

# WEST VIRGINIA LEGISLATURE

## 2026 REGULAR SESSION

Introduced

### Senate Bill 1051

FISCAL  
NOTE

By Senator Rucker

[Introduced February 21, 2026; referred  
to the Select Committee on School Choice; and then  
to the Committee on Finance]

1 A BILL to amend and reenact §18-5G-15 and §29A-3A-1 of the Code of West Virginia, 1931, as  
2 amended; and to amend the code by adding a new section, designated §18-5G-18,  
3 relating to charter schools generally; authorizing the Professional Charter School Board to  
4 promulgate, adopt, amend, or repeal rules; creating the Charter School Revolving Loan  
5 Fund for the purpose of providing low-interest loans for public charter school facility  
6 projects with the loan repayments being recycled and deposited back into the fund to  
7 support future projects; requiring the Professional Charter School Board to promulgate  
8 rules to implement section creating the fund; setting forth provisions to be included in rule;  
9 requiring initial loan or loans made from the fund to be distributed during the 2027 fiscal  
10 year, subject to appropriation; and including the Professional Charter School Board in the  
11 definition of “agency” for the purpose of specifying the rule-making procedures to be  
12 followed.

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

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 5G. PUBLIC CHARTER SCHOOLS.**

#### **§18-5G-15. West Virginia Professional Charter School Board; members; appointments; meetings.**

1 (a) There is hereby created the West Virginia Professional Charter School Board which  
2 shall report directly to and be responsible to the state board, separate from the Department of  
3 Education, for carrying out its duties in accordance with this article. The mission of the board is to  
4 authorize high-quality public charter schools throughout the state that provide more options for  
5 students to attain a thorough and efficient education, particularly through schools designed to  
6 expand the opportunities for at-risk students. The Professional Charter School Board and public  
7 charter schools authorized in accordance with this article are subject to the general supervision of  
8 the state board solely for the purposes of accountability for meeting the standards for student

9 performance required of other public school students under §18-2E-5 of this code.

10 (b) The Professional Charter School Board shall consist of five voting members, appointed  
11 by the Governor, with the advice and consent of the Senate.

12 (c) The chair of the House Committee on Education and the chair of the Senate Committee  
13 on Education shall serve as nonvoting ex officio members of the Professional Charter School  
14 Board.

15 (d) Each appointed member shall represent the public interest and must satisfy the  
16 following requirements:

17 (1) Be a citizen of the state;

18 (2) Possess experience and expertise in public or nonprofit governance, management and  
19 finance, public school leadership, assessment, curriculum or instruction, or public education law;  
20 and

21 (3) Have demonstrated an understanding of, and commitment to, charter schooling as a  
22 strategy for strengthening public education.

23 (e) No more than three of the appointed members of the Professional Charter School  
24 Board may be of the same political party. The members shall reside in geographically diverse  
25 areas of the state, with no more than two members residing in the same county. No person may be  
26 appointed who holds any other public office or public employment under the government of this  
27 state or any of its political subdivisions, or who is an appointee or employee of any charter school  
28 governing board or an immediate family member of an employee under the jurisdiction of the  
29 Professional Charter School Board or any charter school governing board. No person may be  
30 appointed who is engaged in or employed by a person or company whose primary function  
31 involves, the sale of services and activities to public charter schools or charter school governing  
32 boards.

33 (f) The initial appointments made pursuant to this section shall be for staggered one- and  
34 two-year terms. Three of the initial members appointed by the Governor shall serve two-year

35 terms; and two of the initial members appointed by the Governor shall serve one-year terms.  
36 Thereafter, all appointments shall be for a term of two years. The initial appointments shall be  
37 made before August 1, 2021. The Professional Charter School Board shall meet as soon as  
38 practical after August 1, 2021, upon the call of the Governor, and shall organize for business by  
39 selecting a chairman and adopting bylaws. Subsequent meetings shall be called by the chairman.

40 (g) An appointed member of the Professional Charter School Board may be removed from  
41 office by the Governor for official misconduct, incompetence, neglect of duty, or gross immorality.  
42 A member may also be removed if the member's personal incapacity renders the member  
43 incapable or unfit to discharge the duties of the office or if the member is absent from a number of  
44 meetings of the Professional Charter School Board as determined and specified by the  
45 commission in its bylaws. Whenever an appointed member vacancy on the Professional Charter  
46 School Board exists, the Governor shall appoint a qualified person for the remainder of the  
47 vacated term.

48 (h) Except in the case of gross negligence or reckless disregard of the safety and well-  
49 being of another person, the Professional Charter School Board and members of that board in  
50 their official capacity are immune from civil liability with respect to all activities related to a public  
51 charter school approved by the Public Charter School Board. The official actions of the members  
52 of the Professional Charter School Board who are serving in a nonvoting ex officio capacity by  
53 virtue of their designation as chair of the House Committee on Education or chair of the Senate  
54 Committee on Education are Professional Charter School Board member actions only, and may  
55 not be construed as official actions or positions of such member's committee or legislative body.

56 (i) The Professional Charter School Board may appoint an executive director and may  
57 employ such additional staff as may be necessary. The executive director shall serve at the will  
58 and pleasure of the Professional Charter School Board. The executive director must demonstrate  
59 an understanding of and commitment to charter schooling as a strategy for strengthening public  
60 education and must possess an understanding of state and federal education law.

61 (j) The Professional Charter School Board shall meet as needed, but at least bi-annually.  
62 From funds appropriated or otherwise made available for such purpose, its members shall be  
63 reimbursed for reasonable and necessary expenses actually incurred in the performance of official  
64 duties upon submission of an itemized statement in a manner consistent with guidelines of the  
65 Travel Management Office of the Department of Administration.

66 (k) The Professional Charter School Board shall investigate official complaints submitted  
67 to it that allege serious impairments in the quality of education in a public charter school or virtual  
68 public charter school it has authorized pursuant to this article, or that allege such schools are in  
69 violation of the policies or laws applicable to them. The Professional Charter School Board also  
70 may at its own discretion conduct or cause to be conducted audits of the education and operation  
71 of public charter schools or virtual public charter schools it has authorized pursuant to this article  
72 that it determines necessary to achieve its mission of authorizing high-quality public charter  
73 schools. Upon a determination that serious impairments or violations exist, the Professional  
74 Charter School Board shall promptly notify in writing the public charter school governing board of  
75 the perceived serious impairments or violations and provide reasonable opportunity for the school  
76 to remedy the serious impairments or violations. The Professional Charter School Board shall  
77 take corrective actions or exercise sanctions in response to apparent serious impairments or  
78 violations. If warranted, the actions or sanctions may include requiring a charter school to develop  
79 and execute a corrective action plan within a specified time frame.

80 (l) The Professional Charter School Board may receive and expend appropriate gifts,  
81 grants and donations of any kind from any public or private entity to carry out the purposes of this  
82 act, subject to all lawful terms and conditions under which the gifts, grants or donations are given;  
83 may apply for any federal funds that may be available for the implementation of public charter  
84 school programs; and may make start-up grants to public charter schools from funds appropriated  
85 or otherwise available to it from federal, state, or other sources.

86 (m) The Professional Charter School Board may promulgate, adopt, amend, or repeal

87 rules pursuant to §29A-3A-1 et seq. of this code when required by this code or as otherwise  
88 necessary to carry out its purposes as set forth in this code.

**§18-5G-18. Charter school revolving loan fund.**

1 (a) There is hereby created in the State Treasury a special revenue fund designated and  
2 known as the "Charter School Revolving Loan Fund". The fund is established for the purpose of  
3 providing low-interest loans for public charter school facility projects with the loan repayments  
4 being recycled and deposited back into the fund to support future projects. The fund consists of  
5 money appropriated by the Legislature, payments made by public charter schools on loans made  
6 from the fund, grants, gifts, devises, and donations from any public or private source. All interest  
7 and other returns derived from the deposit and investment of money in the Charter School  
8 Revolving Loan Fund shall be credited to the fund. Any balance, including accrued interest and  
9 other returns, remaining in the fund at the end of each fiscal year may not revert to the General  
10 Revenue Fund, but shall remain in the fund and be expended as provided in this section. The  
11 State Treasurer shall administer the fund.

12 (b) On or before June 1, 2026, the Professional Charter School Board shall promulgate  
13 legislative rules pursuant to §29A-3A-1 et seq. of this code to implement the provisions of this  
14 section. If necessary to meet the June 1, 2026, deadline, the Professional Charter School Board  
15 shall promulgate an emergency rule. The rules shall include:

16 (1) Application requirements, including the required contents of the application and the  
17 time period each year during which applications may be submitted;

18 (2) Requirements for the Professional Charter School Board to notify potential applicants  
19 of the availability of a loan for the allowable purposes;

20 (3) A requirement that loans from the fund be made to public charter schools based on  
21 need and the ability to repay the loan, as demonstrated by the contents of the application, any  
22 documentation submitted with the application, and any other available information;

23 (4) A requirement that loans from the fund be limited each year so that similar amounts,

24 adjusted for inflation, are available in future fiscal years for additional loans to be made to public  
25 charter schools;

26 (5) Requirements for repayment of the loans including the maximum repayment period and  
27 interest charged on the loan which shall be limited to no more than necessary to cover the cost of  
28 administering the program and slowly growing the fund over time;

29 (6) A requirement that the loan only be used for the acquisition, renovation, or construction  
30 of school buildings for public charter schools; and

31 (7) Any other provisions necessary to implement this section.

32 (c) Subject to appropriation, the initial loan or loans made from the Fund shall be  
33 distributed during the 2027 fiscal year.

**CHAPTER 29A. STATE ADMINISTRATIVE PROCEDURES ACT.**

**ARTICLE 3A. HIGHER EDUCATION RULE MAKING.**

**§29A-3A-1. Definitions**

1 As used in this article:

2 ~~(a) "Commission" means the Legislative Oversight Commission on Education~~  
3 ~~Accountability;~~

4 ~~(b)~~ (a) "Agency", for purposes of this article, means the Higher Education Policy  
5 Commission created by §18B-1B-1 *et seq.* of this code, the Council for Community and Technical  
6 College Education established pursuant to §18B-2B-3 of this code, the School Building Authority  
7 established pursuant to §18-9D-1 *et seq.* of this code, the Professional Charter School Board  
8 established pursuant to §18-5G-15 or this code, or any successor board, commission, agency, or  
9 officer.

10 ~~(c)~~ (b) "Agency" also means any other entity directed by this code to promulgate a rule or  
11 rules in accordance with this article, but this definition shall apply solely for the purpose of  
12 promulgating the rule or rules required to be promulgated in accordance with this article; and

13 (c) "Commission" means the Legislative Oversight Commission on Education

14 Accountability.

NOTE: The purpose of this bill is to create the "Charter School Revolving Loan Fund" for the purpose of providing low-interest loans for public charter school facility projects with the loan repayments being recycled and deposited back into the fund to support future projects.

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