

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Senate Bill 63

BY SENATOR RUCKER

[Passed March 14, 2026; in effect from passage]

1 AN ACT to amend and reenact §18-5G-3, §18-5G-4, §18-5G-7, and §18-5G-8 of the Code of
2 West Virginia, 1931, as amended; and to amend the code by adding two new sections,
3 designated §18-5G-18 and §18-5G-19, relating generally to public charter school
4 provisions; providing technical corrections by incorporating language that was
5 inadvertently altered by or removed from the code in 2025 in House Bill 2167; modifying
6 the process for virtual standardized testing limitations; removing the requirement that
7 charter schools consult with nationally recognized charter school organizations; removing
8 the requirement that no public charter school may begin operation prior to the beginning
9 of the proposed school year; providing that in the case of a conversion school authorized
10 by a public school of this state, the governing board shall include the five elected county
11 board members, as well as two members of the community as chosen by the county
12 superintendent; providing that the West Virginia Professional Charter School Board may
13 accept all types of applications; allowing an established public charter school in good
14 standing with its authorizer to establish a second location or campus; providing that a
15 public charter school may submit to its authorizer a proposed amendment to any
16 information in its application at any time and the authorizer may approve or reject the
17 proposed amendment; providing that a rural in-person public charter school may be
18 established by its rural charter school governing board under the sponsorship of a public
19 charter school or county school board to serve eligible students; creating a right of first
20 refusal for public charter schools for unused or underutilized public schools, to be known
21 as Supporting Opportunities for Academics in Rural Schools Act or "SOAR;" providing for
22 the purpose of SOAR; setting forth the process for property disposition; and providing that
23 an institution of higher education may apply to an authorizer to establish an on-campus
24 public charter microschool or a blended program, which includes in-person or virtual
25 instruction, but may not be a full-time virtual charter school, which are required to meet
26 the microschool related requirements of §18-8-1 of this code.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5G. PUBLIC CHARTER SCHOOLS.

§18-5G-3. Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws.

1 (a) Public charter schools authorized pursuant to this article shall meet the following
2 general criteria:

3 (1) Are part of the state's system of public schools and are subject to general supervision
4 by the West Virginia Board of Education for meeting the student performance standards required
5 of other public school students under §18-2E-5(d) and (e) of this code;

6 (2) Are subject to the oversight of the school's authorizer for operating in accordance with
7 its approved charter contract and for meeting the terms and performance standards established
8 in the charter contract;

9 (3) Are not home school-based;

10 (4) Are not affiliated with or espouse any specific religious denomination, organization,
11 sect, or belief and do not promote or engage in any religious practices in their educational
12 program, admissions, employment policies, or operations;

13 (5) Are not affiliated with any organized group whose espoused beliefs attack or malign
14 an entire class of people, typically for immutable characteristics, as identified through listings of
15 such groups as may be made by the U. S. Department of Justice, the Federal Bureau of
16 Investigation, or officials having similar jurisdiction in this state;

17 (6) Are public schools to which parents or legal guardians choose to send their child or
18 children;

19 (7) Do not charge full-time tuition and may only charge such tuition or fees as may be
20 imposed by non-charter public schools in this state, such as for part-time Hope Scholarship
21 enrollment or for participation in student activities.

22 (8) Have no requirements that would exclude any child from enrollment who would not be
23 excluded at a non-charter public school.

24 (b) A public charter school authorized pursuant to this article shall be governed by a board
25 that meets the requirements established in §18-5G-7 of this code and:

26 (1) Has autonomy over key decisions, including, but not limited to, decisions concerning
27 finance, personnel, scheduling, curriculum, and instruction except as provided in this article;

28 (2) Has no power to levy taxes;

29 (3) Operates in pursuit of a specific set of educational objectives as defined in its charter
30 contract;

31 (4) Provides a program of public education that:

32 (A) Includes one or more of the following: Prekindergarten and any grade or grades from
33 kindergarten to grade 12 including any associated post-secondary embedded credit, dual credit,
34 advanced placement, internship, and industry or workforce credential programs that the public
35 charter school chooses to incorporate into its programs. If a public charter school chooses to
36 incorporate post-secondary embedded credit, dual credit, and industry and workforce credential;
37 programs into its educational program, institutions of higher education may not impose any
38 requirements on the public charter school that are not required of non-charter public schools;

39 (B) May include in its mission a specific focus on students with special needs, including,
40 but not limited to, at-risk students, English language learners, students with severe disciplinary
41 problems at a non-charter public school, or students involved with the juvenile justice system; and

42 (C) May include a specific academic approach or theme including, but not limited to,
43 approaches or themes such as STEM education, mastery-based education, early college, or fine
44 and performing arts; and

45 (D) May include before school and/or after school programs as a part of the public charter
46 school's education program;

47 (5) Provides programs and services to a student with a disability in accordance with the
48 student's individualized education program and all federal and state laws, regulations, rules and
49 policies. A charter school shall deliver the services directly or contract with a county board or
50 another provider to deliver the services as set forth in its charter contract;

51 (6) Is eligible to participate in state-sponsored or district-sponsored athletic and academic
52 interscholastic leagues, competitions, awards, scholarships, and recognition programs for
53 students, educators, administrators, and schools to the same extent as non-charter public
54 schools. If a public charter school does not sponsor an extracurricular athletic and/or academic
55 interscholastic activity for the students enrolled in the public charter school, the public charter
56 school students may participate on the same basis as other public school students in those
57 activities that are sponsored by the non-charter public school serving the attendance area in which
58 the student resides;

59 (7) Employs its own personnel as employees of the public charter school and is ultimately
60 responsible for processing employee paychecks, managing its employees' participation in the
61 applicable retirement system, and managing its employees' participation in insurance plans:
62 *Provided*, That nothing in this subdivision prohibits the public charter school from contracting with
63 another person or entity to employ personnel or to perform services relating to managing its
64 employees' participation in the retirement system or insurance plan. A county board may not
65 require any employee of its school system to be employed in a public charter school. A county
66 board may not harass, threaten, discipline, discharge, retaliate, or in any manner discriminate
67 against any school system employee involved directly or indirectly with an application to establish
68 a public charter school as authorized under this section. All personnel in a public charter school
69 who were previously employed by the county board shall continue to accrue seniority with the
70 county board in the same manner that they would accrue seniority if employed in a non-charter
71 public school in the county for purposes of employment in non-charter public schools; and

72 (8) Is responsible for establishing a staffing plan that includes the requisite qualifications
73 and any associated certification and/or licensure that it determines necessary for teachers and
74 other instructional staff to be employed at the public charter school and for verifying that these
75 requirements are met.

76 (c) A public charter school authorized pursuant to this article is exempt from all statutes,
77 state board policies, and rules applicable to a non-charter public school or board of education
78 except the following unless otherwise specifically provided for in this article:

79 (1) All federal laws and authorities applicable to non-charter public schools in this state
80 including, but not limited to, the same federal nutrition standards, the same civil rights, disability
81 rights and health, life and safety requirements applicable to non-charter public schools in this
82 state;

83 (2) The provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and
84 the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings;

85 (3) The same immunization requirements applicable to non-charter public schools;

86 (4) The same compulsory school attendance requirements applicable to non-charter
87 public schools.

88 (A) When a parent or guardian withdraws a student from a public charter school and
89 enrolls the child in a public school district of that county, the school district of the student's county
90 of residence becomes responsible to track the student for all purposes.

91 (B) When a parent or guardian withdraws a student from a public charter school and
92 enrolls the child in another public charter school, home school, private school, learning pod,
93 microschool, or out-of-state school, the receiving school or district becomes responsible to track
94 the student for all purposes: *Provided*, That the public charter school from which the student is
95 withdrawing shall immediately provide the attendance director of the student's county of residence
96 with notification of withdrawal from the charter school by phone, electronically, or in writing.

97 (C) The written notification shall include, but is not limited to, the student's name, WVEIS
98 identification number, parent/guardian contact information, and the anticipated or actual
99 withdrawal date.

100 (5) The same minimum number of days or an equivalent amount of instructional time per
101 year as required of non-charter public school students under §18-5-45 of this code;

102 (6) The same student assessment requirements applicable to non-charter public schools
103 in this state, but only to the extent that will allow the state board to measure the performance of
104 public charter school students pursuant to §18-2E-5(d) and (e) of this code. Any virtual public
105 charter school may administer any required state assessment, if available, in a virtual setting
106 utilizing remote proctoring that best meets the educational needs of the student. The ratio for
107 students to teachers shall be allowed up to 15 to one when utilizing remote proctoring during
108 virtual testing. Nothing precludes a public charter school from establishing additional student
109 assessment measures that go beyond state requirements. Public charter school teachers who
110 are not certified or licensed in the state shall be permitted to proctor state assessments: *Provided*,
111 That the teacher has successfully completed the annual training to serve as proctor and the
112 charter school maintains a list of all staff who have successfully completed that annual training.

113 (7) The Student Data Accessibility, Transparency, and Accountability Act pursuant to §18-
114 2-5h of this code;

115 (8) Use of the electronic education information system established by the West Virginia
116 Department of Education for the purpose of reporting required information;

117 (9) Reporting information on student and school performance to parents, policy-makers,
118 and the general public in the same manner as non-charter public schools utilizing the electronic
119 format established by the West Virginia Department of Education. Nothing precludes a public
120 charter school from utilizing additional measures for reporting information on student and school
121 performance that go beyond state requirements;

122 (10) All applicable accounting and financial reporting requirements as prescribed for public
123 schools, including adherence to generally accepted accounting principles. A public charter school
124 shall annually engage an external auditor to perform an independent audit of the school's
125 finances. The public charter school shall submit the audit to its authorizer and to the state
126 superintendent of schools within nine months of the end of the fiscal year for which the audit is
127 performed;

128 (11) A criminal history check pursuant to §18A-3-10 of this code for any staff person that
129 would be required if the person was employed in a non-charter public school, unless a criminal
130 history check has already been completed for that staff person pursuant to that section.
131 Governing board members and other public charter school personnel are subject to criminal
132 history record checks and fingerprinting requirements applicable to non-charter public schools in
133 this state. Contractors and service providers or their employees are prohibited from making direct,
134 unaccompanied contact with students and from access to school grounds unaccompanied when
135 students are present if it cannot be verified that the contractors, service providers or employees
136 have not previously been convicted of a qualifying offense pursuant to §18-5-15c of this code:
137 *Provided*, That nothing in this subdivision, including the reference to §18A-3-10 of this code,
138 requires public charter school employees to be certified or licensed as a condition of employment
139 in a public charter school. A public charter school may, but is not required to, establish certification
140 or licensure as a condition of employment by the school;

141 (12) The same zoning rules for its facilities that apply to non-charter public schools in this
142 state;

143 (13) The same building codes, regulations and fees for its facilities that apply to non-
144 charter public schools in this state, including any inspections required for non-charter public
145 schools under this chapter and the West Virginia State Fire Marshal for inspection and issuance
146 of a certificate of occupancy for any facility used by the public charter school; and

147 (14) The same student transportation safety laws applicable to public schools when
148 transportation is provided.

**§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 establish and maintain a catalogue of best practices for public
3 charter schools applicable for all applicants, authorizers, governing board members, and
4 administrators that are consistent with this article in the following areas:

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

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

15 (1) Provide forms to promote the quality and ease of use for authorizers to solicit
16 applications for public charter schools, for applicants to complete applications, and for
17 establishing quality charter contracts that include a framework for performance standards. The
18 forms shall be available for use and solicitations made not later than the beginning of February
19 2020. The forms shall include an application deadline of August 31st of the year prior to the
20 beginning of operations for the proposed school year, or April 30th of the proposed school year
21 in the case of a conversion public charter school or a program conversion public charter school;

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

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

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

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

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

30 (v) Authorizer responsibilities for public charter school contract oversight and performance
31 evaluation;

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

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

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

39 (6) Establish a framework and procedures for interactions between public charter schools,
40 public non-charter schools and county boards of education to facilitate cooperation for shared
41 services, training and information and to ensure the prompt transfer of student records, including
42 IEPs, so as to minimize the interruption of a student's education when transferring between non-
43 charter public schools and public charter schools; and

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

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

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

49 (i) Application pending;

50 (ii) Application denied and reasons for denial;

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

52 (iv) Operating and years of operation;

53 (v) Renewed and years of operation;

54 (vi) Terminated;

55 (vii) Closed;

56 (viii) Never opened; and

57 (ix) Any successful innovations applied in authorized public charter schools which may be
58 replicated in other schools. The report shall provide information about how non-charter public
59 schools may implement these innovations.

60 (c) The state board shall be the authorizer of a public charter school when a county board
61 or boards approve the application for a public charter school and requests the state board to
62 perform the authorizer duties and responsibilities or when an application to form a public charter
63 school or to renew a charter contract is submitted from an applicant within a county in which the
64 state board has intervened and limited the power of the county board to act pursuant to §18-2E-
65 5 of this code. §18-5G-5. State board rule relating to funding for public charter school enrollment
66 and other necessary provisions; local education agency status; authorizer oversight fee. (a) The
67 state board shall promulgate a rule pursuant to the provisions of §29A-3B-1 *et seq.* of this code
68 setting forth requirements for public charter school funding. The rule shall include a requirement
69 that 99 percent of the per pupil total basic foundation allowance follow the student to the public
70 charter school, subject to the following:

71 (1) Notwithstanding §18-9A-1 *et seq.* of this code, the rule may provide for modifications
72 to the calculations set forth in §18-9A-7 of this code regarding the allowance for student

73 transportation and in §18-9A-9(1) of this code regarding the allowance for current expense for the
74 purpose of making appropriate adjustments to those allowances to account for student
75 transportation and current expense related funding a school district loses in situations where it
76 pays money to a public charter school pursuant to this subsection without a corresponding
77 decrease in the county's transportation and current expense related expenditures;

78 (2) The rule shall designate which county school district is required to pay for a student
79 attending a public charter school, and notwithstanding the terms in the definition of "net
80 enrollment" in §18-9A-2 of this code, shall provide that the county school district paying for the
81 student attending a public charter school have that student included in its net enrollment for the
82 purposes of §18-9A-1 *et seq.* of this code;

83 (3) When a student in grades kindergarten through 12 transfers on a full-time basis after
84 the beginning of the school year from a school district to a public charter school, or vice versa, or
85 to another public charter school, hereinafter referred to as entities, the following apply:

86 (A) If the student is included in the second month net enrollment for the purposes of §18-
87 9A-2 of this code, of the entity from which the student transferred, the entity to which the student
88 transfers may invoice the entity from which the student transferred for the amount, determined on
89 a pro rata basis, based on the amount required pursuant to subdivision (2) of this subsection for
90 a student attending a public charter school;

91 (B) If the student is included in the second month net enrollment for the purposes of §18-
92 9A-2 of this code, of the entity from which the student transferred and is eligible for aid to
93 exceptional students, the entity to which the student transfers may invoice the entity from which
94 the student transferred for the amount, determined on a pro rata basis, of the aid to exceptional
95 students due for that student;

96 (C) If the student is included in the certified child count of exceptional students for the
97 school year of the entity from which the student transferred, the entity to which the student

98 transfers may invoice the entity from which the student transferred for the amount, determined on
99 a pro rata basis, due for that student in the certified child count of exceptional students; and

100 (D) Invoices issued pursuant to paragraphs (A), (B) and (C) of this subdivision shall be
101 paid by the entity from which the student transferred within 30 days of receipt of the invoice; and

102 (4) The rule shall require the Department of Education to follow federal requirements in
103 ensuring that federal funding follows the student to a public charter school.

104 (b) The state board may promulgate a rule in accordance with §29A-3B-1 *et seq.* of this
105 code, if necessary, for ensuring the accountability of public charter schools for meeting the
106 standards for student performance required of other public school students under §18-2E-5 of
107 this code and the accountability of authorizers for ensuring that those standards are met in the
108 schools authorized by it. If an authorizer fails to close a public charter school that does not meet
109 the standards, the authorizer shall appear before the state board to justify its decision. The state
110 board may uphold or overturn the authorizer's decision and may revoke the authority of the
111 authorizer to authorize public charter schools.

112 (c) Any public charter school authorized pursuant to this article shall be treated and act as
113 its own local education agency for all purposes except as needed under the provisions of the
114 Public School Support Plan for funding purposes.

115 (d) To cover authorizer costs for overseeing public charter schools, the state board shall
116 establish a statewide formula for authorizer oversight funding, which shall apply uniformly to every
117 authorizer in the state. Each public charter school shall remit to its respective authorizer an
118 oversight fee. The oversight fee shall be drawn from and calculated as a uniform percentage of
119 the per pupil basic foundation allowance as provided pursuant to state board rule promulgated in
120 accordance with this section, not to exceed one percent of each public charter school's per-
121 student funding in a single school year. The state board may establish a sliding scale for
122 authorizing funding, with the funding percentage decreasing after the authorizer has achieved a
123 certain threshold, such as after a certain number of schools have been authorized or after a

124 certain number of students are enrolled in the authorizer's public charter schools. The state board
125 shall establish a cap on the total amount of funding that an authorizer may withhold from a full-
126 time public charter school. The state board shall annually review the effectiveness of the state
127 formula for authorizer funding and shall adjust the formula if necessary to maximize public benefit
128 and strengthen the implementation of this act.

129 (e) The state board shall promulgate a rule in accordance with §29A-3B-1 *et seq.* of this
130 code to clarify, if necessary, the requirements of this article and address any unforeseen issues
131 that might arise relating to the implementation of the requirements of this article: *Provided*, That
132 nothing in this rule may conflict with this code. The rule also shall include a provision prohibiting
133 a county board from discrimination against any district employee involved directly or indirectly
134 with an application to establish a public charter school under this article.

135 (f) All state board rules required to be promulgated by this article shall be promulgated on
136 or before July 1, 2021. The state board may file emergency rules if necessary to meet the July
137 1, 2021, deadline.

§18-5G-7. Public charter school governing board.

1 (a) (1) To ensure compliance with this article, a public charter school shall be administered
2 by a governing board accountable to the authorizer as set forth in the charter contract, except in
3 the case of a conversion public charter school authorized by a public school of this state. A public
4 charter school governing board shall consist of no fewer than five members elected or selected
5 in a manner specified in the charter application, including at least the following:

6 (A) Two parents of students attending the public charter school operating under the
7 governing board; and

8 (B) Two members who reside in the community served by the public charter school.

9 (2) In the case of a conversion school authorized by a public school of this state, the
10 governing board shall include the five elected county board members, as well as two members of
11 the community as chosen by the county superintendent.

12 (b) Members of the governing board shall:

13 (1) Not be an employee of the public charter school administered by the governing board;

14 (2) Not be an employee of an education service provider that provides services to the
15 public charter school, unless the services are provided by a state institution of higher education;

16 (3) File a full disclosure report to the authorizer identifying potential conflicts of interest,
17 relationships with management organizations, and relationships with family members who are
18 employed by the public charter school or have other business dealings with the school, the
19 management organization of the school, or any other public charter school;

20 (4) Collectively possess expertise in leadership, curriculum and instruction, law, and
21 finance; and

22 (5) Be considered an officer of a school district under the provisions of §6-6-7 of this code
23 and removal from office shall be in accordance with the provisions of that section or by a vote of
24 the governing board.

25 (c) The public charter school governing board shall:

26 (1) Operate under the oversight of its authorizer in accordance with its charter contract;

27 (2) As a public corporate body, have the powers necessary for carrying out the terms of
28 its charter contract, including, but not limited to the power to:

29 (A) Receive and disburse funds for school purposes;

30 (B) Secure appropriate insurance and enter into contracts and leases;

31 (C) Contract with an education service provider, so long as the governing board retains
32 final oversight and authority over the school;

33 (D) Pledge, assign, or encumber its assets to be used as collateral for loans or extensions
34 of credit;

35 (E) Solicit and accept any gifts or grants for school purposes, subject to applicable laws
36 and the terms of its charter; and

37 (F) Acquire real property for use as its facilities or facilities from public or private sources;

38 (3) Enroll students in the public charter school pursuant to §18-5G-11 of this code;

39 (4) Require any education service provider contracted with the governing board to provide
40 a monthly detailed budget to the board; and

41 (5) Provide programs and services to a student with a disability in accordance with the
42 student's individualized education program and all federal and state laws, rules, and regulations.

43 A public charter school shall deliver the services directly or contract with another provider to
44 deliver the services.

45 (d) A public charter school authorized under this article may:

46 (1) Negotiate and contract with its authorizer or any third party for the use, operation, and
47 maintenance of a building and grounds, liability insurance, and the provision of any service,
48 activity, or undertaking that the public charter school is required to perform in order to carry out
49 the educational program described in its charter contract. Any services for which a public charter
50 school contracts with a school district shall be provided by the district at cost and shall be
51 negotiated as a separate agreement after final charter contract negotiations;

52 (2) Sue and be sued in its own name;

53 (3) Own, rent, or lease its space;

54 (4) Participate in cocurricular activities to the same extent as non-charter public schools;

55 and

56 (5) Participate in extracurricular activities to the same extent as non-charter public schools.

57 (e) The public charter school governing board is responsible for the operation of its public
58 charter school, including, but not limited to, ensuring compliance with the public charter school
59 criteria, governance and statutory compliance set forth in §18-5G-3 of this code, the preparation
60 of an annual budget, contracting for services, school curriculum, personnel matters, and achieving
61 the objectives and goals of the public charter school's program.

62 (f) The public charter school governing board shall comply with the provisions of §29B-1-
63 1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of
64 this code relating to open governmental proceedings.

65 (g) Notwithstanding anything else in this Code, when a state institution of higher education
66 is an applicant and after its application is approved by an authorizer, the governing board of the
67 public charter school may be an administrative unit of the state institution of higher education, and
68 the governing board may enter into the charter contract on behalf of the state institution of higher
69 education.

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

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

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

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

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

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

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

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

19 (6) The proposed governance structure of the school, including a list of members of the
20 initial governing board, a draft of bylaws that include the description of the qualifications, terms,
21 and methods of appointment or election of governing board members, and the organizational
22 structure of the school that clearly presents lines of authority and reporting between the governing
23 board, school administrators, staff, any related bodies such as advisory bodies or parent and
24 teacher councils, and any external organizations that will play a role in managing the school;

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

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

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

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

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

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

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

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

48 (15) The school calendar and school day schedule;

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

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

54 (B) May include coverage from the Board of Risk and Insurance Management pursuant to
55 §29-12-5a of this code;

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

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

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

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

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

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

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

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

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

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

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

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

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

85 (4) The proposed duration of the service contract;

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

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

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

91 (8) Performance evaluation measures and timelines;

92 (9) Methods of contract oversight and enforcement;

93 (10) Investment disclosure;

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

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

97 (d) A public charter school may submit to its authorizer a proposed amendment to any
98 information in its application at any time and the authorizer may approve or reject the proposed
99 amendment.

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

104 (f) A rural in-person public charter school may be established by its rural charter school
105 governing board under the sponsorship of a public charter school or county school board to serve
106 eligible students. If the sponsoring public charter school is in good standing with its authorizer,
107 the application submitted to establish the rural in-person public charter school may be in an
108 abbreviated form and is only required to include the information required of a currently authorized
109 public charter school applying to establish a second location or campus pursuant to §18-5G-8(d)
110 of this code. All provisions of this article that are not contrary to this section apply to a rural in-
111 person public charter school.

§18-5G-18. 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 provide rural communities with an additional option to
4 maintain continued access to local schools, prevent consolidation where there is adequate
5 community support, and provide structural support to rural communities to explore public charter

6 school conversion in an expedited manner when a community public school is proposed to be
7 closed.

8 (c) If a county board chooses to close a school they shall identify the following in the impact
9 statement:

10 (1) If the county board of education plans to maintain the facility for use; and

11 (2) If the county board plans to offload the property through donation, auction, or any other
12 way, allowed by law.

13 (d) Subject to subsection (2) of this section, upon the closure approval by the West Virginia
14 Board of Education, within 90 days, a public charter school may submit an application to the
15 county board to open a SOAR charter in the closing school. Should an application be submitted
16 during the 90-day period, the county board shall not offload the property. County boards shall
17 provide the right of first refusal to a proposed SOAR Charter subject to the following provisions:

18 (1) Proposed SOAR Charter applications shall be submitted within the 90-day window,
19 any application outside of the time period may be considered null and void. Further:

20 (A) Applications shall include the authorizing entity;

21 (B) Applications shall be submitted to the county board of education for approval:
22 *Provided, however,* That in the event of multiple applications, the Public Charter School Board
23 shall select and approve the most appropriate and viable option; and

24 (C) Applications shall include a proviso ensuring the transfer of the property occurs as-is
25 and details of what portions of the property shall be transferred.

26 (2) Upon receipt of applications the county board of education shall negotiate and enter
27 into a contract with the approved applicant detailing agreed upon terms. Details of the contract
28 shall include but are not limited to:

29 (A) Agreed upon timelines; and

30 (B) Agreed upon properties to be transferred, including real and personal property, as well
31 as any necessary easements.

32 (e) Upon an approved SOAR Charter application, the SOAR Charter shall take effect no
33 earlier than August 1 of the authorizing year: *Provided*, That the SOAR Charter and county board
34 can agree to a later date in the agreed upon contract.

35 (f) Upon the agreed date, the SOAR Charter shall be responsible for all properties
36 transferred, including the insurability thereof.

37 (g) County boards of education shall not be responsible for any property transferred to a
38 SOAR Charter School after the transfer has occurred.

39 (h) Nothing in this section shall be construed to force a county board from ceasing legally
40 required staffing plans and other requirements required by law regarding school closure.

41 (i) Nothing herein shall be construed to prevent a conversion charter school from entering
42 into a contract with an education service provider, subject to the approval of the authorizer.

43 (j) The state board may promulgate rules pursuant to §29A-3B-1 *et seq.* of this code to
44 provide guidance on the implementation of this section.

**§18-5G-19. Higher education institution public charter microschool; public charter school
assistance to learning pods and microschools.**

1 (a) An institution of higher education may apply to an authorizer pursuant to this article to
2 establish an on-campus public charter microschool or a blended program, which includes in-
3 person or virtual instruction, but may not be a full-time virtual charter school, which are required
4 to meet the microschool related requirements of §18-8-1 of this code.

5 (b) Any public charter school, including one that is affiliated with an institution of higher
6 education, may partner with learning pods and microschools created pursuant to §18-8-1 of this
7 code to provide instruction on-campus or virtually to those learning pods or microschools.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

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President of the Senate

.....
Speaker of the House of Delegates

The within is this the.....
Day of, 2026.

.....
Governor