

Bond Case Briefs

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CHARTER SCHOOLS - WEST VIRGINIA

Blair v. Brunett

Supreme Court of Appeals of West Virginia - June 8, 2023 - S.E.2d - 2023 WL 3881272

Public school teachers filed a lawsuit against Governor of West Virginia, alleging that allowing the West Virginia Professional Charter School Board (PCSB) to create public charter schools without a majority vote of the citizens where the schools would be located violated the West Virginia Constitution, and seeking a writ of mandamus and declaratory relief or, in the alternative, injunctive relief.

The Circuit Court granted teachers' motion for a preliminary injunction and denied Governor's motion to dismiss. Governor brought an interlocutory appeal.

The Supreme Court of Appeals held that:

- Teachers' alleged injury of being deprived of their constitutional right to vote was not causally connected to Governor's actions, as required for standing;
- Teachers' alleged injury was not redressable through injunctive relief against Governor, as required for standing; and
- Preliminary injunction issued against Governor by trial court did not bind the PCSB.

Public school teachers' alleged injury of being deprived of their constitutional right to vote by law allowing the West Virginia Professional Charter School Board (PCSB) to create public charter schools without a majority vote of residents was not causally connected to Governor's actions, and thus teachers lacked standing to seek injunctive relief against Governor; Governor's only role in relation to the law was signing it after its passage and appointing PCSB members, Governor had no veto authority over actions of PCSB, and Governor's alleged knowledge of the law's unconstitutionality when he signed it did not establish causation given that PCSB, a nonparty, exercised its own independent statutory authority to approve or reject charter school applications.

Public school teachers' alleged injury of being deprived of their constitutional right to vote by law allowing the West Virginia Professional Charter School Board (PCSB) to create public charter schools without a majority vote of residents was not redressable through injunctive relief against Governor, as required for standing; Governor did not control nonparty PCSB's ability to approve or reject charter school applications and thus could not be required to order PCSB to cease its activities.

Preliminary injunction issued against Governor by trial court in action brought by school teachers challenging the constitutionality of law allowing the West Virginia Professional Charter School Board (PCSB) to create public charter schools without a majority vote of residents did not bind the PCSB, where the PCSB was not a party to the action, was created by statute, and acted pursuant to its statutory authority and not on behalf of the Governor, and Governor could not direct or veto the PCSB's decision to approve a charter school application.

