

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

House Bill No. 2648

(By Delegates Iaquinta, Anderson, M. Poling,
Crosier and Fragale)



Passed March 8, 2011

In Effect July 1, 2011

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H. B. 2648

(BY DELEGATES IAQUINTA, ANDERSON, M. POLING,
CROSIER AND FRAGALE)

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AN ACT to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended, relating to increasing the faculty senate allotment for classroom teachers and librarians from \$50 to \$100, to be spent on academic materials, supplies or equipment to enhance instruction.

Be it enacted by the Legislature of West Virginia:

That §18-5A-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

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

- 1 (a) There is established at every public school in this state
- 2 a faculty senate which is comprised of all permanent, full-

3 time professional educators employed at the school who shall
4 all be voting members. Professional educators, as used in
5 this section, means professional educators as defined in
6 chapter eighteen-a of this code. A quorum of more than one
7 half of the voting members of the faculty shall be present at
8 any meeting of the faculty senate at which official business
9 is conducted. Prior to the beginning of the instructional term
10 each year, but within the employment term, the principal
11 shall convene a meeting of the faculty senate to elect a chair,
12 vice-chair and secretary and discuss matters relevant to the
13 beginning of the school year. The vice-chair shall preside at
14 meetings when the chair is absent. Meetings of the faculty
15 senate shall be held during the times provided in accordance
16 with subdivision (12), subsection (b) of this section as
17 determined by the faculty senate. Emergency meetings may
18 be held during noninstructional time at the call of the chair or
19 a majority of the voting members by petition submitted to the
20 chair and vice-chair. An agenda of matters to be considered
21 at a scheduled meeting of the faculty senate shall be available
22 to the members at least two employment days prior to the
23 meeting. For emergency meetings the agenda shall be
24 available as soon as possible prior to the meeting. The chair
25 of the faculty senate may appoint such committees as may be
26 desirable to study and submit recommendations to the full
27 faculty senate, but the acts of the faculty senate shall be voted
28 upon by the full body.

29 (b) In addition to any other powers and duties conferred
30 by law, or authorized by policies adopted by the state or
31 county board of education or bylaws which may be adopted
32 by the faculty senate not inconsistent with law, the powers
33 and duties listed in this subsection are specifically reserved
34 for the faculty senate. The intent of these provisions is
35 neither to restrict nor to require the activities of every faculty
36 senate to the enumerated items except as otherwise stated.
37 Each faculty senate shall organize its activities as it deems

38 most effective and efficient based on school size,
39 departmental structure and other relevant factors.

40 (1) Each faculty senate shall control funds allocated to
41 the school from legislative appropriations pursuant to section
42 nine, article nine-a of this chapter. From such funds, each
43 classroom teacher and librarian shall be allotted \$100 for
44 expenditure during the instructional year for academic
45 materials, supplies or equipment which, in the judgment of
46 the teacher or librarian, will assist him or her in providing
47 instruction in his or her assigned academic subjects or shall
48 be returned to the faculty senate: *Provided*, That nothing
49 contained herein prohibits the funds from being used for
50 programs and materials that, in the opinion of the teacher,
51 enhance student behavior, increase academic achievement,
52 improve self-esteem and address the problems of students at-
53 risk. The remainder of funds shall be expended for academic
54 materials, supplies or equipment in accordance with a budget
55 approved by the faculty senate. Notwithstanding any other
56 provisions of the law to the contrary, funds not expended in
57 one school year are available for expenditure in the next
58 school year: *Provided, however*, That the amount of county
59 funds budgeted in a fiscal year may not be reduced
60 throughout the year as a result of the faculty appropriations
61 in the same fiscal year for such materials, supplies and
62 equipment. Accounts shall be maintained of the allocations
63 and expenditures of such funds for the purpose of financial
64 audit. Academic materials, supplies or equipment shall be
65 interpreted broadly, but does not include materials, supplies
66 or equipment which will be used in or connected with
67 interscholastic athletic events.

68 (2) A faculty senate may establish a process for faculty
69 members to interview new prospective professional educators
70 and paraprofessional employees at the school and submit
71 recommendations regarding employment to the principal,

72 who may also make independent recommendations, for
73 submission to the county superintendent: *Provided*, That
74 such process shall be chaired by the school principal and
75 must permit the timely employment of persons to perform
76 necessary duties.

77 (3) A faculty senate may nominate teachers for
78 recognition as outstanding teachers under state and local
79 teacher recognition programs and other personnel at the
80 school, including parents, for recognition under other
81 appropriate recognition programs and may establish such
82 programs for operation at the school.

83 (4) A faculty senate may submit recommendations to the
84 principal regarding the assignment scheduling of secretaries,
85 clerks, aides and paraprofessionals at the school.

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

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

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

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

99 (9) Each faculty senate shall have an opportunity to make
100 recommendations on the selection of faculty to serve as

101 mentors for beginning teachers under beginning teacher
102 internship programs at the school.

103 (10) A faculty senate may solicit, accept and expend any
104 grants, gifts, bequests, donations and any other funds made
105 available to the faculty senate: *Provided*, That the faculty
106 senate shall select a member who has the duty of maintaining
107 a record of all funds received and expended by the faculty
108 senate, which record shall be kept in the school office and is
109 subject to normal auditing procedures.

110 (11) Any faculty senate may review the evaluation
111 procedure as conducted in their school to ascertain whether
112 the evaluations were conducted in accordance with the
113 written system required pursuant to section twelve, article
114 two, chapter eighteen-a of this code and the general intent of
115 this Legislature regarding meaningful performance
116 evaluations of school personnel. If a majority of members of
117 the faculty senate determine that such evaluations were not so
118 conducted, they shall submit a report in writing to the State
119 Board of Education: *Provided*, That nothing herein creates
120 any new right of access to or review of any individual's
121 evaluations.

122 (12) A local board shall provide to each faculty senate a
123 two-hour block of time for a faculty senate meeting on a day
124 scheduled for the opening of school prior to the beginning of
125 the instructional term, and a two-hour block of time on each
126 instructional support and enhancement day scheduled by the
127 board for instructional activities for students and professional
128 activities for teachers pursuant to section forty-five, article
129 five of this chapter. A faculty senate may meet for an
130 unlimited block of time per month during noninstructional
131 days to discuss and plan strategies to improve student
132 instruction and to conduct other faculty senate business. A
133 faculty senate meeting scheduled on a noninstructional day

134 shall be considered as part of the purpose for which the
135 noninstructional day is scheduled. This time may be utilized
136 and determined at the local school level and includes, but is
137 not limited to, faculty senate meetings.

138 (13) Each faculty senate shall develop a strategic plan to
139 manage the integration of special needs students into the
140 regular classroom at their respective schools and submit the
141 strategic plan to the superintendent of the county board of
142 education periodically pursuant to guidelines developed by
143 the State Department of Education. Each faculty senate shall
144 encourage the participation of local school improvement
145 councils, parents and the community at large in developing
146 the strategic plan for each school.

147 Each strategic plan developed by the faculty senate shall
148 include at least: (A) A mission statement; (B) goals; (C)
149 needs; (D) objectives and activities to implement plans
150 relating to each goal; (E) work in progress to implement the
151 strategic plan; (F) guidelines for placing additional staff into
152 integrated classrooms to meet the needs of exceptional needs
153 students without diminishing the services rendered to the
154 other students in integrated classrooms; (G) guidelines for
155 implementation of collaborative planning and instruction; and
156 (H) training for all regular classroom teachers who serve
157 students with exceptional needs in integrated classrooms.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect July 1, 2011.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2011.

Governor