WEST virginia legislature

2024 regular session

Introduced

Senate Bill 761

By SENATOR RUCKER

[Introduced February 13, 2024; referred  
 to the Committee on School Choice; and then to the Committee on Education]

A BILL to amend and reenact §18-5G-12 of the Code of West Virginia, 1931, as amended, relating to providing greater access to unused buildings for public charter schools.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5G. PUBLIC CHARTER SCHOOLs.

**§18-5G-12. Access to public facilities.**

(a) A public charter school may request usage of public facilities from the county board or other public entity in the county where the charter school is located or proposes to locate. A county board or other public entity shall make facilities available to the charter school that are either not used, in whole or in part, for classroom instruction at the time the charter school seeks to use or lease the public facility. Each county school system shall publish an annual list of buildings that are closed, unused, or unoccupied. Once a public charter school requests usage of a public facility the county board or other public entity may not sell the facility or make unavailable for the purpose of preventing the public charter school from using the building.

(b) If a charter school seeks to lease the whole or part of a public facility, the cost of the lease must be at or under current market value.

(c) During the term of the lease, the charter school is solely responsible for the direct expenses related to the public facility lease, including utilities, insurance, maintenance, repairs, and remodeling. The county school board is responsible for any debt incurred or liens that are attached to the school building before the charter school leases the public facility.

NOTE: The purpose of this bill is to require county school boards to publish an annual list of buildings that are closed, unused, or unoccupied for purposes of providing greater access to Charter Schools. Once a public charter school requests usage of a public facility the county board or other public entity may not sell the facility or make unavailable to prevent public charter schools from utilizing the building.

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