

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 67**

By Senators Rucker, Helton, and Willis

[Reported February 13, 2026, from the Select  
Committee on School Choice; ]

1 A BILL to amend and reenact §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-7, §18-5G-8, §18-5G-12,  
2 §18-5G-14, §18-9A-6a, and §18-9A-24, of the Code of West Virginia, 1931, as amended;  
3 and to amend the code by adding a new section, designated §18-5G-18, relating to  
4 establishing a right of first refusal for charter schools to obtain unused or underutilized  
5 public school buildings; providing direction on the funding disbursements for teachers of  
6 public charter schools that do not participate in the state teacher retirement funds; and  
7 clarifying the district schools procedures for students who are transferring to public school  
8 from a virtual charter school.

*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  
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 noncharter 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 noncharter 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. No part of the education program of a public charter school is subject  
47 to regulation as a childcare facility;

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

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

60 (7) Employs its own personnel as employees of the public charter school and is ultimately  
61 responsible for processing employee paychecks, managing its employees' participation in the  
62 applicable retirement system, and managing its employees' participation in insurance plans:  
63 *Provided*, That nothing in this subdivision prohibits the public charter school from contracting with  
64 another person or entity to employ personnel or to perform services relating to managing its  
65 employees' participation in the retirement system or insurance plan. A county board may not  
66 require any employee of its school system to be employed in a public charter school. A county

67 board may not harass, threaten, discipline, discharge, retaliate, or in any manner discriminate  
68 against any school system employee involved directly or indirectly with an application to establish  
69 a public charter school as authorized under this section. All personnel in a public charter school  
70 who were previously employed by the county board shall continue to accrue seniority with the  
71 county board in the same manner that they would accrue seniority if employed in a noncharter  
72 public school in the county for purposes of employment in noncharter public schools; and

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

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

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

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

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

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

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

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

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

117 (7) The Student Data Accessibility, Transparency and Accountability Act pursuant to §18-  
118 2-5h of this code;

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

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

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

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

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

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

151 (14) The same student transportation safety laws applicable to public schools when  
152 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 ~~consult with nationally recognized charter school organizations~~  
3 ~~and~~ establish and maintain a catalogue of best practices for public charter schools applicable for  
4 all applicants, authorizers, governing board members, and administrators that are consistent with  
5 this article ~~and nationally recognized principles and professional standards for quality public~~  
6 ~~charter school authorizing and governance in all major areas of authorizing and governance~~  
7 ~~responsibility~~ in the following areas:

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

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

17 schools:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (i) Application pending;

54 (ii) Application denied and reasons for denial;

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

56 (iv) Operating and years of operation;

57 (v) Renewed and years of operation;

58 (vi) Terminated;

59 (vii) Closed;

60 (viii) Never opened; and

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

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

69 of this code. §18-5G-5. State board rule relating to funding for public charter school enrollment and  
70 other necessary provisions; local education agency status; authorizer oversight fee. (a) The state  
71 board shall promulgate a rule pursuant to the provisions of §29A-3B-1 *et seq.* of this code setting  
72 forth requirements for public charter school funding. The rule shall include a requirement that 99  
73 percent of the per pupil total basic foundation allowance follow the student to the public charter  
74 school, subject to the following:

75 (1) Notwithstanding §18-9A-1 *et seq.* of this code, the rule may provide for modifications to  
76 the calculations set forth in §18-9A-7 of this code regarding the allowance for student  
77 transportation and in §18-9A-9(1) of this code regarding the allowance for current expense for the  
78 purpose of making appropriate adjustments to those allowances to account for student  
79 transportation and current expense related funding a school district loses in situations where it  
80 pays money to a public charter school pursuant to this subsection without a corresponding  
81 decrease in the county's transportation and current expense related expenditures;

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

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

90 (A) If the student is included in the second month net enrollment for the purposes of §18-  
91 9A-2 of this code, of the entity from which the student transferred, the entity to which the student  
92 transfers may invoice the entity from which the student transferred for the amount, determined on  
93 a pro rata basis, based on the amount required pursuant to subdivision (2) of this subsection for a  
94 student attending a public charter school;

95 (B) If the student is included in the second month net enrollment for the purposes of §18-  
96 9A-2 of this code, of the entity from which the student transferred and is eligible for aid to  
97 exceptional students, the entity to which the student transfers may invoice the entity from which  
98 the student transferred for the amount, determined on a pro rata basis, of the aid to exceptional  
99 students due for that student;

100 (C) If the student is included in the certified child count of exceptional students for the  
101 school year of the entity from which the student transferred, the entity to which the student  
102 transfers may invoice the entity from which the student transferred for the amount, determined on  
103 a pro rata basis, due for that student in the certified child count of exceptional students; and

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

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

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

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

119 (d) To cover authorizer costs for overseeing public charter schools, the state board shall  
120 establish a statewide formula for authorizer oversight funding, which shall apply uniformly to every

121 authorizer in the state. Each public charter school shall remit to its respective authorizer an  
122 oversight fee. The oversight fee shall be drawn from and calculated as a uniform percentage of the  
123 per pupil basic foundation allowance as provided pursuant to state board rule promulgated in  
124 accordance with this section, not to exceed one percent of each public charter school's per-  
125 student funding in a single school year. The state board may establish a sliding scale for  
126 authorizing funding, with the funding percentage decreasing after the authorizer has achieved a  
127 certain threshold, such as after a certain number of schools have been authorized or after a certain  
128 number of students are enrolled in the authorizer's public charter schools. The state board shall  
129 establish a cap on the total amount of funding that an authorizer may withhold from a full-time  
130 public charter school. The state board shall annually review the effectiveness of the state formula  
131 for authorizer funding and shall adjust the formula if necessary to maximize public benefit and  
132 strengthen the implementation of this act.

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

139 (f) All state board rules required to be promulgated by this article shall be promulgated on  
140 or before July 1, 2021. The state board may file emergency rules if necessary to meet the July 1,  
141 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 in

5 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 Superintendent and one member of the elected county board of  
11 education in addition to the two members of the community, as well as a member who is a parent  
12 of a child enrolled in that school.

13 (b) Members of the governing board shall:

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

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

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

21 (D) Collectively possess expertise in leadership, curriculum and instruction, law, and  
22 finance; and

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

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

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

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

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

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

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

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

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

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

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

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

42 (5) Provide programs and services to a student with a disability in accordance with the  
43 student's individualized education program and all federal and state laws, rules, and regulations. A  
44 public charter school shall deliver the services directly or contract with another provider to deliver  
45 the services.

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

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

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

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

55 (4) Participate in cocurricular activities to the same extent as noncharter public schools;

56 and

57 (5) Participate in extracurricular activities to the same extent as noncharter public schools.

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

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

66 (g) Notwithstanding anything else in this Code, when a state institution of higher education  
67 is an applicant and after its application is approved by an authorizer, the governing board of the  
68 public charter school may be an administrative unit of the state institution of higher education, and  
69 the governing board may enter into the charter contract on behalf of the state institution of higher  
70 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 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. The West Virginia Professional Charter School  
4 Board may accept all types of applications. Charter authorizers shall accept and document the  
5 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 the  
9 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 those  
13 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 school,  
50 which:

51 (A) Shall include adequate insurance for liability, property loss, and the personal injury of  
52 students comparable to noncharter 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.

**§18-5G-12. Access to public facilities.**

1 ~~(a) A public charter school may request usage of public facilities from the county board or~~  
2 ~~other public entity in the county where the charter school is located or proposes to locate. A county~~  
3 ~~board or other public entity shall make facilities available to the charter school that are either not~~  
4 ~~used, in whole or in part, for classroom instruction at the time the charter school seeks to use or~~  
5 ~~lease the public facility.~~

6 ~~(b) If a charter school seeks to lease the whole or part of a public facility, the cost of the~~  
7 ~~lease must be at or under current market value.~~

8 ~~(c) During the term of the lease, the charter school is solely responsible for the direct~~  
9 ~~expenses related to the public facility lease, including utilities, insurance, maintenance, repairs,~~  
10 ~~and remodeling. The county school board is responsible for any debt incurred or liens that are~~  
11 ~~attached to the school building before the charter school leases the public facility.~~

12 (a) In this subdivision,

13 (1) "Unused school facility" means a school building owned by a county school district that:

14 (A) Is not used for academic purposes, extracurricular activities, administrative school  
15 functions, or sports; and

16 (B) Has no school board approved written plan for future use that includes academic  
17 purposes, extracurricular activities, administrative functions, or sports scheduled to occur within 2  
18 years of the plan's approval.

19 (2) "Underutilized property" means a building or portion of a building, with or without  
20 improvements that is not used, or is used irregularly or intermittently, for instructional or academic  
21 program purposes, including but not limited to spaces that are potentially suitable for classroom  
22 use but are currently being used for storage of any kind. The term does not include vacant property  
23 or real property on which a building or permanent structure has not been erected.

24 (3) "School building" shall include any structure purpose built to provide academic  
25 instruction to any number of students in pre-kindergarten through grade twelve (pre-K-12), or any  
26 combination thereof.

27 (b) The state board shall promulgate a rule pursuant to the provisions of §29A-3B-1 et seq.  
28 of this code setting forth standards used to determine if a property is underutilized. For any facility  
29 that was originally built as a public school facility, it shall be deemed to be underutilized if actual  
30 student enrollment is less than or equal to seventy percent of the rated student capacity of the  
31 facility.

32 (c) On January 1, 2027, and on July 1 every year thereafter, the superintendent of each  
33 county school district shall report to the department of education each unused school facility,  
34 underutilized property, and vacant property owned by the county school district. The department  
35 shall establish and maintain a list of unused facilities and underutilized facilities owned by each  
36 school district and make such list available on the department's website. Each report submitted by  
37 a county school district shall include the following information:

38           (1) The address or location of each building and the total square footage of, and the  
39 number of classrooms in, each school building;

40           (2) For each building, the portion of the total square footage that is used by the LEA for  
41 direct instruction to students in pre-kindergarten through grade twelve (pre-K-12), or any  
42 combination thereof;

43           (3) For each building, the enrollment capacity and the number of students in pre-  
44 kindergarten through grade twelve (pre-K-12), or any combination thereof, receiving academic  
45 instruction in the building; and

46           (4) If a building is not used by the LEA for direct academic instruction for students in pre-  
47 kindergarten through grade twelve (pre-K-12), or any combination thereof, the manner in which  
48 the school building is used, including whether the building is vacant or is being used for  
49 administration, storage, or professional development.

50           (d) A county school district shall offer an unused school facility or vacant property to a  
51 public charter school for purchase or lease at or below fair market value, and shall offer an  
52 underutilized property with less than 50% utilization to a public charter school for lease at or below  
53 fair market value, as follows:

54           (1) If a county school district extends an offer to purchase or lease an unused school facility  
55 or underutilized property to any party other than an approved public charter school operating in  
56 this state, the contract shall include a provision which makes the purchase or lease subject to the  
57 right of first refusal by an approved public charter school operating in this state.

58           (2) If the offer to purchase or lease is accepted, the entity selling or leasing the unused  
59 school facility or underutilized property shall notify the department of education who shall notify all  
60 approved public charter schools in this state, as listed on the department of education's website, of  
61 the contract to purchase or lease such facility. The notice provided to the public charter school  
62 shall contain clear language that such facility is available to any approved public charter school in  
63 this state only, and shall list the offering entity's name and location, the square footage of such

64 facility, the contact information of the offering entity's representative, and the expiration date of the  
65 right of first refusal which shall be no earlier than 60 days after the date of the notification to the  
66 public charter school.

67 (3) A public charter school that fails to exercise its right of first refusal shall forfeit such right  
68 as it pertains to the specific unused school facility or underutilized property and any future right or  
69 interest in the specific facility.

70 (4) If the offering entity has not received an offer to purchase or lease an unused school  
71 facility or underutilized property from a party, other than an approved public charter school  
72 operating in this state, a public charter school may initiate, and the offering entity shall, within 60  
73 days of receiving the offer, engage in, substantive good faith negotiations for the purchase or lease  
74 of such unused school facility or underutilized property. The negotiation period shall continue for  
75 30 days, or less if an agreement is reached. If no agreement is reached, the department of  
76 education shall engage an independent mediator who shall gather independent appraisals of the  
77 value of the property when the public charter school made an offer to purchase. The appraised  
78 value shall determine a fair market price for the offering public charter school. In situations when  
79 the public charter school made an offer to lease the property, the appraisals gathered by the  
80 mediator shall determine a fair market lease price for the offering public charter school.

81 (5) If two or more public charter schools notify the offering entity indicating an interest in the  
82 unused facility to lease or purchase, the offering entity shall make the final selection of the  
83 purchaser or lessee.

84 (e) In right of first refusal negotiations with a public charter school, it shall be the option of  
85 the offering entity whether to sell or lease the property under consideration, at fair market value or  
86 less, for a term to be agreed upon by the parties. A lease shall include ingress to and egress from  
87 the facility, and where a part of a facility is leased, the right to access and use of the common area  
88 shared by all tenants and users of the facility. If a public charter school leases the entire facility, the  
89 public charter school may incur debt to make improvements to the facility, and the offering entity

90 shall subordinate its interest in the lease to such debt.

91 (f) A public charter school shall have six months after the date of making a written offer to  
92 complete the purchase or lease of the unused school facility or underutilized property for a price  
93 negotiated with the offering entity.

94 (g) During the term of a lease, a public charter school shall be solely responsible for the  
95 direct expenses related to the public facility lease, including utilities, insurance, maintenance,  
96 repairs, and remodeling. The offering entity is responsible for any deferred maintenance, debt  
97 incurred, or liens that are attached to the building before the charter school leases the public  
98 facility.

99 (h) If a public charter school plans to sell a facility which it has purchased pursuant to this  
100 section, it shall first offer the facility to the entity from which it was purchased. Such offer shall be  
101 governed by the procedures set forth in paragraphs (d), (e), and (f) of this subdivision.

102 (i) A public charter school may petition the State Auditor for an audit of the list of all  
103 underutilized property or vacant property submitted pursuant to this part in which the public charter  
104 school is, or will be, geographically located. The State Auditor is authorized to promulgate rules,  
105 for the administration of this subdivision (i).

**§18-5G-14. Virtual public charter schools.**

1 (a) Virtual public charter schools may be authorized pursuant to this article. To the extent  
2 they do not conflict with the following provisions, virtual public charter schools are subject to the  
3 same requirements as non-virtual public charter schools:

4 (1) The Professional Charter School Board may authorize two statewide virtual public  
5 charter school which shall not count against the limit in §18-5G-1 of this code. A statewide virtual  
6 public charter school shall enroll no more than five percent of the headcount enrollment per year;

7 (2) County boards may authorize virtual public charter schools for students in an identified  
8 primary recruitment area within the state that is set forth in the charter application. Each county  
9 board may authorize no more than one virtual public charter school. Attendance to a virtual public

10 charter school authorized by a county board is limited to students within the primary recruitment  
11 area identified in the application. Applications to establish a virtual public charter school shall not  
12 include within its primary recruitment area a location that is included in the primary recruitment  
13 area of another virtual public schools that has already been authorized. A county virtual public  
14 charter school shall enroll no more than 10 percent of a county's headcount enrollment;

15 (3) The charter for a virtual public charter school is for a term of five years; and virtual public  
16 charter school renewals are also for a term of five years;

17 (4) Virtual public charter school funding shall be consistent with other public charter school  
18 funding as set forth in §18-5G-5 of this code;

19 (5) When enrolling a student who may require special education services, the same  
20 obligations apply to a virtual public charter school as applies to all other public charter schools.  
21 Enrollment shall not be denied or delayed on the basis of a disability and the charter school shall  
22 convene an Individualized Education Program (IEP) meeting after admission to ensure that the  
23 school develops an appropriate IEP in accordance with all of the requirements set forth in the  
24 Individuals with Disabilities Education Act (IDEA);

25 (6) The governing body of a virtual public charter school shall undergo at least one training  
26 per year related to appropriate oversight of the virtual public charter school;

27 (7) A virtual public charter school student, to the extent the charter contract allows or  
28 requires instruction to occur outside of a school building, is not required to be physically present in  
29 a school building or classroom;

30 (8) Neither the virtual public charter school governing board, virtual public charter school  
31 personnel, the virtual public charter school student nor the parents or guardian of the virtual public  
32 charter school student, to the extent the program as delineated in the charter contract allows or  
33 requires instruction to occur outside of a school building, may incur any penalty or be held  
34 accountable for the absence of the student from the school building;

35 (9) For a virtual public charter school student, neither the school district nor the student, to

36 the extent the program as delineated in the charter contract is a learn at your own pace program,  
37 as defined in the contract, is required to comply with the instructional term requirement set forth in  
38 §18-45-5 of this code or any other law or state board rule requiring a student to be receiving  
39 instruction for any set time;

40 (10) A virtual public charter school is exempt from any provision of law or state board rule  
41 that applies to the traditional delivery of instruction such as requirements relating to the physical  
42 presence of a student, student monitoring and security, the maximum teacher-pupil ratio set forth  
43 in §18-5-18a of this code, instructional time requirements and physical education requirements to  
44 the extent any of the foregoing conflict with the delivery of the virtual instruction program;

45 (11) Each virtual charter school in the state shall offer a student orientation, notify the  
46 parents and guardians and each student who enrolls in that school of the requirement to  
47 participate in the student orientation, and require all students enrolled to complete the student  
48 orientation prior to completing any other instructional activity;

49 (12) Virtual charter schools must provide, in a manner agreed to in the charter contract,  
50 data demonstrating student progress toward graduation. Measurement of such progress shall  
51 account for specific characteristics of each enrolled student, including but not limited to age and  
52 course credit accrued prior to enrollment in educational instruction and course content that are  
53 delivered primarily over the internet pursuant to enrollment, and shall be consistent with evidence-  
54 based best practices. Virtual charter schools shall also maintain clear requirements relating to  
55 student engagement and teacher responsiveness for virtual charter school students and teachers;

56 (13) (A) For the purposes of this section, "instructional activities" means the following  
57 classroom-based or nonclassroom-based activities that a student is expected to complete,  
58 participate in, or attend during any given school day:

59 (i) Online logins to curriculum or programs;

60 (ii) Offline activities;

61 (iii) Completed assignments within a particular program, curriculum, or class;

- 62 (iv) Testing;
- 63 (v) Face-to-face communications or meetings with school staff or service providers;
- 64 (vi) Telephone or video conferences with school staff or service providers; or
- 65 (vii) Other documented communication with school staff or service providers related to
- 66 school curriculum or programs.

67 (B) Each virtual charter school shall develop and adopt a policy regarding failure to  
68 participate in instructional activities. The policy shall state that a student shall become subject to  
69 certain consequences, including disenrollment from the school, if both the following conditions are  
70 satisfied: (i) After the student's parent, guardian, or custodian receives a written report, the student  
71 fails to comply with the policy adopted under the paragraph within a reasonable period of time  
72 specified by the school; and (ii) Other intervention strategies contained in the policy adopted under  
73 this paragraph fail to cause a student to consistently participate in instructional activities. If a  
74 virtual charter school disenrolls a student pursuant to a policy adopted under this paragraph, the  
75 student shall be transferred to the district of residence in accordance with §18-5G-3 of this code  
76 and shall not be eligible to enroll in that virtual charter school or another virtual charter school for  
77 one school year from the date of the student's disenrollment.

78 ~~(C) If a student is transferred under this section, the virtual charter school shall coordinate~~  
79 ~~directly with the school district of residence on the appropriate educational placement for the~~  
80 ~~student in the district. The appropriate educational placement shall be based on assessments of~~  
81 ~~the student's abilities; and~~

82 (14) The authorizer may establish additional requirements for virtual charter schools  
83 enrolling students in grades six and below to ensure they are developmentally appropriate for  
84 students. Virtual charter schools enrolling any student in grades six and below shall meet any  
85 requirements established and agreed upon by the authorizer and applicant in the contract, and  
86 shall develop a mechanism to ensure that these requirements, if any, are met.

87 (b) None of the requirements of this section applies to virtual instruction programs created

88 pursuant to §18-5F-1 *et seq.* of this code.

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

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

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

**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

**§18-9A-6a. Teachers retirement fund allowance; unfunded liability allowance.**

1 (a) The total teachers retirement fund allowance is the sum of the basic foundation  
2 allowance for professional educators, the basic foundation allowance for professional student  
3 support personnel and the basic foundation allowance for service personnel, as provided in §18-  
4 9A-4, §18-9A-5 and §18-9A-8 of this code; all salary equity appropriations authorized in §18A-4-5  
5 of this code; and such amounts as are to be paid by the counties pursuant to §18A-4-5a and §18A-  
6 4-5b of this code to the extent such county salary supplements are equal to the amount distributed  
7 for salary equity among the counties, multiplied by the average retirement contribution rate for  
8 each county board. The average contribution rate for each county board is based on the required  
9 employer contributions for state aid eligible employees participating in the retirement plans  
10 pursuant to §18-7A-1 *et seq.* and §18-7B-1 *et seq.* of this code.

11 (b) The teachers retirement fund allowance amounts provided for in subsection (a) of this  
12 section shall be accumulated in the employers accumulation fund of the State Teachers  
13 Retirement System Fund pursuant to §18-7A-18 of this code and shall be in lieu of the contribution  
14 required of employers pursuant to §18-7A-18(b) of this code as to all personnel included in the  
15 allowance for state aid in accordance with §18-9A-4, §18-9A-5 and §18-9A-8 of this code.

16 (c) In addition to the teachers retirement fund allowance provided for in subsection (a) of  
17 this section, there shall be an allowance for the reduction of any unfunded liability of the teachers  
18 retirement fund in accordance with the following provisions of this subsection. On or before  
19 December 31, of each year, the actuary or actuarial firm employed in accordance with the  
20 provisions of §5-10D-4 of this code shall submit a report to the President of the Senate and the  
21 Speaker of the House of Delegates which sets forth an actuarial valuation of the teachers  
22 retirement fund as of the preceding June 31. Each annual report shall recommend the actuary's  
23 best estimate, at that time, of the funding necessary to both eliminate the unfunded liability over a  
24 40-year period beginning on July 1, 1994, and to meet the cash flow requirements of the fund in  
25 fulfilling its future anticipated obligations to its members. In determining the amount of funding  
26 required, the actuary shall take into consideration all funding otherwise available to the fund for  
27 that year from any source. In any year in which the actuary determines that the teachers retirement  
28 fund is not being funded in such a manner, the allowance made for the unfunded liability for the  
29 next fiscal year shall be not less than the amount of the actuary's best estimate of the amount  
30 necessary to conform to the funding requirements set forth in this subsection.

31 (d) (1) If a public charter school elects to participate in the Teachers' Retirement System  
32 and Teacher's Defined Contribution Retirement plans provided by the Consolidated Public  
33 Retirement Board, the West Virginia Department of Education shall calculate the amount of  
34 retirement funding that is attributable to the students enrolled in the public charter school and  
35 provide an allocation on behalf of the public charter school directly to the Consolidated Public  
36 Retirement Board in the same manner in which the allocations are provided to the Consolidated  
37 Public Retirement Board on behalf of the county boards of education, at 99 percent of the  
38 allocation.

39 (2) If a public charter school does not elect to participate in the Teachers' Retirement  
40 System and Teachers Defined Contribution retirement plans, an allocation shall be made directly  
41 to the public charter school distributed in the same manner as those districts participating in the

42 Teachers' Retirement System and Teachers' Defined Contribution retirement plans, at 99 percent  
43 of the allocation. For the purposes of this subsection, the amount of retirement funding which is  
44 attributable to the students enrolled in the public charter school shall include amounts attributable  
45 from both the teachers' retirement fund allowance. The allowance for any reduction of any  
46 unfunded liability of the teachers' retirement fund attributable to those students enrolled in the  
47 public charter school shall not be made directly to the public charter school until after the fiscal  
48 year ends on June 30, 2034.

**§18-9A-24. Foundation allowance for Public Employees Insurance Fund.**

1 (a) The allowance to the Public Employees Insurance Agency for school employees shall  
2 be made in accordance with the following: The number of individuals employed by county boards  
3 as professional educators pursuant to section four of this article, plus the number of individuals  
4 employed by county boards as service personnel pursuant to section five of this article, plus the  
5 number of individuals employed by county boards as professional student support personnel  
6 pursuant to section eight of this article, multiplied by the average premium rate for all county board  
7 of education employees established by the Public Employees Insurance Agency Finance Board.  
8 The average premium rate for all county board of education employees shall be incorporated into  
9 each financial plan developed by the Finance Board in accordance with section five, article  
10 sixteen, chapter five of this code. The premiums shall include any proportionate share of retirees  
11 subsidy established by the Finance Board and the difference, if any, between the previous year's  
12 actual premium costs and the previous year's appropriation, if the actual cost was greater than the  
13 appropriation. The amount of the allowance provided in this subsection shall be paid directly to the  
14 West Virginia Public Employees Insurance Agency. Each county board shall reflect its share of the  
15 payment as revenue on its financial statements to offset its expense for the employer annual  
16 required contribution, as defined in article sixteen-d, chapter five of this code.

17 (b) Notwithstanding any other provision of §5-16D-6 of this code to the contrary, any  
18 amount of employer annual required contribution allocated and billed to county boards on or after

19 July 1, 2012, and any amount of the employer annual required contribution allocated and billed to  
20 the county boards prior to that date for employees who are employed as professional employees  
21 within the limits authorized by section four of this article, employees who are employed as service  
22 personnel within the limits authorized by §18-9A-5, *et seq.*, and employees who are employed as  
23 professional student support personnel within the limits authorized by section eight of this article,  
24 shall be charged to the state: *Provided*, That nothing in this subsection requires any specific level  
25 of funding by the Legislature in any particular year: *Provided, however*, That charging specified  
26 amounts to the state pursuant to this section is not to be construed as creating an employer  
27 employee relationship between the State of West Virginia and any employee under the employ of  
28 a county board or as creating a liability of the state.

29 (c) County boards are liable for the employer annual required contribution allocated and  
30 billed to the county boards on or after July 1, 2012, and any amount of the employer annual  
31 required contribution allocated and billed to the county boards prior to that date for individuals who  
32 are employed as professional employees above and beyond those authorized by section four of  
33 this article, individuals who are employed as service personnel above and beyond those  
34 authorized by section five of this article and individuals who are employed as professional student  
35 support personnel above and beyond those authorized by section eight of this article. For each  
36 such employee, the county board shall forward to the Public Employees Insurance Agency an  
37 amount equal to the average premium rate established by the finance board in accordance with  
38 subsection (a) of this section: *Provided*, That the county board shall pay the actual employer  
39 premium costs for any county board employee paid from special revenues, federal or state grants,  
40 or sources other than state general revenue or county funds.

41 (d) Prior to July 1, 1995, nothing in this article shall be construed to limit the ability of county  
42 boards to use funds appropriated to county boards pursuant to this article to pay employer  
43 premiums to the Public Employees Insurance Agency for employees whose positions are funded  
44 pursuant to this article. Funds appropriated to county boards pursuant to this article shall not be

45 used to pay employer premiums for employees of such boards whose positions are not, or will not  
46 be within twenty months, funded by funds appropriated pursuant to this article.

47 (e) (1) If a public charter school elects to participate in the Public Employee Insurance  
48 Agency Fund as a health insurance provider, the West Virginia Department of Education shall  
49 calculate the amount of insurance funding that is attributable to the students enrolled in the public  
50 charter school and provide an allocation on behalf of the public charter school directly to Public  
51 Employee Insurance Agency in the same manner in which the allocations are provided to Public  
52 Employee Insurance Agency on behalf of the county boards of education, at 99 percent of  
53 allocation.

54 (2) If a public charter school does not elect to participate in Public Employee Insurance  
55 Agency, an allocation shall be made directly to the public charter school, distributed in the same  
56 manner as those school districts participating in Public Employee Insurance Agency, at 99 percent  
57 of the allocation.

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 microschoools; allow any public charter school to partner with learning pods and microschoools to provide instruction to those learning pods and microschoools; 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.

58