within 60 days of the end  
50 of each school year summarizing:

51 (A) The student performance of all operating public charter schools; and

52 (B) The authorization status of all public charter schools within the last school year,  
53 identifying all public charter schools as:

54 (i) Application pending;

55 (ii) Application denied and reasons for denial;

56 (iii) Application approved, but not yet operating;

57 (iv) Operating and years of operation;

58 (v) Renewed and years of operation;

59 (vi) Terminated;

60 (vii) Closed;

61 (viii) Never opened; and

62 (ix) Any successful innovations applied in authorized public charter schools which may be  
63 replicated in other schools. The report shall provide information about how noncharter public  
64 schools may implement these innovations.

65           (c) The state board shall be the authorizer of a public charter school when a county board  
66 or boards approve the application for a public charter school and requests the state board to  
67 perform the authorizer duties and responsibilities or when an application to form a public charter  
68 school or to renew a charter contract is submitted from an applicant within a county in which the  
69 state board has intervened and limited the power of the county board to act pursuant to §18-2E-5  
70 of this code.