

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 99

BY SENATORS NELSON AND ROBERTS

[Introduced January 11, 2023; referred
to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-5-28, relating to meetings among county boards of education; and
3 establishing procedures for potential consolidation of school districts.

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
3 of possibly consolidating their school districts into a new school district by act of the Legislature
4 as 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
7 and in accordance with guidelines and topics of discussion specified in the call and in all public
8 notices of the meeting. The topics shall include, but not be limited to, the extent to which existing
9 laws appear to enable or complicate the consolidation of the school districts or the sharing of
10 services 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
13 to the participating boards a detailed written report of the meeting's discussions and identifying
14 any areas for further discussion or consideration by the boards. After reviewing the facilitator's
15 report, each participating board shall determine by majority vote whether to accept it and whether
16 the participating boards should meet again to discuss or consider the areas identified by the
17 facilitator. Whether or not a board accepts the report, each participating board shall make the
18 report available 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
22 shall attend another joint special meeting called for that purpose. The meeting shall be called,
23 noticed, conducted, and facilitated as in the case of the initial joint special meeting. Topics of
24 discussion shall include, but not be limited to, the extent to which existing laws appear to enable
25 or complicate the consolidation of the school districts or the sharing of services and functions, as
26 the case may be. Within 21 days following the joint meeting, the facilitator shall prepare and
27 deliver to the participating boards a detailed written report of the meeting’s discussions and
28 identifying any areas for further discussion or consideration by the boards. After reviewing the
29 facilitator’s report, each participating board shall determine by majority vote whether to accept it
30 and whether the participating boards should meet again to discuss or consider the areas identified
31 by the facilitator. Whether or not a board accepts the report, each participating board shall make
32 the report available 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
47 by 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.