

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]

1 A BILL to amend and reenact §18-5G-12 of the Code of West Virginia, 1931, as amended, relating
2 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.

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

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

11 (c) During the term of the lease, the charter school is solely responsible for the direct
12 expenses related to the public facility lease, including utilities, insurance, maintenance, repairs,
13 and remodeling. The county school board is responsible for any debt incurred or liens that are
14 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.