WEST VIRGINIA CODE: §18-5G-9

§18-5G-9. Charter contract requirements; term of contract.

(a) Within 90 days of the approval of a charter application, the governing board and the authorizer shall negotiate and enter into a charter contract, which may incorporate and be consistent with the approved application. Alternatively, the parties may agree to also have part or all of the charter application be a part of the charter contract as long as it contains all of the requirements below.

(b) The charter contract shall address, in detail, the following items:

(1) The term of the contract: *Provided*, That the contract term shall be no longer than five years;

(2) The agreements relating to each item required in the charter application and, if applicable, the agreement with an education service provider that the governing boards intends to contract with for educational program implementation or comprehensive management;

(3) The rights and duties of the authorizer and the public charter school;

(4) The administrative relationship between the authorizer and the public charter school;

(5) The process the authorizer will use to provide ongoing oversight;

(6) The process and criteria the authorizer will use to annually monitor and evaluate the overall academic, operating, and fiscal conditions of the public charter school, including the process the authorizer will use to oversee the correction of any deficiencies found;

(7) The process for revision or amendment to the terms of the charter contract agreed to by the authorizer and the governing board;

(8) The process agreed to by the authorizer and the governing board that identifies how disputes between the authorizer and the board will be handled; and

(9) Any other terms and conditions agreed to by the authorizer and the governing board, including preopening conditions.

(c) The charter contract shall include provisions relating to the performance of the public charter school which will include the academic, and operational performance indicators, measures, and metrics to be used by the authorizer to evaluate the public charter school. At a minimum, the performance provisions shall include indicators, measures, and metrics for:

(1) Student academic proficiency;

WV Legislature

(2) Student academic growth;

(3) Achievement gaps in both student proficiency and student growth between student subgroups, including race, sex, socioeconomic status, and areas of exceptionality;

(4) Student attendance;

(5) Student suspensions;

(6) Student withdrawals;

(7) Recurrent enrollment from year to year;

(8) Governing board's performance and stewardship, including compliance with all applicable statutes and terms of charter contract; and

(9) Additional valid and reliable indicators requested by the public charter school.

(d) A charter contract shall include provisions consistent with this Act and setting forth under what conditions a charter contract may be non-renewed and the process by which a non-renewal may occur. At a minimum, these provisions shall include:

(1) The amount of time before non-renewal in which the authorizer shall notify the public charter school of the prospect that the charter contract may be non-renewed and the reasons for the potential non-renewal;

(2) The right to be represented by counsel at all meetings, hearings, and interactions between the governing board and the authorizer;

(3) A reasonable opportunity and timeframe of not less than 60 days for the governing board to provide a response to the proposed non-renewal;

(4) An opportunity for the governing board to submit documentation and provide testimony as to setting forth why the charter contract should be renewed;

(5) An opportunity for a recorded public hearing, at the request of the governing board;

(6) That the authorizer shall consider the governing board's response, testimony, and documentation, as well as the recorded public hearing, prior to rendering a final decision on the nonrenewal of the charter contract;

(7) The information that must be included in the authorizer's final decision if it determines not to renew the charter contract;

(8) A timeline for an authorizer to render a final decision on whether or not to renew a charter contract;

WV Legislature

(9) Rendering of the authorizer's decision shall be adopted as a resolution during an open meeting; and

(10) A provision that the failure of the authorizer to act on a renewal application within the designated timeframes shall be deemed approval of the application.

(e) The authorizer shall be responsible for collecting and reporting to the state board all state-required assessment and achievement data for the public charter school.

(f) The charter contract shall be signed by the chair of the governing board and the president of the county board, presidents of the county boards, the president of the state board or the chairman of the West Virginia Professional Charter School Board, as applicable. A copy of the executed charter contract shall be provided to the State Superintendent of Schools.

(g) No public charter school may commence operations without a charter contract that meets the requirements of this section, has been properly executed, and has been approved by, as applicable, a county board, county boards, or the state board, or the West Virginia Professional Charter School Board.

WV Legislature