

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4720**

By Delegate Coop-Gonzalez

[Introduced January 22, 2026; referred to the

Committee on Education]

1 A BILL to amend and reenact §18-5G-8 and §18-5G-12 of the Code of West Virginia, 1931, as  
2 amended; and to amend the code by adding a new section, designated §18-5G-18,  
3 relating to creating the Sustaining Opportunities for Academics in Rural Schools Act.

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

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

### **§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;

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

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

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

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

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

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

(4) The proposed duration of the service contract;

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

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

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

(8) Performance evaluation measures and timelines;

(9) Methods of contract oversight and enforcement;

(10) Investment disclosure;

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

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

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

(a) A public charter school may request usage of public facilities from the county board or other public entity in the county where the charter school is located or proposes to locate. A county board or other public entity shall make facilities available to the charter school that are either not used, in whole or in part, for classroom instruction at the time the charter school seeks to use or lease the public facility. As soon as an applicant submits an application to establish a conversion public charter school, the facility used by the existing noncharter public school shall be kept available for use by the prospective conversion public charter school.

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

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

**§18-5G-18. Sustaining Opportunities for Academics in Rural Schools Act (SOAR).**

(a) This section may be cited as the "Sustaining Opportunities for Academics in Rural Schools Act" or the "SOAR Act".

(b) The purpose of this Act is to support rural communities by ensuring continued access to local schools, preventing unnecessary consolidation, and providing financial and structural support to public charter schools serving geographically remote areas.

(c) As used in this section:

"Rural area" means an area outside of a metropolitan statistical area or in a nonstandard metropolitan statistical area.

"Rural charter school governing board" means the entity responsible for establishing and governing a rural public charter school, initially consisting of an ad hoc committee formed pursuant to subsection (i)(2) to establish the school and, following its opening, transitioning to a permanent

12 governing board constituted pursuant to subsection (i)(3) to manage its operation and  
13 accountability.

14 "Sponsor" means any entity in the State, including but not limited to an existing public  
15 charter school, that an authorizer determines to be qualified to support and oversee a rural public  
16 charter school under this Act. Notwithstanding other provisions of law, the sponsor shall be  
17 considered the applicant for authorization of the rural public charter school.

18 "Rural public charter school" means a public charter school established in a rural area.

19 (d) A rural public charter school may be established by its rural charter school governing  
20 board by application of a sponsor. If the sponsor is a public charter school that is in good standing  
21 with its authorizer or is an institution of higher education that is operating a public charter school,  
22 and if the application is for a conversion public charter school, the application may be abbreviated  
23 and need only include the information set forth in §18-5G-8(b)(13), §18-5G-8(b)(16), and §18-5G-  
24 8(b)(23) of this code. Otherwise, the application shall require the applicant to provide the  
25 information set forth in §18-5G-8(b) and §18-5G-8(c). All provisions of this article that are not  
26 contrary to this section apply to a rural public charter school.

27 (e) Under a support agreement with a rural charter school governing board, subject to  
28 approval by the authorizer, a sponsor shall provide financial, administrative and operational  
29 support to a rural public charter school, including but not limited to:

30 (1) Legal and regulatory compliance. As part of this support, the sponsor shall represent  
31 the rural public charter school and rural charter school governing board in all matters before the  
32 authorizer, including but not limited to the application, charter negotiation and execution, funding  
33 distributions under subsection (g);

34 (2) Financial and business operations, including payroll, accounts receivable and payable,  
35 insurance, and legal services; and

36 (3) Curricular resources, remote and in-person learning options, and professional  
37 development for local educators.

38       (4) Amendments to the support agreement must be approved by the authorizer.  
39       (5) The support agreement shall provide that the agreement is only transferable with  
40       approval of the authorizer and the school's governing board, and that the support agreement will  
41       end if the charter ends without renewal or if the charter is transferred to the school's governing  
42       board.

43       (6) The support agreement shall provide for orderly transition of funds and operations if the  
44       support agreement ends.

45       (7) If the support agreement ends and the authorizer does not believe the rural charter  
46       school governing board can continue to operate the school successfully, the authorizer may close  
47       the school or require that the rural charter school governing board immediately execute a support  
48       agreement with a new sponsor. Unspent funds held by the former sponsor shall move to the new  
49       sponsor.

50       (8) If the support agreement ends because the rural charter school governing board has  
51       assumed the charter, all real and personal property acquired for or by the school, including but not  
52       limited to facilities, equipment, and supplies, shall become the property of the school and  
53       managed by its governing board.

54       (f) A county board, including a county board of a county different from the county in which  
55       the school is located, or a private transportation service may assume responsibility for some or all  
56       transportation to the rural public charter school under a transportation agreement with the rural  
57       public charter school's sponsor, which may include:

58       (1) Providing direct student transportation to the school at no cost, reduced cost, or a  
59       reasonable cost; or

60       (2) Reimbursing the school or its sponsor for transportation services provided.

61       (g) Each sponsor shall receive all funds designated for rural public charter school,  
62       including the per-pupil funding pursuant to §18-5G-5 of this code and, in addition to that funding  
63       and subject to appropriation, a supplemental amount for its services as the sponsor, as follows:

64       (1) All funds designated for the rural public charter school, including federal, state, local,  
65       and private funding, shall be held by the sponsor in a separate fund to be listed on the sponsor's  
66       accounts and books as the [Name of School] Fund, or in additional separate accounts or sub-  
67       accounts when required by law or an agreement with a donor or to be consistent with generally  
68       accepted accounting practices used by the sponsor. All such funding shall be disbursed by the  
69       sponsor exclusively for the benefit of the rural public charter school and used only for purposes  
70       authorized by law in support of the school's mission, including any capital or non-capital expenses;

71       (2) Subject to appropriation, a supplemental amount distributed from the West Virginia  
72       Professional Charter School Board to the sponsor equal to no more than \$2,500 per student  
73       enrolled in the rural public charter school. The Professional Charter School Board may retain up to  
74       one percent of this amount. The support agreement between the sponsor and the rural charter  
75       school governing board may specify that parts of the supplemental amount shall be spent for any  
76       purposes advancing the school's mission, in addition to remunerating the sponsor for its services  
77       to the school.;

78       (3) Unspent funds in the sponsor's accounts for the school shall roll over from year to year  
79       and shall be available for any lawful purpose;

80       (4) If appropriations to the West Virginia Professional Charter School Board for the  
81       supplemental funding are insufficient to reach \$2,500 per enrolled student, the Board may request  
82       a supplemental appropriation for the deficient amount; and

83       (5) The sponsor shall submit at least a quarterly financial report to the West Virginia  
84       Professional Charter School Board, itemizing the disbursement of per-pupil and other funding to  
85       the school, the balance of the separate account or accounts, and the use of any rolled-over funds,  
86       verifying that funds were disbursed and used as required by applicable law and donor intent. The  
87       West Virginia Professional Charter School Board shall monitor compliance and may withhold part  
88       or all of the supplemental funding of \$2,500 per student from any sponsor that fails to maintain the  
89       separate account, fails to disburse the per-pupil and other funding as required, or uses such

90 funding for purposes other than those specified.

91 (h) The state board shall promulgate rules pursuant to §29A-3B-1 et seq. of this code for  
92 rural public charter schools that it or county boards authorize under this section, and the West  
93 Virginia Professional Charter School Board shall promulgate policies for rural public charter  
94 schools that it authorizes under this section, which address:

95 (1) Implementation of this section;

96 (2) Administration by sponsors of the funds described in this section;

97 (3) Monitoring compliance with this section and the rules required by this subsection; and

98 (4) Ensuring the effective operation of the rural public charter schools.

99 (i) Governance of rural public charter schools.

100 (1) Each rural public charter school established under this section shall have a separate  
101 governing board, distinct from the governing board of the sponsor, responsible for its  
102 management, operation, and accountability. The establishment of the governing board shall  
103 proceed in two stages: an initial ad hoc committee followed by a permanent governing board.

104 (2) The initial governance of the rural public charter school shall be undertaken by an ad  
105 hoc committee formed by individuals seeking to establish the school. This committee shall:

106 (A) Negotiate with one or more potential sponsors to develop the support agreement under  
107 subsection (e) and secure sponsorship for the school;

108 (B) Approve or disapprove the sponsor's application by majority vote, certified to the  
109 authorizer. The application may not be submitted without this approval;

110 (C) Approve or disapprove the charter by majority vote, certified to the authorizer. The  
111 charter may not be executed without this approval; and

112 (C) Not be required to meet the composition criteria for the permanent governing board  
113 specified in subdivision (3) of this subsection, but its members may not be employees of any  
114 potential sponsor.

115 (3) Upon approval of the charter and within 90 days of the rural public charter school's

116 opening, the ad hoc committee shall transition to a full governing board consisting of five  
117 members, constituted as follows:

118 (A) At least two members shall be parents of students enrolled in the school;  
119 (B) At least one additional member shall be a resident of the community served by the  
120 school, who may or may not be a parent of an enrolled student; and

121 (C) Two additional members, who may or may not meet the criteria in paragraphs (A) or  
122 (B), provided that no member of the governing board may be an employee of the school or the  
123 sponsor;

124 (D) If a county board is the authorizer, the county superintendent of schools or the county  
125 superintendent's designee shall occupy one of the five seats on the governing board, instead of  
126 one of the members under paragraph (C). In such case, the initial roster of the full board shall  
127 consist of four members until the superintendent or designee is appointed.

128 (4) The ad hoc committee, in collaboration with the sponsor, shall propose the initial  
129 members of the full governing board for approval by the authorizer. As the full governing board  
130 develops capabilities, it may renegotiate its agreement with the sponsor to gain additional  
131 autonomy and to reapportion the supplemental amount available from subsection (g)(2), subject to  
132 approval by the authorizer.

133 (5) The full governing board at any time may request from the authorizer a transfer of the  
134 charter from the sponsor to the governing board. The request shall be in writing and include all  
135 information required by the authorizer. The authorizer, in its sole discretion, shall respond to the  
136 request within 90 days. If the authorizer approves the request, the authorizer and governing board  
137 shall execute a transferred charter within 90 days of approval. The governing board shall then be  
138 responsible for full compliance with this article.

139 (8) The state board may promulgate rules pursuant to §29A-3B-1 et seq. of this code to  
140 provide guidance on this section for the rural public charter schools that it or a county board  
141 authorizes.

NOTE: The purpose of this bill is to create the Sustaining Opportunities for Academics in Rural ("SOAR") Schools Act.

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