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August 15, 2025

Mr. Adam Kissel, Chairman
West Virginia Professional Charter School Board
Post Office Box 399
Kearneysville, West Virginia 25430

Dear Chairman Kissel:

The West Virginia Board of Education (State Board) shares with you a commitment to ensuring the success of all students in our state, and charter schools are one of several options parents have to educate their children. We respect the right of all parents to make educational decisions in the best interests of their children. It is the duty of the State Board to work collaboratively with charter schools to ensure that charter schools are afforded every opportunity available to them for the benefit and safety of students enrolled and to protect charter schools from potential liability issues.

The current situation regarding compulsory immunization law is a matter of great concern as it impacts the health, welfare, and safety of West Virginia children. The State Board is concerned that charter schools may be placing students at risk and as a result facing substantial liability by not following W. Va. Code § 16-3-4 the compulsory immunization law. The W. Va. Code § 18-5G-3(c)(3), states public charter schools are subject to “the same immunization requirements applicable to noncharter public schools.” As you know, the West Virginia Legislature exercised their authority as the legislative branch of government and voted not to approve a religious exemption to the state immunization law during the 2025 Regular Session. Additionally, in June 2025 the State Board voted to require adherence to the State’s compulsory immunization law which does not contain language allowing for religious, moral, or philosophical exemptions. Further, a West Virginia Assistant Attorney General advised the Charter School Board during their August 7, 2025 meeting’s open session that the Charter School Board should follow the State Board’s directive on this issue

The State Board is advising you and the members of the Charter School Board to carefully and thoroughly review applicable portions of the West Virginia Constitution and West Virginia State Code regarding the authority and responsibilities of the State Board and the Charter School

Board, including Article XII, Section 2 of the West Virginia Constitution, W. Va. Code § 16-3-4, W. Va Code §§ 18-5G-1 et seq and W. Va. Code § 18-5G-15(a). As a public charter school authorizer, the Charter School Board is required to ensure that public charter schools are in compliance with applicable laws, regulations and policies, including the current immunization law. It is our duty as a State Board to advise you to comply with the June 2025 decision of the State Board regarding this matter as it impacts West Virginia public school children and increases the risk of liability for the Charter School Board and the authorized public charter schools.

If you wish, the State Board and the West Virginia Department of Education are available to meet with you, or your representative, to discuss this matter at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to be 'L. Paul Hardesty', with a stylized, cursive script.

L. Paul Hardesty
President