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2002 APR -3 P 6: 58

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4149

(By Delegates Pino, Perry and C. White)



Passed March 8, 2002

In Effect from Passage

FILED

2002 APR -3 P 6:59

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

H. B. 4149

(BY DELEGATES PINO, PERRY AND C. WHITE)

[Passed March 8, 2002; in effect from passage.]

AN ACT to amend and reenact section thirteen-a, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to school consolidation and closure; written statement of reasons; public hearings; and requiring promulgation of rules.

Be it enacted by the Legislature of West Virginia:

That section thirteen-a, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

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

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

7 (1) Prepare and reduce to writing its reasons and supporting
8 data regarding the school closing or consolidation. The written
9 reasons shall:

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

13 (B) Be delivered in duplicate to the:

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

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

23 (C) Comply with the rule promulgated pursuant to subsec-
24 tion (b) of this section;

25 (2) Provide notice for a public hearing. The notice shall be
26 advertised through a Class III legal advertisement, pursuant to
27 the provisions of article three, chapter fifty-nine of this code for
28 the three weeks prior to the date of the hearing. The notice shall
29 contain the time and place of the hearing and the proposed
30 action of the county board. Additionally, the notice shall

31 contain the statement that the hearing location is subject to
32 change if at the time the meeting is called to order, it is deter-
33 mined that the meeting location is of insufficient size. A copy
34 of the notice shall be posted at any school which is proposed to
35 be closed or consolidated, and at any school which will receive
36 the students who are relocated as a result of the closure or
37 consolidation, in conspicuous working places for all profes-
38 sional and service personnel to observe. The notice shall be
39 posted at least thirty days prior to the date of the hearing;

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

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

46 (B) Members of the public may be present, submit state-
47 ments and testimony, and question county school officials at the
48 public hearing;

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

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

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

54 (F) If, at the time the hearing is called to order, it is
55 determined by the board that insufficient space is available to
56 accommodate all those who desire to attend, the hearing shall
57 be recessed and moved to a new location of sufficient size to
58 accommodate all those who desire to attend. If the meeting
59 location is changed due to insufficient capacity, the county

60 board shall cause the new meeting location to be posted at the
61 original meeting location; and

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

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

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

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

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

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

83 (1) The rule shall provide standards for at least the follow-
84 ing:

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

87 (B) A process for affording interested parties the opportu-
88 nity for their perspectives to be expressed;

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

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

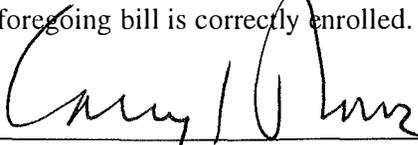
96 (2) It is the purpose of this subsection to provide for
97 uniformity among the counties in the procedures followed when
98 scheduling, organizing and conducting public hearings on the
99 issues of school consolidation and closure.

100 (d) The state board shall promulgate the rules required by
101 this section by the first day of June, two thousand two.

102 (e) Any document prepared, notice given, hearing con-
103 ducted or action taken prior to the effective date of the amend-
104 ments made to this section during the two thousand two regular
105 session of the Legislature, is considered sufficient if the county
106 board complied with the terms of this section effective at the
107 time and the county board violates no other provision of law
108 which would invalidate the document, notice, hearing or
109 actions.

Enr. Com. Sub. for H. B. 4149] 6

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



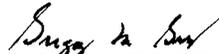
Chairman House Committee

Originating in the House.

In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved _____ this the 3rd
day of April, 2002.



Governor

RECEIVED TO THE

CLERK

DATE 3/27/02

TIME 10:05h