WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED

Com. Sub. for
HOUSE BILL No. 1968

(By Del. Leary)

Passed April 13, 1985

In Effect from Passage
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.

In addition to the provisions of section thirteen of this
article, prior to any final decision of a county board of
education on any proposal to close or consolidate any school,
the county board of education shall:

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

(2) Provide for a public hearing, notice of which shall be
advertised by publication in a newspaper of general circulation
in the locality of the affected school at least once a week for
four successive 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 school board. A copy of such notice
shall be posted at the affected school in conspicuous working
places for all professional and service personnel to observe,
and such notice shall remain posted for four successive weeks
prior to the date of the required public hearing. At least a
quorum of the school board members and the county
superintendent from the county wherein the affected school is
located shall attend and be present at the public hearing.
Members of the public shall have the right to be present, to
submit statements and testimony, and to question county
school officials at the public hearing.

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

This section shall take effect on the date of passage and shall
affect any school not physically closed or consolidated as of
that date: Provided, That as to any school closing or
consolidation proceeding pursuant to a decision adopted prior
to the effective date of this section, county boards of education
shall have until the first day of July, one thousand nine
hundred eighty-five, to comply with the provisions of this
section and the provisions of section thirteen of this article
relating to school closing or consolidation: Provided, however,
That the written reasons shall include all supporting data
required by the state board of education to amend a county’s
comprehensive education facilities plan.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Floyd Hulse

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within .............. this the 2nd day of May, 1985.

Governor
PRESENTED TO THE
GOVERNOR

Date: 4/30/55
Time: 6:46 p.m.