

HB 2866 * VETO*

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2866

(By Delegate Williams, Manuel, Beach, Hubbard,
Spencer and Henderson)



Passed April 12, 1997

In Effect July 1, 1997 Passage

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H. B. 2866

(BY DELEGATES WILLIAMS, MANUEL, BEACH,
HUBBARD, SPENCER AND HENDERSON)

[Passed April 12, 1997; in effect July 1, 1997.]

AN ACT to amend and reenact section five, article five-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to faculty senates; including steps to be taken by both a faculty senate chair and a principal in the event the principal rejects a recommendation of the faculty senate; and providing for the use of faculty senate days by school service personnel for staff development, maintenance, work site needs, skills development and other noneducational meetings as needed, required or developed by the county board of education.

Be it enacted by the Legislature of West Virginia:

That section five, article five-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§18-5A-5. Public school faculty senates established; election of officers; powers and duties; use of instructional day.

- 1 (a) There is established at every public school in this
- 2 state a faculty senate which shall be comprised of all
- 3 permanent, full-time professional educators employed at
- 4 the school who shall all be voting members. Professional
- 5 educators as used in this section means professional
- 6 educators as defined in chapter eighteen-a of this code. A

7 quorum of more than one half of the voting members of
8 the faculty shall be present at any meeting of the faculty
9 senate at which official business is conducted. When a
10 principal does not comply within a reasonable time, or
11 refuses, to comply with or implement a rule, policy or
12 practice recommended as a result of a majority vote of the
13 faculty senate taken at a regular faculty senate meeting,
14 the faculty senate chair shall make a written request to the
15 principal for justification of his or her failure or refusal.
16 Within ten days of receipt of the request, the principal
17 shall give a written response to the faculty senate chair,
18 which response shall specifically state the reasons for his
19 or her failure or refusal. A copy of each request and
20 response shall be forwarded to the county superintendent
21 by the respective senders. Prior to the beginning of the
22 instructional term each year, but within the employment
23 term, the principal shall convene a meeting of the faculty
24 senate to elect a chair, vice chair and secretary and discuss
25 matters relevant to the beginning of the school year. The
26 vice chair shall preside at meetings when the chair is
27 absent. Meetings of the faculty senate shall be held on a
28 regular basis as determined by a schedule approved by the
29 faculty senate and amended from time to time if needed.
30 Emergency meetings may be held at the call of the chair
31 or a majority of the voting members by petition submitted
32 to the chair and vice chair. An agenda of matters to be
33 considered at a scheduled meeting of the faculty senate
34 shall be available to the members at least two employment
35 days prior to the meeting, and in the case of emergency
36 meetings, as soon as possible prior to the meeting. The
37 chair of the faculty senate may appoint such committees
38 as may be desirable to study and submit recommendations
39 to the full faculty senate, but the acts of the faculty senate
40 shall be voted upon by the full body.

41 (b) In addition to any other powers and duties
42 conferred by law, or authorized by policies adopted by the
43 state or county board of education or bylaws which may
44 be adopted by the faculty senate not inconsistent with law,
45 the powers and duties listed in this subsection are
46 specifically reserved for the faculty senate. The intent of
47 these provisions is neither to restrict nor to require the

48 activities of every faculty senate to the enumerated items
49 except as otherwise stated. Each faculty senate shall
50 organize its activities as it deems most effective and
51 efficient based on school size, departmental structure and
52 other relevant factors.

53 (1) Each faculty senate shall control funds allocated
54 to the school from legislative appropriations pursuant to
55 section nine, article nine-a of this chapter. From such
56 funds, each classroom teacher and librarian shall be
57 allotted fifty dollars for expenditure during the
58 instructional year for academic materials, supplies or
59 equipment which in the judgment of the teacher or
60 librarian will assist him or her in providing instruction in
61 his or her assigned academic subjects, or shall be returned
62 to the faculty senate: *Provided*, That nothing contained
63 herein shall prohibit such funds from being used for
64 programs and materials that, in the opinion of the teacher,
65 enhance student behavior, increase academic achievement,
66 improve self-esteem and address the problems of students
67 at-risk. The remainder of funds shall be expended for
68 academic materials, supplies or equipment in accordance
69 with a budget approved by the faculty senate.
70 Notwithstanding any other provisions of the law to the
71 contrary, funds not expended in one school year shall be
72 available for expenditure in the next school year:
73 *Provided, however*, That the amount of county funds
74 budgeted in a fiscal year shall not be reduced throughout
75 the year as a result of the faculty appropriations in the
76 same fiscal year for such materials, supplies and
77 equipment. Accounts shall be maintained of the
78 allocations and expenditures of such funds for the
79 purpose of financial audit. Academic materials, supplies
80 or equipment shall be interpreted broadly, but shall not
81 include materials, supplies or equipment which will be
82 used in or connected with interscholastic athletic events.

83 (2) A faculty senate may establish a process for
84 faculty members to interview new prospective professional
85 educators and paraprofessional employees at the school
86 and submit recommendations regarding employment to
87 the principal, who may also make independent
88 recommendations, for submission to the county

89 superintendent: *Provided*, That such process must permit
90 the timely employment of persons to perform necessary
91 duties.

92 (3) A faculty senate may nominate teachers for
93 recognition as outstanding teachers under state and local
94 teacher recognition programs and other personnel at the
95 school, including parents, for recognition under other
96 appropriate recognition programs and may establish such
97 programs for operation at the school.

98 (4) A faculty senate may submit recommendations to
99 the principal regarding the assignment scheduling of
100 secretaries, clerks, aides and paraprofessionals at the
101 school.

102 (5) A faculty senate may submit recommendations to
103 the principal regarding establishment of the master
104 curriculum schedule for the next ensuing school year.

105 (6) A faculty senate may establish a process for the
106 review and comment on sabbatical leave requests
107 submitted by employees at the school pursuant to section
108 eleven, article two of this chapter.

109 (7) Each faculty senate shall elect three faculty
110 representatives to the local school improvement council
111 established pursuant to section two of this article.

112 (8) Each faculty senate may nominate a member for
113 election to the county staff development council pursuant
114 to section eight, article three, chapter eighteen-a of this
115 code.

116 (9) Each faculty senate shall have an opportunity to
117 make recommendations on the selection of faculty to
118 serve as mentors for beginning teachers under beginning
119 teacher internship programs at the school.

120 (10) A faculty senate may solicit, accept and expend
121 any grants, gifts, bequests, donations and any other funds
122 made available to the faculty senate: *Provided*, That the
123 faculty senate shall select a member who shall have the
124 duty of maintaining a record of all funds received and
125 expended by the faculty senate, which record shall be kept

126 in the school office and shall be subject to normal
127 auditing procedures.

128 (11) On or after the first day of January, one
129 thousand nine hundred ninety-two, any faculty senate may
130 review the evaluation procedure as conducted in their
131 school to ascertain whether such evaluations were
132 conducted in accordance with the written system required
133 pursuant to section twelve, article two, chapter eighteen-a
134 of this code and the general intent of this Legislature
135 regarding meaningful performance evaluations of school
136 personnel. If a majority of members of the faculty senate
137 determine that such evaluations were not so conducted,
138 they shall submit a report in writing to the state board of
139 education: *Provided*, That nothing herein shall create any
140 new right of access to or review of any individual's
141 evaluations.

142 (12) Each county board shall provide two options for
143 implementing faculty senate meetings. The county
144 superintendent shall convene a meeting of the chairs of all
145 the faculty senates of the county, in accordance with
146 paragraph (B) of this subsection, who may elect either a
147 full day or one-half of a day each month in accordance
148 with one of the two following options, either of which shall
149 be counted as full instructional days:

150 (A) Each faculty senate shall be provided by its local
151 county board one-half of a day each month for
152 conducting faculty senate meetings; or

153 (B) Each faculty senate shall be provided by its local
154 county board one day per month for the faculty senate
155 meeting and other activities that will result in improved
156 student learning, including, but not limited to, staff
157 development, curriculum development and articulation,
158 writing or conducting meetings regarding individualized
159 education plans, parent teacher conferences, continuing
160 education, tutoring, unified school improvement planning
161 and other duties required of teachers.

162 At least two hours of the day under either option
163 shall be reserved for the faculty senate meeting. One-half
164 of the full instructional day per month provided by

165 county boards under option (B) of this subdivision shall
166 be made available through extended instructional time,
167 continuing education time,,outside the school environment
168 time, or other non-instructional time, so that instructional
169 time for students is not further reduced.

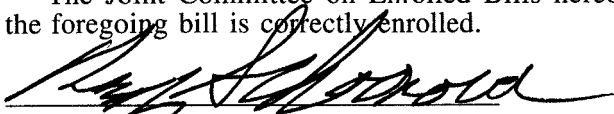
170 The county superintendent shall convene a meeting
171 of the chairs of all the faculty senates of the county who
172 shall by majority vote select either option (A) or option
173 (B) and the method by which under option (B) the one-
174 half instructional day per month made available through
175 extended instructional time, continuing education time,
176 outside the school environment time, or other non-
177 instructional time shall be made available. The options
178 selected shall be binding upon all faculty senates in the
179 county. The county superintendent shall not vote in the
180 selection except to break a tie. The meeting shall be held
181 on or before the fifteenth day of March for the next
182 ensuing school year: *Provided*, That for the school year
183 beginning on the first day of July, one thousand nine
184 hundred ninety-seven, the meeting shall be held as soon as
185 practical after the fifteenth day of April.

186 (13) On instructional days in which the faculty senate
187 shall meet, school service personnel shall perform their
188 regular duties as required or perform regular or routine
189 maintenance for transportation vehicles, have such
190 continuing education as is required, have skills
191 development opportunities, attend to work site needs or
192 other special noneducational programs as needed,
193 required or developed by the county school board.

194 (14) Each faculty senate shall develop a strategic
195 plan to manage the integration of special needs students
196 into the regular classroom at their respective schools and
197 submit said strategic plan to the superintendent of the
198 county board of education by the thirtieth day of June,
199 one thousand nine hundred ninety-five, and periodically
200 thereafter pursuant to guidelines developed by the state
201 department of education. Each faculty senate shall
202 encourage the participation of local school improvement
203 councils, parents and the community at large in the
204 development of the strategic plan for each school.

205 Each strategic plan developed by the faculty senate
206 shall include at least: (A) A mission statement; (B) goals;
207 (C) needs; (D) objectives and activities to implement plans
208 relating to each goal; (E) work in progress to implement
209 the strategic plan; (F) guidelines for the placement of
210 additional staff into integrated classrooms to meet the
211 needs of exceptional needs students without diminishing
212 the services rendered to the other students in integrated
213 classrooms; (G) guidelines for implementation of
214 collaborative planning and instruction; and (H) training
215 for all regular classroom teachers who serve students with
216 exceptional needs in integrated classrooms.

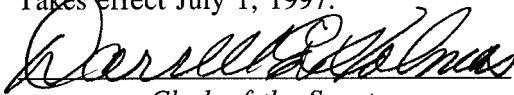
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee

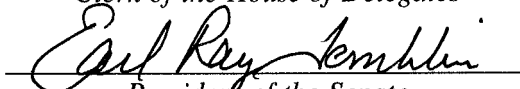

Chairman House Committee

Originating in the House.

Takes effect July 1, 1997.

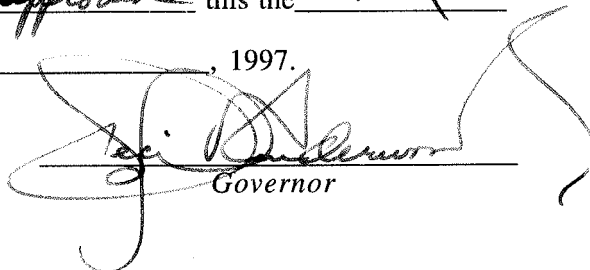

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is disapproved this the 7th
day of May, 1997.


Governor

PRESENTED TO THE

GOVERNOR

Date 5/1/97

Time 3:50 pm