WEST VIRGINIA CODE: §18-5G-13

§18-5G-13. Appeal of authorizer's decision to West Virginia Board of Education.

(a) A charter applicant or governing board of an existing public charter school may appeal a decision of an authorizer concerning the denial of a charter application or the nonrenewal of a charter contract to the state board within 30 days of the authorizer's decision: *Provided*, That the authority to appeal an authorizer's decision pursuant to this subsection does not apply to instances where the state board is the authorizer that denies the charter application or fails to renew a charter contract.

(b) The state board shall promulgate a rule pursuant to §29A-3B-1 *et seq*. establishing the process and timeline for appeals filed pursuant to this section.

(c) The state board shall remand the authorizer's decision back to the authorizer for further proceedings if the substantive rights of the applicant have been prejudiced because the authorizer's findings, inferences, conclusions, or decisions are:

(1) In violation of constitutional or statutory provisions or state board policy;

(2) In excess of the statutory authority or jurisdiction of the authorizer;

(3) Made upon unlawful procedures;

(4) Affected by other error of law;

(5) Clearly wrong in view of the reliable, probative, and substantial evidence on the whole record; or

(6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

WV Legislature