

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 761

BY SENATOR RUCKER

[Originating in the Committee on School Choice;

reported February 21, 2024]

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; requiring the
3 county board or public entity to allow the charter school sufficient time to establish the
4 school; providing that the facility is not required to hold the building if the charter school
5 application is denied; and allowing the authorizer of the charter school to release the
6 building in the event the school is unable to open.

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 on a publicly available website
6 an annual list of buildings that are closed, unused, unoccupied, or space available in occupied
7 buildings. Once a public charter school requests usage of a public facility the county board or
8 other public entity may not sell the facility or make unavailable for the purpose of preventing the
9 public charter school from using the building.

10 (b) Upon approval of usage for the charter school, the county board or other public entity
11 must allow the charter school a sufficient amount of time to obtain approval of the charter school
12 application, as well as any renovations that are required to properly maintain the safety and
13 compliance with state law for students. The period of time shall not exceed two years.

14 (c) If the application is denied for the charter school that requests usage of the public
15 facility the county board or other public entity shall not be required to hold the building in the event
16 the charter school seeks to submit another application.

17 (d) If the charter school determines that operation of the school is impossible, the
18 authorizer of the charter school shall release the building back to the county board or public entity.

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

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