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 this article, prior to any final decision of a county board of education on any proposal to close or consol-
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idate any school, except in cases in which a construc-
tion bond issue was passed by the voters and which
bond issue included the schools to be closed or consol-
dated, 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 consolida-
tion, including transportation time of the affected
students and which shall include any data required by
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45 the state board of education to amend a county's comprehensive educational facilities plan.

47 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 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.

Homer Fleck
Chairman Senate Committee

Ernest Moose
Chairman House Committee

Originated in the Senate.

In effect from passage.

Richard C. Geary
Clerk of the Senate

Donald L. Kepp
Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within was approved this the __th day of ____________________, 1991.

Robert C. Caperton
Governor