

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 536**

BY SENATORS RUCKER, ROBERTS, AND ROSE

[Introduced January 20, 2026; referred  
to the Select Committee on School Choice]



1 A BILL to amend and reenact §18-5G-15 and §18B-2A-1 of the Code of West Virginia, 1931, as  
2 amended, relating to qualifications for serving on certain academic boards; revising  
3 requirements for serving as appointed voting member of Professional Charter School  
4 Board; and revising eligibility for appointment of members of institutional boards of  
5 governors.

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

## **CHAPTER 18. EDUCATION.**

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

#### **§18-5G-15. West Virginia Professional Charter School Board; members; appointments; meetings.**

1 (a) There is hereby created the West Virginia Professional Charter School Board which  
2 shall report directly to and be responsible to the state board, separate from the Department of  
3 Education, for carrying out its duties in accordance with this article. The mission of the board is to  
4 authorize high-quality public charter schools throughout the state that provide more options for  
5 students to attain a thorough and efficient education, particularly through schools designed to  
6 expand the opportunities for at-risk students. The Professional Charter School Board and public  
7 charter schools authorized in accordance with this article are subject to the general supervision  
8 of the state board solely for the purposes of accountability for meeting the standards for student  
9 performance required of other public school students under §18-2E-5 of this code.

10 (b) The Professional Charter School Board shall consist of five voting members, appointed  
11 by the Governor, with the advice and consent of the Senate.

12 (c) The chair of the House Committee on Education and the chair of the Senate Committee  
13 on Education shall serve as nonvoting ex officio members of the Professional Charter School  
14 Board.

15 (d) Each appointed member shall represent the public interest and must satisfy the

following requirements:

(1) Be a citizen of the state;

(2) Possess experience and expertise in public or nonprofit governance, management and finance, public school leadership, assessment, curriculum or instruction, or public education law; and

(3) Have demonstrated an understanding of, and commitment to, charter schooling as a strategy for strengthening public education.

(e) No more than three of the appointed members of the Professional Charter School Board may be of the same political party. The members shall reside in geographically diverse areas of the state, with no more than two members residing in the same county. No person may be appointed who holds any other public office or public employment under the government of this state or any of its political subdivisions, or who is an appointee or employee of any charter school governing board or an immediate family member of an employee under the jurisdiction of the Professional Charter School Board or any charter school governing board. No person may be appointed who is engaged in or employed by a person or company whose primary function involves the sale of services and activities to public charter schools or charter school governing boards. This subsection does not prevent the appointed lay members of the boards of governors established pursuant to §18B-2A-1 of this code from being members of the state Professional Charter School Board.

(f) The initial appointments made pursuant to this section shall be for staggered one- and two-year terms. Three of the initial members appointed by the Governor shall serve two-year terms; and two of the initial members appointed by the Governor shall serve one-year terms. Thereafter, all appointments shall be for a term of two years. The initial appointments shall be made before August 1, 2021. The Professional Charter School Board shall meet as soon as practical after August 1, 2021, upon the call of the Governor, and shall organize for business by selecting a chairman and adopting bylaws. Subsequent meetings shall be called by the chairman.

(g) An appointed member of the Professional Charter School Board may be removed from office by the Governor for official misconduct, incompetence, neglect of duty, or gross immorality. A member may also be removed if the member's personal incapacity renders the member incapable or unfit to discharge the duties of the office or if the member is absent from a number of meetings of the Professional Charter School Board as determined and specified by the ~~commission~~ board in its bylaws. Whenever an appointed member vacancy on the Professional Charter School Board exists, the Governor shall appoint a qualified person for the remainder of the vacated term.

(h) Except in the case of gross negligence or reckless disregard for the safety and well-being of another person, the Professional Charter School Board and members of that board in their official capacity are immune from civil liability with respect to all activities related to a public charter school approved by the Public Charter School Board. The official actions of the members of the Professional Charter School Board who are serving in a nonvoting ex officio capacity by virtue of their designation as chair of the House Committee on Education or chair of the Senate Committee on Education are Professional Charter School Board member actions only and may not be construed as official actions or positions of such member's committee or legislative body.

(i) The Professional Charter School Board may appoint an executive director and may employ such additional staff as may be necessary. The executive director shall serve at the will and pleasure of the Professional Charter School Board. The executive director must demonstrate an understanding of and commitment to charter schooling as a strategy for strengthening public education and must possess an understanding of state and federal education law.

(j) The Professional Charter School Board shall meet as needed, but at least biannually. From funds appropriated or otherwise made available for such purpose, its members shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties upon submission of an itemized statement in a manner consistent with guidelines of the Travel Management Office of the Department of Administration.

(k) The Professional Charter School Board shall investigate official complaints submitted to it that allege serious impairments in the quality of education in a public charter school or virtual public charter school it has authorized pursuant to this article, or that allege such schools are in violation of the policies or laws applicable to them. The Professional Charter School Board also may at its own discretion conduct or cause to be conducted audits of the education and operation of public charter schools or virtual public charter schools it has authorized pursuant to this article that it determines necessary to achieve its mission of authorizing high-quality public charter schools. Upon a determination that serious impairments or violations exist, the Professional Charter School Board shall promptly notify in writing the public charter school governing board of the perceived serious impairments or violations and provide reasonable opportunity for the school to remedy the serious impairments or violations. The Professional Charter School Board shall take corrective actions or exercise sanctions in response to apparent serious impairments or violations. If warranted, the actions or sanctions may include requiring a charter school to develop and execute a corrective action plan within a specified time frame.

(l) The Professional Charter School Board may receive and expend appropriate gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this act, subject to all lawful terms and conditions under which the gifts, grants, or donations are given; may apply for any federal funds that may be available for the implementation of public charter school programs; and may make start-up grants to public charter schools from funds appropriated or otherwise available to it from federal, state, or other sources.

## **CHAPTER 18B. HIGHER EDUCATION.**

### **ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.**

#### **§18B-2A-1. Findings; composition of boards; terms and qualifications of members; vacancies; eligibility for reappointment.**

(a) Findings.

2           The Legislature finds that the State of West Virginia is served best when the membership  
3 of each governing board is informed by the following:

4           (1) The academic expertise and institutional experience of faculty members and a student  
5 of the institution governed by the board;

6           (2) The technical or professional expertise and institutional experience of a classified or  
7 non-classified employee of the institution governed by the board;

8           (3) An awareness and understanding of the issues facing the institution governed by the  
9 board; and

10          (4) The diverse perspectives that arise from a membership that is balanced and  
11 representative of West Virginia and its citizens; and

12          (5) For West Virginia's land grant institutions at West Virginia University and West Virginia  
13 State University, focused on serving the needs of West Virginia and its citizens.

14          (b) Boards of governors established.

15          A board of governors is continued at each of the following institutions: Bluefield State  
16 University, Blue Ridge Community and Technical College, BridgeValley Community and  
17 Technical College, Concord University, Eastern West Virginia Community and Technical College,  
18 Fairmont State University, Glenville State University, Mountwest Community and Technical  
19 College, Marshall University, New River Community and Technical College, Pierpont Community  
20 and Technical College, Shepherd University, Southern West Virginia Community and Technical  
21 College, West Liberty University, West Virginia Northern Community College, the West Virginia  
22 School of Osteopathic Medicine, West Virginia State University, West Virginia University and  
23 West Virginia University at Parkersburg.

24          (c) Board membership.

25          (1) An appointment to fill a vacancy on the board or reappointment of a member who is  
26 eligible to serve an additional term is made in accordance with the provisions of this section.

27          (2) The Board of Governors for Marshall University consists of 16 persons. The Board of

Governors for West Virginia University consists of 19 persons. The boards of governors of the other state institutions of higher education consist of 12 persons.

(3) Each board of governors includes the following members:

(A) A full-time member of the faculty with the rank of instructor or above duly elected by the faculty of the respective institution, who shall serve as a nonvoting, advisory member;

(B) A member of the student body in good academic standing, enrolled for college credit, and duly elected by the student body of the respective institution, who shall serve as a nonvoting, advisory member; and

(C) A member from the institutional classified or non-classified employees duly elected by the classified or non-classified employees of the respective institution, who shall serve as a nonvoting, advisory member.

(4) For the Board of Governors at Marshall University, 13 lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section;

(5) For the Board of Governors at West Virginia University, 15 lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section, and a full-time faculty member representing the extension service at the institution or a full-time faculty member representing the health sciences, selected by the faculty senate, who shall serve as a nonvoting, advisory member.

(6) For each board of governors of the other state institutions of higher education, nine lay members appointed by the Governor, by and with the advice and consent of the Senate, pursuant to this section.

(A) Of the nine members appointed by the Governor, no more than five may be of the same political party. Of the 13 members appointed by the Governor to the governing board of Marshall University, no more than eight may be of the same political party. Of the 15 members appointed by the Governor to the governing board of West Virginia University, no more than nine may be of the same political party.



(B) Of the nine members appointed by the Governor, at least five shall be residents of the state. Of the 13 members appointed by the Governor to the governing board of Marshall University, at least eight shall be residents of the state. Of the 15 members appointed by the Governor to the governing board of West Virginia University, at least eight shall be residents of the state.

(C) Of the 15 members appointed by the Governor to the governing board of West Virginia University, one shall be specifically designated as a representative of agriculture, forestry, or the agricultural or silvicultural sciences and shall have a background in one or more such fields. One shall be a graduate of the West Virginia University Institute of Technology. One shall be a graduate of Potomac State College of West Virginia University.

(D) Of the nine members appointed by the Governor to the governing board of West Virginia State University, one shall be specifically designated as a representative of agriculture, forestry, or the agricultural or silvicultural sciences and shall have a background in one or more such fields.

(7) In making lay appointments, the Governor shall consider the institutional mission and membership characteristics including the following:

(A) The need for individual skills, knowledge, and experience relevant to governing the institution;

(B) The need for awareness and understanding of institutional priorities, opportunities, and challenges, including those related to research, teaching, and outreach;

(C) The value of gender, racial, and ethnic diversity;

(D) The value of achieving balance in gender and diversity in the racial and ethnic characteristics of the lay membership of each board; and

(E) The needs of the State of West Virginia and its citizens.

(d) Board member terms.

(1) The student member serves for a term of one year. Each term begins on July 1.

(2) The faculty member serves for a term of two years. Each term begins on July 1. Faculty members are eligible to succeed themselves for one additional term, not to exceed a total of four consecutive years.

(3) The member representing classified or non-classified employees serves for a term of two years. Each term begins on July 1. Members representing classified or non-classified employees are eligible to succeed themselves for one additional term, not to exceed a total of four consecutive years.

(4) The appointed lay citizen members serve terms of four years each and are eligible to succeed themselves for no more than one additional term, except that citizen members who are appointed to fill unexpired terms are eligible to succeed themselves for two full terms after completing an unexpired term.

(5) A vacancy in an unexpired term of a member shall be filled for the unexpired term within 30 days of the occurrence of the vacancy in the same manner as the original appointment or election. Except in the case of a vacancy, all elections are held and all appointments are made no later than June 30 preceding the commencement of the term. Each board of governors shall elect one of its appointed lay members to be chairperson in June of each year. A member may not serve as chairperson for more than four consecutive years.

(6) The appointed members of the boards of governors serve staggered terms of up to four years except that four of the initial appointments to the governing boards of community and technical colleges that became independent July 1, 2008, are for terms of two years and five of the initial appointments are for terms of four years.

(e) Board member eligibility, expenses.

(1) A person is ineligible for appointment to membership on a board of governors of a state institution of higher education under the following conditions:

(A) For a baccalaureate institution or university, a person is ineligible for appointment who is an officer, employee, or member of any other board of governors within this state; an employee

of any institution of higher education within this state; an officer or member of any political party executive committee; the holder of any other public office or public employment under the government of this state or any of its political subdivisions; an employee of any affiliated research corporation created pursuant to §18B-12-1 *et seq.* of this code; an employee of any affiliated foundation organized and operated in support of one or more state institutions of higher education; or a member of the council or commission: *Provided*, That if an appointee is an employee or board member of an out-of-state higher education institution, there is no apparent conflict of interest caused by the individual serving in both capacities. This subsection does not prevent the representative from the faculty, classified or non-classified employees, students, or the superintendent of a county board of education or the appointed members of the state Professional Charter School Board from being members of the governing boards.

(B) For a community and technical college, a person is ineligible for appointment who is an officer, employee, or member of any other board of governors within this state; a member of a board of visitors of any public institution of higher education; an employee of any institution of higher education within this state; an officer or member of any political party executive committee; the holder of any other public office, other than an elected county office, or public employment, other than employment by the county board of education, under the government of this state or any of its political subdivisions; an employee of any affiliated research corporation created pursuant to §18B-12-1 *et seq.* of this code; an employee of any affiliated foundation organized and operated in support of one or more state institutions of higher education; or a member of the council or commission: *Provided*, That if an appointee is an employee or board member of an out-of-state higher education institution, there is no apparent conflict of interest caused by the individual serving in both capacities. This subsection does not prevent the representative from the faculty, classified or non-classified employees, or students from being members of the governing boards.

(2) Before exercising any authority or performing any duties as a member of a governing

board, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof shall be filed with the Secretary of State.

(3) A member of a governing board appointed by the Governor may not be removed from office by the Governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law for the removal of the state elective officers by the Governor.

(4) The members of the board of governors serve without compensation, but are reimbursed for all reasonable and necessary expenses actually incurred in the performance of official duties under this article upon presentation of an itemized sworn statement of expenses.

(5) The president of the institution shall make available resources of the institution for conducting the business of its board of governors. All expenses incurred by the board of governors and the institution under this section are paid from funds allocated to the institution for that purpose.