

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 67

By Senator Rucker

[Introduced January 14, 2026; referred
to the Select Committee on School Choice]

1 A BILL to amend and reenact §18-5G-3 and §18-5G-8 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 public charter schools; modifying criteria public charter school must meet
4 pertaining to tuition; authorizing public charter school employment of personnel to perform
5 services relating to managing participation in a retirement system or insurance plan;
6 providing that the school district of the student's county of residence becomes responsible
7 to track the students for all purposes when the student is withdrawn from a public charter
8 school and returns to the public school district of that county; authorizing public charter
9 school teachers to proctor state assessments whether the teachers are certified or
10 licensed or not; allowing members of a public charter school governing board to be
11 removed by a vote of the governing board; allowing a public charter school to submit to its
12 authorizer a proposed amendment to any information in its application at any time;
13 allowing an institution of higher education to apply to an authorizer to establish virtual or
14 on-campus public charter microschools; and allowing any public charter school to partner
15 with learning pods and microschools to provide instruction to those learning pods and
16 microschools.

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 in
8 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 an
14 entire class of people, typically for immutable characteristics, as identified through listings of such
15 groups as may be made by the U. S. Department of Justice, the Federal Bureau of Investigation,
16 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 noncharter 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 noncharter 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

kindergarten to grade 12 including any associated post-secondary embedded credit, dual credit, advanced placement, internship, and industry or workforce credential programs that the public charter school chooses to incorporate into its programs;

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

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

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

(6) Is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools;

(7) Employs its own personnel as employees of the public charter school and is ultimately responsible for processing employee paychecks, managing its employees' participation in the applicable retirement system, and managing its employees' participation in insurance plans:

Provided, That nothing in this subdivision prohibits the public charter school from contracting with another person or entity to employ personnel or to perform services relating to managing its employees' participation in the retirement system or insurance plan. A county board may not require any employee of its school system to be employed in a public charter school. A county board may not harass, threaten, discipline, discharge, retaliate, or in any manner discriminate against any school system employee involved directly or indirectly with an application to establish a public charter school as authorized under this section. All personnel in a public charter school

who were previously employed by the county board shall continue to accrue seniority with the county board in the same manner that they would accrue seniority if employed in a noncharter public school in the county for purposes of employment in noncharter public schools; and

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

(c) A public charter school authorized pursuant to this article is exempt from all statutes and rules applicable to a noncharter public school or board of education except the following:

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

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

(3) The same immunization requirements applicable to noncharter public schools;

(4) The same compulsory school attendance requirements applicable to noncharter public schools. When a student is withdrawn from a public charter school and returns to the public school district of that county, the school district of the student's county of residence becomes responsible to track the student for all purposes;

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

(B) When a parent or guardian withdraws a student from a public charter school and enrolls the child in another public charter school, home school, private school, learning pod, microschool, or out-of-state school, the receiving school or district becomes responsible to track the student for all purposes: *Provided*, That the public charter school from which the student is withdrawing provides the attendance director of the student's county of residence notification of withdrawal

85 from the charter school by phone, electronically, or in writing. The written notification shall include,
86 but is not limited to, the student's name, WVEIS identification number, parent/guardian contact
87 information, and the anticipated or actual withdrawal date.

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

90 (6) The same student assessment requirements applicable to noncharter public schools in
91 this state, but only to the extent that will allow the state board to measure the performance of public
92 charter school students pursuant to §18-2E-5(d) and (e) of this code. Nothing precludes a public
93 charter school from establishing additional student assessment measures that go beyond state
94 requirements. ~~Public charter school teachers who are not certified or licensed in the State shall be~~
95 ~~permitted to proctor state assessments: *Provided*, That the teacher has successfully completed~~
96 ~~the annual training to serve as proctor and the charter school maintains a list of all staff who have~~
97 ~~successfully completed that annual training~~ Public charter school teachers shall be permitted to
98 proctor state assessments whether the teachers are certified or licensed or not;

99 (7) The Student Data Accessibility, Transparency and Accountability Act pursuant to §18-
100 2-5h of this code;

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

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

108 (10) All applicable accounting and financial reporting requirements as prescribed for public
109 schools, including adherence to generally accepted accounting principles. A public charter school
110 shall annually engage an external auditor to perform an independent audit of the school's

finances. The public charter school shall submit the audit to its authorizer and to the state superintendent of schools within nine months of the end of the fiscal year for which the audit is performed;

(11) A criminal history check pursuant to §18A-3-10 of this code for any staff person that would be required if the person was employed in a noncharter public school, unless a criminal history check has already been completed for that staff person pursuant to that section. Governing board members and other public charter school personnel are subject to criminal history record checks and fingerprinting requirements applicable to noncharter public schools in this state. Contractors and service providers or their employees are prohibited from making direct, unaccompanied contact with students and from access to school grounds unaccompanied when students are present if it cannot be verified that the contractors, service providers or employees have not previously been convicted of a qualifying offense pursuant to §18-5-15c of this code;

(12) The same zoning rules for its facilities that apply to noncharter public schools in this state;

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

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

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

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

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

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

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

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

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

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

(6) The proposed governance structure of the school, including a list of members of the initial governing board, a draft of bylaws that include the description of the qualifications, terms, and methods of appointment or election of governing board members, and the organizational 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) A public charter school may submit to its authorizer a proposed amendment to any information in its application at any time and the authorizer may approve or reject the proposed amendment.

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

(a) An institution of higher education may apply to an authorizer pursuant to this article to establish virtual or on-campus public charter microschools which are required to meet the microschool related requirements of §18-8-1 of this code.

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

NOTE: The purpose of this bill is to allow authorization and funding of alternative high-risk population public charter schools; provide eligibility requirements to be an alternative high-risk population public charter school; specify which students are included as "high risk"; require West Virginia Board of Education rule setting forth requirements for alternative high-risk population charter school funding; allow an institution of higher education to apply to an authorizer to establish virtual or on-campus public charter microschools; allow any public charter school to partner with learning pods and microschools to provide instruction to those learning pods and microschools; and make other changes to the public charter school law.

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