WEST VIRGINIA CODE: §18-5G-18

§18-5G-18. Sustaining Opportunities for Academics in Rural Schools Act (SOAR).

(a) This section may be cited as the Sustaining Opportunities for Academics in Rural Schools Act or the SOAR Act.

(b) The purpose of this act is to provide rural communities with an additional option to maintain continued access to local schools, prevent consolidation where there is adequate community support, and provide structural support to rural communities to explore public charter school conversion in an expedited manner when a community public school is proposed to be closed.

(c) If a county board chooses to close a school they shall identify the following in the impact statement:

(1) If the county board of education plans to maintain the facility for use; and

(2) If the county board plans to offload the property through donation, auction, or any other way, allowed by law.

(d) Subject to subsection (2) of this section, upon the closure approval by the West Virginia Board of Education, within 90 days, a public charter school may submit an application to the county board to open a SOAR charter in the closing school. Should an application be submitted during the 90-day period, the county board shall not offload the property. County boards shall provide the right of first refusal to a proposed SOAR Charter subject to the following provisions:

(1) Proposed SOAR Charter applications shall be submitted within the 90-day window, any application outside of the time period may be considered null and void. Further:

(A) Applications shall include the authorizing entity;

(B) Applications shall be submitted to the county board of education for approval: *Provided, however*, That in the event of multiple applications, the Public Charter School Board shall select and approve the most appropriate and viable option; and

(C) Applications shall include a proviso ensuring the transfer of the property occurs as-is and details of what portions of the property shall be transferred.

(2) Upon receipt of applications the county board of education shall negotiate and enter into a contract with the approved applicant detailing agreed upon terms. Details of the contract shall include but are not limited to:

(A) Agreed upon timelines; and

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(B) Agreed upon properties to be transferred, including real and personal property, as well as any necessary easements.

(e) Upon an approved SOAR Charter application, the SOAR Charter shall take effect no earlier than August 1 of the authorizing year: *Provided*, That the SOAR Charter and county board can agree to a later date in the agreed upon contract.

(f) Upon the agreed date, the SOAR Charter shall be responsible for all properties transferred, including the insurability thereof.

(g) County boards of education shall not be responsible for any property transferred to a SOAR Charter School after the transfer has occurred.

(h) Nothing in this section shall be construed to force a county board from ceasing legally required staffing plans and other requirements required by law regarding school closure.

(i) Nothing herein shall be construed to prevent a conversion charter school from entering into a contract with an education service provider, subject to the approval of the authorizer.

(j) The state board may promulgate rules pursuant to §29A-3B-1 *et seq*. of this code to provide guidance on the implementation of this section.

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