

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**Introduced**

## **House Bill 5369**

By Delegates Dillon, T. Howell, and Pritt

[Introduced; referred

to the Committee on ]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
 2 designated §18-5H-1, §18-5H-2, §18-5H-3, §18-5H-4, §18-5H-5, §18-5H-6, §18-5H-7,  
 3 §18-5H-8, §18-5H-9, §18-5H-10, §18-5H-11, and §18-5H-12, relating to protecting rural  
 4 public schools; establishing heightened standards and procedures for the closure or  
 5 consolidation of certain rural schools; providing legislative findings; defining terms;  
 6 requiring rural school closure impact statements; requiring supermajority approval by  
 7 county boards of education; requiring voter ratification or petition-triggered referenda;  
 8 establishing mandatory student transportation time limits; restricting waiver authority;  
 9 requiring mitigation plans; creating a rural school preservation funding weight; requiring  
 10 State Board of Education approval; providing for a forensic audit; providing severability;  
 11 and establishing an effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5H. WEST VIRGINIA RURAL SCHOOL PROTECTION ACT.**

**§18-5H-1. Short title; legislative findings; purpose.**

1 (a) This article may be known and cited as the "West Virginia Rural School Protection Act."  
 2 (b) The Legislature finds that rural public schools are essential institutions providing  
 3 education and serving as centers of stability and continuity for many communities in this state.  
 4 (c) The Legislature further finds that, in certain circumstances, school consolidation has  
 5 resulted in extended student transportation times and reduced educational access, particularly in  
 6 rural areas.  
 7 (d) The Legislature recognizes that the geography, weather conditions, road infrastructure,  
 8 and population density of West Virginia warrant heightened scrutiny before decisions are made to  
 9 close or consolidate rural schools.  
 10 (e) It is the purpose of this article to establish uniform statewide standards to ensure that  
 11 the closure or consolidation of rural schools occurs only after careful review, meaningful public  
 12 participation, and consideration of reasonable alternatives.

**§18-5H-2. Definitions.**

1 (a) For purposes of this article:

2 (1) "Protected rural school" means any public school that meets one or more of the  
3 following criteria:

4 (A) The school is located in a county with a population density of less than 100 persons per  
5 square mile;

6 (B) Closure or consolidation would result in any enrolled student exceeding the maximum  
7 one-way transportation times set forth in §18-5H-7 of this code;

8 (C) The nearest same-grade public school is located more than 15 road miles from the  
9 school; or

10 (D) The school serves as the sole public school facility within its attendance area.

11 (2) "Consolidation" means the permanent closure of a school building and reassignment of  
12 its students to another public school.

13 (3) "One-way transportation time" means the actual elapsed time a student spends  
14 traveling from home to school, excluding transfer wait times unless such wait times exceed 10  
15 minutes.

**§18-5H-3. Rural school closure impact statement.**

1 (a) Prior to any vote by a county board of education to close or consolidate a protected  
2 rural school, the board shall prepare a rural school closure impact statement and make it publicly  
3 available not less than 90 days before any final action.

4 (b) The rural school closure impact statement shall include, at a minimum:

5 (1) Projected one-way transportation times for all affected students, disaggregated by  
6 grade level and by route;

7 (2) The number and percentage of students projected to exceed transportation limits under  
8 §18-5H-7 of this code;

9 (3) Enrollment trends for the affected school and any receiving school for the previous 10

10 school years;

11 (4) A comparison of the costs of renovation, repurposing, continued operation, and  
12 consolidation;

13 (5) Anticipated impacts on academic performance, attendance, discipline, extracurricular  
14 participation, and student health;

15 (6) Impacts on community use of the school facility, including civic, emergency, and after-  
16 school functions; and

17 (7) A detailed statement identifying all reasonable alternatives to closure and explaining  
18 why each alternative was rejected.

19 (c) The impact statement shall be subject to public comment and at least one public  
20 hearing held within the affected attendance area.

**§18-5H-4. Supermajority vote required.**

1 (a) A county board of education may not close or consolidate a protected rural school  
2 unless approved by a two-thirds vote of the full membership of the board.

3 (b) Any vote under this section shall be taken by roll call and shall include written findings  
4 addressing each requirement of the rural school closure impact statement.

**§18-5H-5. Voter ratification; petition-triggered referendum.**

1 (a) In addition to approval under §18-5H-4 of this code, closure or consolidation of a  
2 protected rural school shall require ratification by the qualified voters residing within the affected  
3 attendance area at a statewide primary or general election, as provided in chapter three of this  
4 code. No standalone or special election may be used for this purpose.

5 (b) If, within 45 days of the county board vote, a petition signed by not less than 25 percent  
6 of the registered voters in the affected attendance area is submitted, the question of closure or  
7 consolidation shall be placed on the ballot at the next available statewide primary or general  
8 election.

9 (c) The ballot question shall be clearly stated and limited to the approval or rejection of the

10 proposed closure or consolidation.

11 (d) No closure or consolidation may take effect unless approved by a majority of voters  
12 casting ballots on the question.

13 (e) A county board of education may not take final action to close or consolidate a  
14 protected rural school until the certification of the election results by the appropriate election  
15 authority.

16 (f) Expiration of approval. If the next available statewide primary or general election occurs  
17 more than 18 months after the date of the county board vote approving closure or consolidation,  
18 the proposal shall expire and shall have no force or effect. Any subsequent attempt to close or  
19 consolidate the protected rural school shall require a new vote of the county board of education  
20 and full compliance with this article.

21 (g) Retroactive to include any closure decisions made within 6 months prior to passage.

**§18-5H-6. State Board approval required.**

1 (a) No closure or consolidation of a protected rural school shall take effect without the  
2 approval of the State Board of Education.

3 (b) The State Board shall deny approval unless it finds that the proposal:

4 (1) Fully complies with this article;

5 (2) Does not materially increase student transportation burdens beyond statutory limits;

6 and

7 (3) Preserves reasonable educational access for all affected students.

**§18-5H-7. Mandatory student transportation time limits; waiver restrictions.**

1 (a) Notwithstanding any other provision of this code, the following maximum one-way  
2 student transportation times shall apply to any closure or consolidation involving a protected rural  
3 school:

4 (1) Elementary school students: 30 minutes;

5 (2) Middle school students: 40 minutes; and

6 (3) High school students: 40 minutes.

7 (b) These limits are mandatory and may not be waived except as provided in subsection (c)  
8 of this section.

9 (c) The State Board of Education may grant a waiver only if:

10 (1) The waiver applies for no more than one school year;

11 (2) Fewer than 10 percent of affected students exceed the applicable limit;

12 (3) The county demonstrates that no reasonable routing, scheduling, or facility alternative  
13 exists; and

14 (4) The State Board issues written findings supporting the waiver.

**§18-5H-8. Mitigation and transition requirements.**

1 (a) Any approved consolidation shall include a transportation and student support  
2 mitigation plan addressing:

3 (1) Additional buses, drivers, or route adjustments;

4 (2) Adjusted school start times;

5 (3) Academic and counseling supports for affected students; and

6 (4) Annual evaluation metrics.

7 (b) Failure to implement the mitigation plan constitutes grounds for revocation of approval.

**§18-5H-9. Rural school preservation weight.**

1 (a) There is created within the state school aid funding formula a rural school preservation  
2 weight for protected rural schools.

3 (b) The weight shall provide additional per-pupil funding based on geographic isolation,  
4 average transportation time, road conditions, and lack of proximate alternative facilities.

5 (c) Funds provided under this section shall be used to offset operational costs and reduce  
6 financial pressure to consolidate.

**§18-5H-10. Forensic audit.**

1 (a) A county in which a school is recommended to be closed shall undergo a forensic audit

2 by the Office of the State Auditor prior to the vote on closure agenda item: *Provided*, That one or  
 3 more members of Legislature sign letters of support and a preliminary review by the legislative  
 4 auditor finds that the county has waste, fraud, abuse, or mismanagement of funds in the county  
 5 equaling at least one quarter of the projected savings necessary to maintain operation of the  
 6 school in question, as determined by the legislative auditor.

7 (b) Counties having already voted to close shall also undergo the same forensic audit  
 8 requirement if they meet equivalent criteria.

**§18-5H-11.** **Severability.**

1 If any provision of this article or its application is held invalid, the invalidity does not affect  
 2 other provisions or applications.

**§18-5H-12.** **Effective** **date.**

1 This article shall take effect July 1 following passage.

NOTE: The purpose of this bill is to create the West Virginia Rural School Protection Act.

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