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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

ENROLLED
Committee Substitute for
SENATE BILL NO. 408

(By Senator *Burdette, Mr. President*)

PASSED March 8, **1991**
In Effect from **Passage**

ENROLLED

COMMITTEE SUBSTITUTE FOR

Senate Bill No. 408

(BY SENATOR BURDETTE, MR. PRESIDENT, BY REQUEST)

[Passed March 8, 1991; in effect from passage.]

AN ACT to amend and reenact section thirteen-a, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to exempting county boards of education from public hearings on school closings or consolidations in certain instances; and specifying additional data to be included in the county board's written statement of reasons for school closing or consolidation.

Be it enacted by the Legislature of West Virginia:

That section thirteen-a, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted 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
- 2 this article, prior to any final decision of a county
- 3 board of education on any proposal to close or consol-

4 idate any school, except in cases in which a construc-
5 tion bond issue was passed by the voters and which
6 bond issue included the schools to be closed or consol-
7 idated, the county board of education shall:

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

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

33 Any such proposal to close or consolidate any school
34 by any county board of education shall be further
35 subject to any current rules and regulations of the
36 state board of education relating to school closing or
37 consolidation: *Provided*, That after the effective date of
38 this section the state board shall promulgate rules and
39 regulations which shall prescribe in detail the type of
40 supporting data a county board of education shall
41 include as part of its written statement of reasons
42 required by this section for school closing or consolida-
43 tion, including transportation time of the affected
44 students and which shall include any data required by

45 the state board of education to amend a county's
46 comprehensive educational facilities plan.

47 This section shall take effect on the date of passage
48 and shall affect any school not physically closed or
49 consolidated as of that date: *Provided*, That the written
50 reasons shall include all supporting data required by
51 the state board of education to amend a county's
52 comprehensive education facilities plan.

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

Homer Heck
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In effect from passage.

Harold Edgus
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Red Smith
President of the Senate

Bob Carr
Speaker House of Delegates

The within *is approved* this the *18th*
day of *March*, 1991.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/14/91

Time 4:10 pm