

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Committee Substitute

for

Senate Bill 67

BY SENATORS RUCKER, HELTON, AND WILLIS

[Reported March 2, 2026, from the Committee on

Finance]

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
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. No part of the education program of a public charter school is subject
47 to regulation as a child care 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 non-charter public
55 schools. 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 non-charter 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 non-charter
72 public school in the county for purposes of employment in non-charter 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 non-charter 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 non-charter 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 non-charter public schools in this
83 state;

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

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

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 When a student is withdrawn or otherwise disenrolled from a public charter school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

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

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

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

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

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

116 ~~training.~~ Public charter school teachers shall be permitted to proctor state assessments whether
117 the teachers are certified or licensed or not.

118 (7) The Student Data Accessibility, Transparency, and Accountability Act pursuant to §18-
119 2-5h of this code;

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

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

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

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

142 Provided, That nothing in this subdivision, including the reference to §18A-3-10 of this code,
143 requires public charter school employees to be certified or licensed as a condition of employment
144 in a public charter school. A public charter school may, but is not required to, establish certification
145 or licensure as a condition of employment by the school;

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

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

152 (14) The same student transportation safety laws applicable to public schools when
153 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 decisionmaking;

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
20 establishing quality charter contracts that include a framework for performance standards. The
21 forms shall be available for use and solicitations made not later than the beginning of February
22 2020. The forms shall include an application deadline of August 31st of the year prior to the
23 beginning of operations for the proposed school year, or April 30th of the proposed school year
24 in the case of a conversion public charter school or a program conversion public charter school;
25 ~~No public charter school may 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 non-charter 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 non-
47 charter 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 non-charter 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-
69 5 of this code. §18-5G-5. State board rule relating to funding for public charter school enrollment
70 and other necessary provisions; local education agency status; authorizer oversight fee. (a) The
71 state board shall promulgate a rule pursuant to the provisions of §29A-3B-1 *et seq.* of this code
72 setting forth requirements for public charter school funding. The rule shall include a requirement
73 that 99 percent of the per pupil total basic foundation allowance follow the student to the public
74 charter school, subject to the following:

75 (1) Notwithstanding §18-9A-1 *et seq.* of this code, the rule may provide for modifications
76 to 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
89 to 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
94 a 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
105 paid 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
111 this code and the accountability of authorizers for ensuring that those standards are met in the
112 schools authorized by it. If an authorizer fails to close a public charter school that does not meet
113 the standards, the authorizer shall appear before the state board to justify its decision. The state
114 board may uphold or overturn the authorizer's decision and may revoke the authority of the
115 authorizer to 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
123 the 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
128 certain number of students are enrolled in the authorizer's public charter schools. The state board
129 shall establish a cap on the total amount of funding that an authorizer may withhold from a full-
130 time public charter school. The state board shall annually review the effectiveness of the state
131 formula for authorizer funding and shall adjust the formula if necessary to maximize public benefit
132 and 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
137 a county board from discrimination against any district employee involved directly or indirectly
138 with 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
141 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 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
- 29 its 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.
- 44 A public charter school shall deliver the services directly or contract with another provider to
- 45 deliver 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
- 50 the 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 non-charter public schools;

56 and

57 (5) Participate in extracurricular activities to the same extent as non-charter 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 in §18-5G-3 of this code, the preparation
61 of 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-
64 1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of
65 this 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 non-charter 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 of 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 subsection,

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

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

17 (B) Has no school board approved written plan for future use that includes academic
18 purposes, extracurricular activities, administrative functions, or sports scheduled to occur within
19 2 years of the plan's approval.

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

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

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

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

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

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

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

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

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

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

59 (2) If the offer to purchase or lease is accepted, the entity selling or leasing the unused
60 school facility or underutilized property shall notify the department of education who shall notify
61 all approved public charter schools in this state, as listed on the department of education's
62 website, of the contract to purchase or lease such facility. The notice provided to the public charter
63 school shall contain clear language that such facility is available to any approved public charter
64 school in this state only, and shall list the offering entity's name and location, the square footage
65 of such facility, the contact information of the offering entity's representative, and the expiration
66 date of the right of first refusal which shall be no earlier than 60 days after the date of the
67 notification to the public charter school.

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

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

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

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

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

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

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

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

§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
16 public 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
29 in 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,
36 to the extent the program as delineated in the charter contract is a learn at your own pace
37 program, as defined in the contract, is required to comply with the instructional term requirement
38 set forth in §18-45-5 of this code or any other law or state board rule requiring a student to be
39 receiving 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 non-classroom-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
70 are satisfied: (i) After the student’s parent, guardian, or custodian receives a written report, the
71 student fails to comply with the policy adopted under the paragraph within a reasonable period of
72 time specified by the school; and (ii) Other intervention strategies contained in the policy adopted
73 under this paragraph fail to cause a student to consistently participate in instructional activities. If
74 a virtual charter school disenrolls a student pursuant to a policy adopted under this paragraph,
75 the student shall be transferred to the district of residence in accordance with §18-5G-3 of this
76 code and shall not be eligible to enroll in that virtual charter school or another virtual charter school
77 for 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 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 virtual or on-campus public charter microschools which are required to meet the
3 microschool related requirements of §18-8-1 of this code.

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

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

6 §18A-4-5b of this code to the extent such county salary supplements are equal to the amount
7 distributed for salary equity among the counties, multiplied by the average retirement contribution
8 rate for each county board. The average contribution rate for each county board is based on the
9 required employer contributions for state aid eligible employees participating in the retirement
10 plans 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
24 a 40-year period beginning on July 1, 1994, and to meet the cash flow requirements of the fund
25 in 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
28 retirement fund is not being funded in such a manner, the allowance made for the unfunded
29 liability for the next fiscal year shall be not less than the amount of the actuary's best estimate of
30 the amount 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) Effective July 1, 2026, If a public charter school does not elect to participate in the
40 Teachers' Retirement System and Teachers Defined Contribution retirement plans, an allocation
41 shall be made directly to the public charter school distributed in the same manner as those districts
42 participating in the Teachers' Retirement System and Teachers' Defined Contribution retirement
43 plans, at 50 percent of the allocation: *Provided*, That effective July 1, 2027, an allocation shall be
44 made directly to the public charter school distributed in the same manner as those districts
45 participating in the Teachers' Retirement System and Teachers' Defined Contribution retirement
46 plans, at 99 percent of the allocation. For the purposes of this subsection, the amount of retirement
47 funding which is attributable to the students enrolled in the public charter school shall include
48 amounts attributable from both the teachers' retirement fund allowance. The allowance for any
49 reduction of any unfunded liability of the teachers' retirement fund attributable to those students
50 enrolled in the public charter school shall not be made directly to the public charter school until
51 after the fiscal 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 §18-9A-4 of this code, plus the number of individuals
4 employed by county boards as service personnel pursuant to §18-9A-4, plus the number of

5 individuals employed by county boards as professional student support personnel pursuant to
6 section eight of this article, multiplied by the average premium rate for all county board of
7 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 §5-16-5 of this code. The
10 premiums shall include any proportionate share of retirees subsidy established by the finance
11 board and the difference, if any, between the previous year's actual premium costs and the
12 previous year's appropriation, if the actual cost was greater than the appropriation. The amount
13 of the allowance provided in this subsection shall be paid directly to the West Virginia Public
14 Employees Insurance Agency. Each county board shall reflect its share of the payment as
15 revenue on its financial statements to offset its expense for the employer annual required
16 contribution, as defined in §5-16D-1 *et seq.* 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
32 who are employed as professional employees above and beyond those authorized by section
33 four of 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
42 county 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
46 not 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) Effective July 1, 2026, If a public charter school does not elect to participate in Public
55 Employee Insurance Agency, an allocation shall be made directly to the public charter school,
56 distributed in the same manner as those school districts participating in Public Employee

57 Insurance Agency, at 50 percent of the allocation: *Provided*, That effective July 1, 2027, an
58 allocation shall be made directly to the public charter school distributed in the same manner as
59 those districts participating in Public Employee Insurance Agency, at 99 percent of the allocation.