WEST VIRGINIA CODE: §18-5-13A

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

(a) In addition to the provisions of §18-5-13 of this code, prior to any final decision of a county board on any proposal to close or consolidate any school, except in cases in which a construction bond issue was passed by the voters and which bond issue included the schools to be closed or consolidated, the county board shall:

(1) Prepare and reduce to writing its reasons and supporting data regarding the school closing or consolidation, and an impact statement on the school closing or consolidation. The written reasons and impact statement, as applicable, shall:

(A) Be available for public inspection in the office of the county school superintendent during the 30 days preceding the date of the public hearing required by this section;

(B) Be delivered in duplicate to the:

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

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

(C) Comply with the rule relating to the written statement of reason promulgated pursuant to subsection (b) of this section; and

(D) Comply with the rule relating to the impact statement promulgated pursuant to subsection (c) of this section;

(2) Provide notice for a public hearing. The notice shall be advertised through a Class III legal advertisement, pursuant to the provisions of §59-3-1 *et seq*. of this code for the three weeks prior to the date of the hearing. The notice shall contain the time and place of the hearing and the proposed action of the county board. Additionally, the notice shall contain the statement that the hearing location is subject to change if at the time the meeting is called to order, it is determined that the meeting location is of insufficient size. A copy of the notice shall be posted at any school which is proposed to be closed or consolidated, and at any school which will receive the students who are relocated as a result of the closure or consolidation, in conspicuous working places for all professional and service personnel to observe. The notice shall be posted at least 30 days prior to the date of the hearing;

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

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

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

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

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

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

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

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

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

(b) If a county board is required to prepare an impact statement pursuant to subsection (a) of this section, the board shall give the impact statement substantial weight when making a decision on any proposal to close or consolidate a school.

(c) The state board shall promulgate a rule, in accordance with §29A-3B-1 *et seq*. of this code, detailing the type of supporting data a county board shall include as part of its written statement of reason required by this section for school closing or consolidation. The rule shall require at least any data required by the state board to amend a county's comprehensive educational facilities plan.

(d) The state board shall promulgate a rule pursuant to §29A-3B-1 *et seq*. of this code detailing information that a county board shall include as part of its impact statement required by this section for school closing or consolidation. The rule shall require at least the impact on the following:

(1) The students, which at least shall include the transportation time of the affected students;

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(2) The financial health of the county, which at least shall include the anticipated cost or savings;

(3) The enrollment of schools designated by the county board to receive the students as it relates to the capacity of the school;

(4) The school personnel employed by the county board, which at least shall include the anticipated increase or decrease in the number employed, and if a decrease in school employees is anticipated, the number of school employees that are anticipated to be decreased through attrition and the number anticipated to be decreased through a reduction in force; and

(5) The community.

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

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

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

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

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

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

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

(f) The state board shall promulgate the rules required by this section by June 1, 2023.

(g) Any project currently in progress, or approved by the county board on the effective date of this section, shall not be subject to the 2023 amended provision of this legislation.

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