

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2652

BY DELEGATES ESPINOSA, WESTFALL, ROMINE, R.,

DEAN, BLAIR, UPSON, HIGGINBOTHAM, WILSON,

ROHRBACH AND STATLER

[Introduced February 22, 2017; Referred

to the Committee on Education.]

1 A BILL to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating
2 generally to school closing or consolidation requirements.

Be it enacted by the Legislature of West Virginia:

1 That §18-5-13a of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 18. EDUCATION.

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

1 (a) In addition to the provisions of section thirteen of this article, prior to any final decision
2 of a 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. The written reasons shall:

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

9 ~~(B) Be delivered in duplicate to the:~~

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

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

15 (B) Be available for public inspection online on the county board of education website; and

16 (C) Comply with the rule promulgated pursuant to subsection (b) of this section;

17 (2) A letter advising of the availability of the supporting data required by the state board
18 rule promulgated under subsection (b) of this section shall be sent to:

19 (A) The principal of a school that is proposed to be closed or consolidated. The principal
20 shall be responsible for advising the local school improvement council chair, if any, of the
21 availability of the documents.

22 (B) The principal of a school that will receive students who are relocated as a result of the
23 closure or consolidation. The principal shall be responsible for advising the local school
24 improvement council chair, if any, of the availability of the documents.

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

35 ~~(3) (4)~~ Conduct a public hearing which meets the following criteria:

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

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

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

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

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

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

49 (G) The hearing is subject to the requirements set forth in the rule promulgated in
50 accordance with subsection (c) of this section; and

51 ~~(4)~~ (5) Receive findings and recommendations from any local school improvement council
52 representing an affected school relating to the proposed closure or consolidation prior to or at the
53 public hearing.

54 (b) The state board shall promulgate a rule, in accordance with the provisions of article
55 three-b, chapter twenty-nine-a of this code, detailing the type of supporting data a county board
56 shall include as part of its written statement of reason required by this section for school closing
57 or consolidation. The rule shall require at least the following data:

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

59 (2) Any data required by the state board to amend a county's comprehensive educational
60 facilities plan.

61 (c) The state board shall promulgate a rule, in accordance with the provisions of article
62 three-b, chapter twenty-nine-a of this code, that establishes the procedure to be followed by
63 county boards when conducting a public hearing on the issues of school consolidation and
64 closing.

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

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

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

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

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

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

77 (d) The state board shall promulgate the rules required by this section by June 1, 2002.

78 (e) Any document prepared, notice given, hearing conducted or action taken prior to the
79 effective date of the amendments made to this section during the 2002 regular session of the
80 Legislature, is considered sufficient if the county board complied with the terms of this section
81 effective at the time and the county board violates no other provision of law which would invalidate
82 the document, notice, hearing or actions.

NOTE: The purpose of this bill is to provide school closing or consolidation requirements.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.