

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 99

By Senators Nelson, Roberts, and Oliverio

[Passed March 08, 2023; in effect 90 days from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-5-28, relating to meetings of county boards of education to explore and
3 discuss the feasibility of consolidating school districts or sharing certain services;
4 requiring, when two or more county boards of education elect to explore and discuss with
5 each other the idea of possibly consolidating or sharing certain services and functions, the
6 boards to agree on the call of a joint special public meeting; specifying minimum topics;
7 requiring facilitator for the meeting; requiring facilitator to prepare and deliver to the
8 participating boards a detailed written report of the meeting's discussions and identifying
9 any areas for further discussion or consideration by the boards; requiring each
10 participating board to determine whether to accept the report and whether the participating
11 boards should meet again; providing that upon vote to accept of the facilitator's report and
12 hold another meeting, the participating boards shall attend another meeting; specifying
13 minimum topics; requiring the facilitator to prepare and deliver to the participating boards a
14 detailed written report of the meeting's discussion and identifying any areas for further
15 discussion or consideration; requiring each participating board to determine whether to
16 accept the report and whether the participating boards should meet again; requiring
17 meeting process to be repeated until 120 days have passed since the initial joint meeting
18 or until the participating boards no longer wish to meet; requiring a full report of all
19 meetings identifying the extent to which the participating boards think existing laws may
20 enable or complicate the consolidation of school districts or the sharing of services and
21 functions, together with any suggestions of legislation; requiring report, upon approval by
22 the participating boards, to be forwarded to the President of the Senate and the Speaker of
23 the House of Delegates; authorizing Legislature to consolidate participating county boards
24 as a pilot; and authorizing Legislature to incentivize county boards to explore and discuss
25 the feasibility of consolidating school districts or sharing of services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-28. Meetings among county boards of education to explore and discuss the feasibility of consolidating school districts or sharing certain services.

1 (a) When two or more county boards of education, in order to provide efficiencies and
2 direct cost savings, elect, by majority vote, to explore and discuss with each other: (1) The idea of
3 possibly consolidating their school districts into a new school district by act of the Legislature as
4 provided by section six, article XII of the Constitution of West Virginia; or (2) possibly sharing
5 administrative, coordinating or other county-level services and functions between or among them,
6 the boards shall agree upon the call of a joint special meeting to be conducted wholly in public and
7 in accordance with guidelines and topics of discussion specified in the call and in all public notices
8 of the meeting. The topics shall include, but not be limited to, the extent to which existing laws
9 appear to enable or complicate the consolidation of the school districts or the sharing of services
10 and functions, as the case may be.

11 (b) The joint special meeting shall be facilitated by a party upon whom the participating
12 boards agree. Within 21 days following the joint meeting, the facilitator shall prepare and deliver to
13 the participating boards a detailed written report of the meeting's discussions and identifying any
14 areas for further discussion or consideration by the boards. After reviewing the facilitator's report,
15 each participating board shall determine by majority vote whether to accept it and whether the
16 participating boards should meet again to discuss or consider the areas identified by the facilitator.
17 Whether or not a board accepts the report, each participating board shall make the report available
18 to the public.

19 (c) Upon majority vote by any participating board to accept the facilitator's report and to
20 hold another joint special meeting of the participating boards to discuss or consider areas for
21 further discussion or consideration identified in the facilitator's report, the participating boards shall
22 attend another joint special meeting called for that purpose. The meeting shall be called, noticed,
23 conducted, and facilitated as in the case of the initial joint special meeting. Topics of discussion

24 shall include, but not be limited to, the extent to which existing laws appear to enable or complicate
25 the consolidation of the school districts or the sharing of services and functions, as the case may
26 be. Within 21 days following the joint meeting, the facilitator shall prepare and deliver to the
27 participating boards a detailed written report of the meeting's discussions and identifying any
28 areas for further discussion or consideration by the boards. After reviewing the facilitator's report,
29 each participating board shall determine by majority vote whether to accept it and whether the
30 participating boards should meet again to discuss or consider the areas identified by the facilitator.
31 Whether or not a board accepts the report, each participating board shall make the report available
32 to the public.

33 (d) The process set forth in subsection (c) of this section shall be repeated until 120 days
34 have passed since the initial joint meeting or until the participating boards no longer wish to meet
35 in joint session for those purposes, whichever first occurs. At that point the facilitator or other
36 individual or committee designated by the participating boards shall promptly prepare and submit
37 to the participating boards a full report of all meetings held under this section. The report shall
38 identify the extent to which the participating boards think existing laws may enable or complicate
39 the consolidation of the school districts or the sharing of services and functions, together with any
40 suggestions of legislation to be considered by the Legislature. Upon approval by any of the
41 participating boards by majority vote, the report shall be forwarded to the President of the Senate
42 and the Speaker of the House of Delegates. If the Legislature elects to consolidate the
43 participating county boards, it may consolidate the county boards as a pilot.

44 (e) Nothing in this section requires the consolidation of any school districts or that any of
45 the participating boards share administrative, coordinating, or other county-level services and
46 functions between or among them. Nor may this section be construed to rescind, without action by
47 participating county boards, any existing agreements or arrangements for the sharing of such
48 services and functions.

49 (f) The Legislature may incentivize county boards to explore and discuss the feasibility of

50 consolidating school districts or sharing of services pursuant to this section.