

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 51

BY SENATORS RUCKER, GRADY, MAYNARD, AND

CHAPMAN

[Originating in the Committee on Education; reported

on January 25, 2023]

1 A BILL to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating
2 to requiring an impact statement in certain instances of a school closing or consolidation;
3 requiring, in instances where an impact statement is required, county board of education
4 to give the impact statement substantial weight when making a decision on any proposal
5 to close or consolidate a school; requiring State Board of Education rule detailing
6 information that a county board is required to include as part of its impact statement;
7 setting forth minimum requirements for the rule; and providing that amended provisions
8 do not apply to projects currently in progress or approved by the county board of
9 education.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-13a. School closing or consolidation.

1 (a) In addition to the provisions of §18-5-13 of this code, prior to any final decision of a
2 county board on any proposal to close or consolidate any school, except in cases in which a
3 construction bond issue was passed by the voters and which bond issue included the schools to
4 be closed or consolidated, the county board shall:

5 (1) Prepare and reduce to writing its reasons and supporting data regarding the school
6 closing or consolidation, and an impact statement on the school closing or consolidation. The
7 written reasons and impact statement, as applicable, shall:

8 (A) Be available for public inspection in the office of the county school superintendent
9 during the 30 days preceding the date of the public hearing required by this section;

10 (B) Be delivered in duplicate to the:

11 (i) Principal of a school which is proposed to be closed or consolidated, and of any school
12 which will receive the students who are relocated as a result of the closure or consolidation; and

13 (ii) The chair, if any, of the local school improvement council representing a school which
14 is proposed to be closed or consolidated, and any school which will receive the students who are
15 relocated as a result of the closure or consolidation; ~~and~~

16 (C) Comply with the rule relating to the written statement of reason promulgated pursuant
17 to subsection (b) of this section; and

18 (D) Comply with the rule relating to the impact statement promulgated pursuant to
19 subsection (c) of this section;

20 (2) Provide notice for a public hearing. The notice shall be advertised through a Class III
21 legal advertisement, pursuant to the provisions of §59-3-1 *et seq.* of this code for the three weeks
22 prior to the date of the hearing. The notice shall contain the time and place of the hearing and the
23 proposed action of the county board. Additionally, the notice shall contain the statement that the
24 hearing location is subject to change if at the time the meeting is called to order, it is determined
25 that the meeting location is of insufficient size. A copy of the notice shall be posted at any school
26 which is proposed to be closed or consolidated, and at any school which will receive the students
27 who are relocated as a result of the closure or consolidation, in conspicuous working places for
28 all professional and service personnel to observe. The notice shall be posted at least 30 days
29 prior to the date of the hearing;

30 (3) Conduct a public hearing which meets the following criteria:

31 (A) At least a quorum of the county board members and the county superintendent from
32 the county wherein an affected school is located shall attend and be present at the public hearing;

33 (B) Members of the public may be present, submit statements and testimony, and question
34 county school officials at the public hearing;

35 (C) A separate hearing shall be held for each school closed or consolidated;

36 (D) More than one hearing may be held during any one day;

37 (E) The hearing shall be held in a facility of sufficient size to accommodate all those who
38 desire to attend;

39 (F) If, at the time the hearing is called to order, it is determined by the board that insufficient
40 space is available to accommodate all those who desire to attend, the hearing shall be recessed
41 and moved to a new location of sufficient size to accommodate all those who desire to attend. If
42 the meeting location is changed due to insufficient capacity, the county board shall cause the new
43 meeting location to be posted at the original meeting location; and

44 (G) The hearing is subject to the requirements set forth in the rule promulgated in
45 accordance with subsection ~~(e)~~ (d) of this section; and

46 (4) Receive findings and recommendations from any local school improvement council
47 representing an affected school relating to the proposed closure or consolidation prior to or at the
48 public hearing.

49 (b) If a county board is required to prepare an impact statement pursuant to subsection
50 (a) of this section, the board shall give the impact statement substantial weight when making a
51 decision on any proposal to close or consolidate a school.

52 ~~(b) (c)~~ The state board shall promulgate a rule, in accordance with ~~the provisions of §29A-~~
53 ~~3B-1 et seq.~~ of this code, detailing the type of supporting data a county board shall include as part
54 of its written statement of reason required by this section for school closing or consolidation. The
55 rule shall require at least ~~the following data:~~

56 ~~(1) The transportation time of the affected students; and~~

57 ~~(2) Any any data required by the state board to amend a county's comprehensive~~
58 ~~educational facilities plan.~~

59 (d) The state board shall promulgate a rule pursuant to §29A-3B-1 et seq. of this code
60 detailing information that a county board shall include as part of its impact statement required by
61 this section for school closing or consolidation. The rule shall require at least the impact on the
62 following:

63 (1) The students, which at least shall include the transportation time of the affected
64 students;

65 (2) The financial health of the county, which at least shall include the anticipated cost or
66 savings;

67 (3) The enrollment of schools designated by the county board to receive the students as
68 it relates to the capacity of the school;

69 (4) The school personnel employed by the county board, which at least shall include the
70 anticipated increase or decrease in the number employed, and if a decrease in school employees
71 is anticipated, the number of school employees that are anticipated to be decreased through
72 attrition and the number anticipated to be decreased through a reduction in force; and

73 (5) The community.

74 ~~(e)~~ (e) The state board shall promulgate a rule, in accordance with the provisions of article
75 §29A-3B-1 *et seq.* of this code, that establishes the procedure to be followed by county boards
76 when conducting a public hearing on the issues of school consolidation and closing.

77 (1) The rule shall provide standards for at least the following:

78 (A) The appropriate forum and venue for public hearings to be held;

79 (B) A process for affording interested parties the opportunity for their perspectives to be
80 expressed;

81 (C) Establishing, where necessary, reasonable restrictions on the amount of time allowed
82 each individual desiring to speak so that all parties wishing to speak at the hearing are given an
83 equal amount of time; and

84 (D) Scheduling and organizing public hearings when more than one school within a county
85 is proposed for consolidation or closure.

86 (2) It is the purpose of this subsection to provide for uniformity among the counties in the
87 procedures followed when scheduling, organizing, and conducting public hearings on the issues
88 of school consolidation and closure.

89 ~~(d)~~ (f) The state board shall promulgate the rules required by this section by June 1, 2002
90 2023.

91 ~~(e) (g) Any document prepared, notice given, hearing conducted, or action taken prior to~~
92 ~~the effective date of the amendments made to this section during the 2002 regular session of the~~
93 ~~Legislature, is considered sufficient if the county board complied with the terms of this section~~
94 ~~effective at the time and the county board violates no other provision of law which would invalidate~~
95 ~~the document, notice, hearing, or actions. Any project currently in progress, or approved by the~~
96 ~~county board on the effective date of this section, shall not be subject to the 2023 amended~~
97 ~~provision of this legislation.~~