

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

# **House Bill 2937**

BY DELEGATE HANNA

[Introduced March 05, 2021; Referred to the Committee on

Education then the Judiciary]

1 A BILL to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating  
2 to requiring a vote on school closure or consolidation in certain circumstances.

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

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

16 (2) Provide notice for a public hearing. The notice shall be advertised through a Class III  
17 legal advertisement, pursuant to the provisions of article three, chapter 59 of this code for the  
18 three weeks prior to the date of the hearing. The notice shall contain the time and place of the  
19 hearing and the proposed action of the county board. Additionally, the notice shall contain the  
20 statement that the hearing location is subject to change if at the time the meeting is called to  
21 order, it is determined that the meeting location is of insufficient size. A copy of the notice shall

22 be posted at any school which is proposed to be closed or consolidated, and at any school which  
23 will receive the students who are relocated as a result of the closure or consolidation, in  
24 conspicuous working places for all professional and service personnel to observe. The notice  
25 shall be posted at least 39 days prior to the date of the hearing;

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

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

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

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

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

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

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

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

42 (4) Receive findings and recommendations from any local school improvement council  
43 representing an affected school relating to the proposed closure or consolidation prior to or at the  
44 public hearing; and

45 (5) If the closure or consolidation involves the construction of a new school building or the  
46 addition of two or more classrooms to an existing school building that is 25 or more years in age  
47 and the schools involved contain any of the grade levels of nine or below with an average of 13

48 or more students per grade level, the question of closing or consolidating, or both, of the schools  
49 shall be submitted to the voters of the current magisterial district or districts in which the schools  
50 are located.

51 (b) The state board shall promulgate a rule, in accordance with the provisions of §29A-  
52 3B-1 *et seq.* of this code, detailing the type of supporting data a county board shall include as part  
53 of its written statement of reason required by this section for school closing or consolidation. The  
54 rule shall require at least the following data:

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

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

58 (c) The state board shall promulgate a rule, in accordance with the provisions of §29A-3B-  
59 1 *et seq.* of this code, that establishes the procedure to be followed by county boards when  
60 conducting a public hearing on the issues of school consolidation and closing.

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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to require a vote on the closure or consolidation of schools in certain circumstances.

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