

**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

(June 6, 2023)]

**FILED**

**2023 MAR 29 P 5:29**

**OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE**

SB99

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

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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  
14 a 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  
23 of the House of Delegates; authorizing Legislature to consolidate participating county  
24 boards as a pilot; and authorizing Legislature to incentivize county boards to explore and  
25 discuss 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  
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.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

*Joe Carini*  
Clerk of the Senate

*Steve Morris*  
Clerk of the House of Delegates

2023 MAR 29 P 5:30  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

FILED

Originated in the Senate.

In effect 90 days from passage.

*C. P. Bl...*  
President of the Senate

*Don Hanshaw*  
Speaker of the House of Delegates

The within is approved this the 29<sup>th</sup>  
Day of March 2023.

*James Owens*  
Governor

PRESENTED TO THE GOVERNOR

MAR 13 2023

Time 1:08 PM