

No. 1968

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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1968

(By ~~Mr.~~ Del Leary)



Passed April 13, 1985

In Effect From Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 1968**  
(By DELEGATE LEARY)

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[Passed April 13, 1985; in effect from passage.]

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AN ACT to amend article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirteen-a, relating to school closing or consolidation; requiring that written reasons therefor be available for public inspection; requiring and providing for public hearings and notice thereof; requiring that such closing or consolidation be in accordance with current rules and regulations of the state board; providing for requirements as to subsequent rules and regulations; providing for an immediate effective date to affect any school not physically closed or consolidated prior thereto; and providing for compliance with this section by counties affected by such effective date.

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

That article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirteen-a, to read as follows:

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

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

1 In addition to the provisions of section thirteen of this

2 article, prior to any final decision of a county board of  
3 education on any proposal to close or consolidate any school,  
4 the county board of education shall:

5 (1) Prepare and reduce to writing its reasons and supporting  
6 data regarding such school closing or consolidation. The  
7 written reasons required under this section shall be available  
8 for public inspection in the office of the county school  
9 superintendent during the four successive weeks before the  
10 date of the public hearing required by this section; and

11 (2) Provide for a public hearing, notice of which shall be  
12 advertised by publication in a newspaper of general circulation  
13 in the locality of the affected school at least once a week for  
14 four successive weeks prior to the date of the hearing. The  
15 notice shall contain the time and place of the hearing and the  
16 proposed action of the school board. A copy of such notice  
17 shall be posted at the affected school in conspicuous working  
18 places for all professional and service personnel to observe,  
19 and such notice shall remain posted for four successive weeks  
20 prior to the date of the required public hearing. At least a  
21 quorum of the school board members and the county  
22 superintendent from the county wherein the affected school is  
23 located shall attend and be present at the public hearing.  
24 Members of the public shall have the right to be present, to  
25 submit statements and testimony, and to question county  
26 school officials at the public hearing.

27 Any such proposal to close or consolidate any school by any  
28 county board of education shall be further subject to any  
29 current rules and regulations of the state board of education  
30 relating to school closing or consolidation: *Provided*, That  
31 after the effective date of this section the state board shall  
32 promulgate rules and regulations which shall prescribe in detail  
33 the type of supporting data a county board of education shall  
34 include as part of its written statement of reasons required by  
35 this section for school closing or consolidation, and which  
36 shall include any data required by the state board of education  
37 to amend a county's comprehensive educational facilities plan.

38 This section shall take effect on the date of passage and shall  
39 affect any school not physically closed or consolidated as of  
40 that date: *Provided*, That as to any school closing or  
41 consolidation proceeding pursuant to a decision adopted prior

42 to the effective date of this section, county boards of education  
43 shall have until the first day of July, one thousand nine  
44 hundred eighty-five, to comply with the provisions of this  
45 section and the provisions of section thirteen of this article  
46 relating to school closing or consolidation: *Provided, however,*  
47 That the written reasons shall include all supporting data  
48 required by the state board of education to amend a county's  
49 comprehensive education facilities plan.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing Bill is correctly enrolled.

*Harold E. Adams*  
.....  
Chairman Senate Committee

*Floyd Fuller*  
.....  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Todd C. Wells*  
.....  
Clerk of the Senate

*Donald S. Hoop*  
.....  
Clerk of the House of Delegates

*Don Tomlin*  
.....  
President of the Senate

*Joseph G. Allright*  
.....  
Speaker of the House of Delegates

The within *appeared* this the *2<sup>nd</sup>*  
*May*  
day of ..... 1985.

*Rich A. Pusey, Jr.*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/85

Time 6:46 p.m.