

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 889

By Senator Rucker

[Introduced March 24, 2025; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18-5G-8 of the Code of West Virginia, 1931, as amended, relating
2 to creating the Sustaining Opportunities for Academics in Rural Schools Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5G. PUBLIC CHARTER SCHOOLS.

§18-5G-8. Application to establish public charter school.

1 (a) To establish a new public charter school, to convert an existing noncharter public school
2 to a public charter school or establish a program conversion public charter school, an applicant
3 shall submit a charter application to an authorizer. Charter authorizers shall accept and document
4 the date and time of receipt of all charter applications.

5 (b) The application shall contain, at a minimum, the following information:

6 (1) A mission statement and a vision statement for the public charter school, including
7 specialized academic focus, if any, to be promoted and advanced through the establishment of the
8 public charter school;

9 (2) A detailed description of the public charter school's proposed program;

10 (3) The student achievement goals for the public charter school's program and the chosen
11 methods of evaluating whether students have attained the skills and knowledge specified for those
12 goals;

13 (4) The school's plan for using data derived from student evaluations and assessments,
14 including the statewide summative assessment, to drive instruction and promote continued school
15 improvement;

16 (5) An explanation of how the school's proposed program is likely to improve the
17 achievement of traditionally underperforming students in the local school district;

18 (6) The proposed governance structure of the school, including a list of members of the
19 initial governing board, a draft of bylaws that include the description of the qualifications, terms,
20 and methods of appointment or election of governing board members, and the organizational
21 structure of the school that clearly presents lines of authority and reporting between the governing

board, school administrators, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(7) Plans and timelines for student enrollment, including the school primary recruitment area and policies and procedures for conducting transparent and random admission lotteries when applications for enrollment exceed capacity that are open to the public and consistent with this article;

(8) A proposed five-year budget, including the start-up year and projections for four additional years with clearly stated assumptions;

(9) Proposed fiscal and internal control policies for the public charter school;

(10) Acknowledgement that the public charter school will participate in the state's accountability system;

(11) A proposed handbook that outlines the personnel policies of the public charter school, including the criteria to be used in the hiring of qualified teachers, school administrators, and other school employees, a description of staff responsibilities, and the school's plan to evaluate personnel on an annual basis;

(12) An explanation of proposed student discipline procedures, including disciplinary procedures for students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities;

(13) A description of the facilities to be used by the public charter school, including the location of the school and how the facility supports the implementation of the school's program. The school shall obtain all required occupation and operation certificates and licenses prior to the first instructional day for students;

(14) The proposed ages and grade levels to be served by the public charter school, including the planned minimum and maximum enrollment per grade per year;

(15) The school calendar and school day schedule;

(16) Types and amounts of insurance coverage to be obtained by the public charter school, which:

(A) Shall include adequate insurance for liability, property loss, and the personal injury of students comparable to noncharter public schools within the local school district operated by the county board; and

(B) May include coverage from the Board of Risk and Insurance Management pursuant to §29-12-5a of this code;

(17) A description of the food services to be provided to students attending the school;

(18) Process and procedures to be followed in the case of the closure or dissolution of the public charter school, including provisions for the transfer of students and student records to the appropriate local school district and an assurance and agreement to payment of net assets or equity after payment of debts;

(19) A code of ethics for the school setting forth the standards of conduct expected of its governing board, officers, and employees;

(20) The public charter school's plan for successfully serving students with disabilities, students who are English language learners, bilingual students, and students who are academically behind and gifted, including, but not limited to, the school's plan for compliance with all applicable federal and state laws and regulations;

(21) A description of cocurricular and extracurricular programs to be offered by the public charter school and how they will be funded and delivered;

(22) The process by which the school will resolve any disputes with the authorizer;

(23) A detailed start-up plan, including financing, tasks, timelines, and individuals responsible for carrying out the plan;

(24) The public charter school's plan for notice to parents and others of enrollment in the school as an option available for students and the school's primary recruitment area; and

(25) The public charter school's plan for parental involvement.

(c) If the applicant intends to contract with an education service provider for educational program implementation or comprehensive management, the application shall additionally require the applicant to provide the following information with respect to the educational service provider:

(1) Evidence of success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Student performance data and financial audit reports for all current and past public charter schools;

(3) Documentation of and explanation for any actions taken, legal or otherwise, against any of its public charter schools for academic, financial, or ethical concerns;

(4) The proposed duration of the service contract;

(5) The annual proposed fees and other amounts to be paid to the education service provider;

(6) The roles and responsibilities of the governing board, the school staff, and the education service provider;

(7) The scope of services and resources to be provided by the education service provider;

(8) Performance evaluation measures and timelines;

(9) Methods of contract oversight and enforcement;

(10) Investment disclosure;

(11) Conditions for renewal and termination of the contract; and

(12) Disclosure and explanation any existing or potential conflicts of interest between the governing board and the proposed education service provider or any affiliated business entities.

(d) If a currently authorized public charter school in good standing with its authorizer seeks to establish a second location or campus, the public charter school may submit an abbreviated application to its authorizer for the second location or campus which is only required to include the information set forth in §18-5G-8(b)(13), §18-5G-8(b)(16), and §18-5G-8(b)(23) of this code.

§18-5G-16. Sustaining Opportunities for Academics in Rural Schools Act (SOAR).

1 (a) This section may be cited as the "Sustaining Opportunities for Academics in Rural
2 Schools Act" or the "SOAR Act".

3 (b) The purpose of this Act is to support rural communities by ensuring continued access to
4 local schools, preventing unnecessary consolidation, and providing financial and structural
5 support to in-person public charter schools serving geographically remote areas.

6 (c) As used in this section:

7 "Eligible student" means any student residing in a rural area where the commute to the
8 nearest noncharter public school exceeds 45 minutes by bus, as determined by the state
9 superintendent.

10 "Rural charter school governing board" means the entity responsible for establishing and
11 governing a rural in-person public charter school, initially consisting of an ad hoc committee
12 formed pursuant to subsection (i)(2) to establish the school and, upon its opening, transitioning to
13 a permanent governing board constituted pursuant to subsection (i)(3) to manage its operation
14 and accountability.

15 "Sponsoring public charter school" means an existing public charter school that elects to
16 support and oversee a rural in-person charter school under this Act.

17 "Rural in-person public charter school" means a school established in a remote area to
18 serve eligible students, operating under the authority of and as an extension of a sponsoring public
19 charter school.

20 (d) A rural in-person public charter school may be established by its rural charter school
21 governing board under the sponsorship of a public charter school to serve eligible students. If the
22 sponsoring public charter school is in good standing with its authorizer, the application submitted
23 to establish the rural in-person public charter school may be in an abbreviated form and is only
24 required to include the information required of a currently authorized public charter school applying
25 to establish a second location or campus pursuant to §18-5G-8(d) of this code. All provisions of

this article that are not contrary to this section apply to a rural in-person public charter school.

(e) Under a support agreement, a sponsoring public charter school shall provide administrative and operational support to a rural in-person public charter school, including but not limited to:

(1) Legal and regulatory compliance, acting as the "parent" institution to streamline approval processes. As part of this support, the sponsoring public charter school shall represent the rural in-person public charter school in all matters before the West Virginia Professional Charter School Board, including but not limited to applying for authorization, charter contract approvals, funding distributions under subsection (g), and compliance monitoring, unless the rural in-person public charter school is in a transition phase as described in subsection (i)(6) of this section. During such a transition phase, either the current sponsoring public charter school or the proposed future sponsoring public charter school may provide representation, as determined by the rural in-person public charter school's permanent governing board;

(2) Financial and business operations, including payroll, accounts receivable and payable, insurance, and legal services; and

(3) Curricular resources, remote learning options, and professional development for local educators.

(f) A county board and rural charter school governing board may by joint agreement designate an official attendance area for a rural in-person public charter school which would automatically assign students in that area to the school. If agreed, the county board shall assume responsibility for transportation and may, at its discretion, choose to either:

(1) Provide direct student transportation to the rural in-person public charter school; or

(2) Reimburse the sponsoring public charter school or the rural in-person public charter school, as applicable, for transportation services provided. Pursuant to this subsection, a county board from an adjacent county also may enter into an agreement with the rural charter school governing board to extend transportation services and establish an attendance area within its

jurisdiction.

(g) Each sponsoring public charter school shall receive the per-pupil funding pursuant to §18-5G-5 of this code and, in addition to that funding and subject to appropriation, a supplemental amount for the sponsoring public charter school's services, as follows:¹

(1) The per-pupil funding provided pursuant to §18-5G-5 of this code for each eligible student enrolled in the rural in-person public charter school, which shall be disbursed by the sponsoring public charter school exclusively for the benefit of the rural in-person public charter school and used only for the following expenses: Payroll, insurance, facility maintenance, extracurricular activities, and other operational costs directly related to the rural in-person public charter school's educational mission;

(2) Subject to appropriation, a supplemental amount distributed from the West Virginia Professional Charter School Board equal to \$2,500 per student enrolled in the rural in-person public charter school to cover added costs for services provided by the sponsoring public charter school under this section, which the sponsoring public charter school shall retain for its administrative and operational support services;

(3) The sponsoring public charter school shall maintain a separate account for the per-pupil funding provided pursuant to §18-5G-5 of this code, into which such funds shall be deposited and from which disbursements for the rural in-person public charter school shall be made. Unspent funds in this account shall roll over from year to year and may be used for capital expenditures, irregular maintenance, and purchases such as equipment, desks, and other durable goods necessary for the rural in-person public charter school's operations. If appropriations to the West Virginia Professional Charter School Board for the supplemental funding are insufficient to compensate all sponsoring public charter schools the \$2,500 per student, the Board shall request a supplemental appropriation in an amount sufficient to compensate all sponsoring public charter schools pursuant to this subsection;

(4) The sponsoring public charter school shall enter into an agreement with the rural in-

78 person public charter school, subject to approval by the West Virginia Professional Charter School
79 Board, detailing the disbursement of the per-pupil funding provided pursuant to §18-5G-5 of this
80 code for the expenses specified in subdivision (1) of this subsection and the management of the
81 separate account, including the use of rolled-over funds for capital expenditures, irregular
82 maintenance, and purchases such as equipment and desks. The sponsoring public charter school
83 shall submit an annual financial report to the West Virginia Professional Charter School Board,
84 itemizing the disbursement of per-pupil funding to the rural in-person public charter school, the
85 balance of the separate account, and the use of any rolled-over funds, verifying that funds were
86 disbursed and used as required by this subsection. The West Virginia Professional Charter School
87 Board shall monitor compliance and may withhold the supplemental funding of \$2,500 per student
88 from any sponsoring public charter school that fails to maintain the separate account, disburse the
89 per-pupil funding as required by this subsection, or use such funding for purposes other than those
90 specified.

91 (h) The state board shall promulgate rules pursuant to §29A-3B-1 et seq. of this code that
92 address:

93 (1) Implementation of this section;

94 (2) Administration of the funds required to be distributed to sponsoring public charter
95 schools for the benefit of rural in-person public charter schools;

96 (3) Monitoring compliance with this section and the rules required by this subsection; and

97 (4) Ensuring the effective operation of the rural in-person public charter schools.

98 (i) Governance of rural in-person public charter schools.

99 (1) Each rural in-person public charter school established under this section shall have a
100 separate governing board, distinct from the governing board of the sponsoring public charter
101 school, responsible for its management, operation, and accountability. The establishment of the
102 rural in-person public charter school shall proceed in two stages: an initial ad hoc committee
103 followed by a permanent governing board.

104 (2) The initial governance of the rural in-person public charter school shall be undertaken
105 by an ad hoc committee formed by individuals seeking to establish the school. This committee
106 shall:

107 (A) Negotiate with one or more potential sponsoring public charter schools to develop the
108 support agreement under subsection (e) and secure sponsorship for the rural in-person public
109 charter school;

110 (B) Submit the proposed charter contract, including the support agreement, to the
111 authorizer of the selected sponsoring public charter school (county board or West Virginia
112 Professional Charter School Board) for approval pursuant to §18-5G-8 of this code;

113 (C) Not be required to meet the composition criteria for the permanent governing board
114 specified in subdivision (3) of this subsection, but its members may not be employees of any
115 potential sponsoring public charter school.

116 (3) Upon approval of the charter contract and within 90 days of the rural in-person public
117 charter school's opening, the ad hoc committee shall transition to a permanent governing board
118 consisting of five members, constituted as follows:

119 (A) At least two members shall be parents of students enrolled in the rural in-person public
120 charter school;

121 (B) At least one member shall be a resident of the community served by the rural in-person
122 public charter school, who may or may not be a parent of an enrolled student;

123 (C) Two additional members, who may or may not meet the criteria in paragraphs (A) or
124 (B), provided that no member of the governing board may be an employee of the rural in-person
125 public charter school or the sponsoring public charter school;

126 (D) If a county board designates an official attendance area for the rural in-person public
127 charter school pursuant to subsection (f), the county superintendent of schools or their designee
128 shall be entitled to one of the five seats on the governing board, replacing one of the members
129 under paragraph (C). In such case, the initial board shall consist of four members until the

130 superintendent or designee is appointed.

131 (4) The ad hoc committee, in collaboration with the selected sponsoring public charter
132 school, shall propose the initial members of the permanent governing board and the selection
133 process as part of the support agreement under subsection (e), subject to approval by the
134 authorizer. The selection process may include appointment by the ad hoc committee, election by
135 parents or community members in the rural area served, or a combination thereof. Subsequent
136 vacancies on the permanent governing board shall be filled according to the process established
137 in the support agreement.

138 (5) The permanent governing board shall assume responsibility for the charter contract
139 with the authorizer, consistent with §18-5G-6 of this code, specifying its duties and the terms of
140 operation for the rural in-person public charter school. All real and personal property acquired for
141 or by the rural in-person public charter school, including but not limited to facilities, equipment, and
142 supplies, shall be the property of the rural in-person public charter school and managed by its
143 permanent governing board, notwithstanding the support relationship with the sponsoring public
144 charter school. Property acquired during the ad hoc committee phase shall transfer to the rural in-
145 person public charter school upon its establishment.

146 (6) The permanent governing board shall comply with all applicable provisions of §18-5G-6
147 of this code, including public accountability requirements, and shall coordinate with the sponsoring
148 public charter school to ensure the effective delivery of services under subsection (e). The rural in-
149 person public charter school's permanent governing board may propose a change in its
150 sponsoring public charter school pursuant to rules promulgated by the state board under
151 subdivision (8) of this subsection. During the transition phase of changing a sponsoring public
152 charter school, the permanent governing board shall designate whether the current or proposed
153 future sponsoring public charter school shall represent the rural in-person public charter school
154 before the West Virginia Professional Charter School Board, as provided in subsection (e)(1).

155 (7) The permanent governing board of the rural in-person public charter school shall have

156 the authority to make personnel decisions, including but not limited to hiring, evaluation,
157 promotion, and termination of teachers, administrators, and other staff employed by the rural in-
158 person public charter school: *Provided*, That all such personnel decisions shall be subject to
159 approval by the governing board of the sponsoring public charter school. The sponsoring public
160 charter school shall not unreasonably withhold approval, and all personnel decisions for the rural
161 in-person public charter school shall conform to the same standards or criteria applied by the
162 sponsoring public charter school to personnel in similar positions within its own operations. The
163 permanent governing board shall document its personnel decisions and submit them to the
164 sponsoring public charter school for review and approval in a manner specified in the support
165 agreement under subsection (e).

166 (8) The state board shall promulgate rules pursuant to §29A-3B-1 *et seq.* of this code to
167 provide guidance on the establishment and operation of rural in-person public charter school
168 governing boards, including procedures for the transition from the ad hoc committee to the
169 permanent governing board, the selection of permanent board members, the management of
170 property owned by the rural in-person public charter school, and a process by which a rural in-
171 person public charter school may change its sponsoring public charter school if the support
172 relationship becomes untenable.

NOTE: The purpose of this bill is to create the Sustaining Opportunities for Academics in Rural ("SOAR") Schools Act.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.