

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

Introduced

### House Bill 2842

FISCAL  
NOTE

BY DELEGATES GRAVES, BATES, MAYNARD, PACK,  
PAYNTER, CRISS, LONGSTRETH, STORCH AND WESTFALL

[Introduced February 4, 2019; Referred  
to the Committee on Education.]

1 A BILL to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended, and to  
2 amend and reenact §18-9A-9, all relating to increasing the amount that a faculty senate  
3 of a public school may allocate to a classroom teacher or librarian for academic materials,  
4 supplies or equipment which, in the judgment of the teacher or librarian, will assist  
5 providing instruction.

*Be it enacted by the Legislature of West Virginia:*

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

18 by the full body.

19 (b) In addition to any other powers and duties conferred by law or authorized by policies  
20 adopted by the state or county board or bylaws which may be adopted by the faculty senate not  
21 inconsistent with law, the powers and duties listed in this subsection are specifically reserved for  
22 the faculty senate. The intent of these provisions is neither to restrict nor to require the activities  
23 of every faculty senate to the enumerated items except as otherwise stated. Each faculty senate  
24 shall organize its activities as it considers most effective and efficient based on school size,  
25 departmental structure and other relevant factors.

26 (1) Each faculty senate shall control funds allocated to the school from legislative  
27 appropriations pursuant to §18-9A-9 of this code. From those funds, each classroom teacher and  
28 librarian shall be allotted ~~\$400~~ \$200 for expenditure during the instructional year for academic  
29 materials, supplies or equipment which, in the judgment of the teacher or librarian, will assist him  
30 or her in providing instruction in his or her assigned academic subjects or shall be returned to the  
31 faculty senate: *Provided*, That nothing contained herein prohibits the funds from being used for  
32 programs and materials that, in the opinion of the teacher, enhance student behavior, increase  
33 academic achievement, improve self-esteem and address the problems of students at risk. The  
34 remainder of funds shall be expended for academic materials, supplies or equipment in  
35 accordance with a budget approved by the faculty senate. Notwithstanding any other provisions  
36 of the law to the contrary, funds not expended in one school year are available for expenditure in  
37 the next school year: *Provided, however*, That the amount of county funds budgeted in a fiscal  
38 year may not be reduced throughout the year as a result of the faculty appropriations in the same  
39 fiscal year for such materials, supplies and equipment. Accounts shall be maintained of the  
40 allocations and expenditures of such funds for the purpose of financial audit. Academic materials,  
41 supplies or equipment shall be interpreted broadly, but does not include materials, supplies or  
42 equipment which will be used in or connected with interscholastic athletic events.

43 (2) A faculty senate may establish a process for members to interview or otherwise obtain

44 information regarding applicants for classroom teaching vacancies that will enable the faculty  
45 senate to submit recommendations regarding employment to the principal. To facilitate the  
46 establishment of a process that is timely, effective, consistent among schools and counties, and  
47 designed to avoid litigation or grievance, the state board shall promulgate a rule pursuant to §29A-  
48 3B-1 *et seq.* of this code to implement the provisions of this subdivision. The rule may include the  
49 following:

50 (A) A process or alternative processes that a faculty senate may adopt;

51 (B) If determined necessary, a requirement and procedure for training for principals and  
52 faculty senate members or their designees who may participate in interviews and provisions that  
53 may provide for the compensation based on the appropriate daily rate of a classroom teacher  
54 who directly participates in the training for periods beyond his or her individual contract;

55 (C) Timelines that will assure the timely completion of the recommendation or the forfeiture  
56 of the right to make a recommendation upon the failure to complete a recommendation within a  
57 reasonable time;

58 (D) The authorization of the faculty senate to delegate the process for making a  
59 recommendation to a committee of no less than three members of the faculty senate; and

60 (E) Such other provisions as the state board determines are necessary or beneficial for  
61 the process to be established by the faculty senate.

62 (3) A faculty senate may nominate teachers for recognition as outstanding teachers under  
63 state and local teacher recognition programs and other personnel at the school, including parents,  
64 for recognition under other appropriate recognition programs and may establish such programs  
65 for operation at the school.

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

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

70 (6) A faculty senate may establish a process for the review and comment on sabbatical  
71 leave requests submitted by employees at the school pursuant to §18-2-11 of this code.

72 (7) Each faculty senate shall elect three faculty representatives to the local school  
73 improvement council established pursuant to §18-5A-2 of this code.

74 (8) Each faculty senate may nominate a member for election to the county staff  
75 development council pursuant to §18A-3-8 of this code.

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

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

84 (11) Any faculty senate may review the evaluation procedure as conducted in their school  
85 to ascertain whether the evaluations were conducted in accordance with the written system  
86 required pursuant to §18A-2-12 of this code or pursuant to §18A-3C-2 of this code, as applicable,  
87 and the general intent of this Legislature regarding meaningful performance evaluations of school  
88 personnel. If a majority of members of the faculty senate determine that such evaluations were  
89 not so conducted, they shall submit a report in writing to the State Board of Education: *Provided*,  
90 That nothing herein creates any new right of access to or review of any individual's evaluations.

91 (12) A local board shall provide to each faculty senate at least six two-hour blocks of time  
92 for faculty senate meetings with at least one two-hour block of time scheduled in the first month  
93 of the employment term, one two-hour block of time scheduled in the last month of the  
94 employment term and at least one two-hour block of time scheduled in each of the months of  
95 October, December, February and April. A faculty senate may meet for an unlimited block of time

96 during noninstructional days to discuss and plan strategies to improve student instruction and to  
97 conduct other faculty senate business. A faculty senate meeting scheduled on a noninstructional  
98 day shall be considered as part of the purpose for which the noninstructional day is scheduled.  
99 This time may be used and determined at the local school level and includes, but is not limited to,  
100 faculty senate meetings.

101 (13) Each faculty senate shall develop a strategic plan to manage the integration of special  
102 needs students into the regular classroom at their respective schools and submit the strategic  
103 plan to the superintendent of the county board periodically pursuant to guidelines developed by  
104 the State Department of Education. Each faculty senate shall encourage the participation of local  
105 school improvement councils, parents and the community at large in developing the strategic plan  
106 for each school.

107 Each strategic plan developed by the faculty senate shall include at least: (A) A mission  
108 statement; (B) goals; (C) needs; (D) objectives and activities to implement plans relating to each  
109 goal; (E) work in progress to implement the strategic plan; (F) guidelines for placing additional  
110 staff into integrated classrooms to meet the needs of exceptional needs students without  
111 diminishing the services rendered to the other students in integrated classrooms; (G) guidelines  
112 for implementation of collaborative planning and instruction; and (H) training for all regular  
113 classroom teachers who serve students with exceptional needs in integrated classrooms.

## **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

### **§18-9A-9. Foundation allowance for other current expense and substitute employees and faculty senates.**

1 The total allowance for other current expense and substitute employees is the sum of the  
2 following:

3 (1) For current expense:

4 (A) The nonsalary related expenditures for operations and maintenance, exclusive of  
5 expenditures reported in special revenue funds, for the latest available school year, in each

6 county, divided by the total square footage of school buildings in each county is used to calculate  
7 a state average expenditure per square foot for operations and maintenance;

8 (B) The total square footage of school buildings in each county divided by each county's  
9 net enrollment for school aid purposes is used to calculate a state average square footage per  
10 student;

11 (C) Each county's net enrollment for school aid purposes multiplied by the state average  
12 expenditure per square foot for operations and maintenance as calculated in paragraph (A) of this  
13 subdivision and multiplied by the state average square footage per student as calculated in  
14 paragraph (B) of this subdivision is that county's state average costs per square footage per  
15 student for operations and maintenance;

16 (D) Where two or more counties join together in support of a vocational or comprehensive  
17 high school or any other program or service, the allowance for current expense may be prorated  
18 among the participating counties by adjusting the net enrollment for school aid purposes utilized  
19 in the calculation by the number of students enrolled therein for each county; and

20 (E) Each county's allowance for current expense is 70.25 percent of the county's state  
21 average costs per square footage per student for operations and maintenance amount as  
22 calculated in paragraph (C) of this subdivision; plus

23 (2) For professional educator substitutes or current expense, two and five-tenths percent  
24 of the computed state allocation for professional educators and professional student support  
25 personnel as determined in §18-9A-4 and §18-9A-8 of this code. Distribution to the counties is  
26 made proportional to the number of professional educators and professional student support  
27 personnel authorized for the county in compliance with §18-9A-4 and §18-9A-8 of this code; plus

28 (3) For service personnel substitutes or current expense, two and five-tenths percent of  
29 the computed state allocation for service personnel as determined in §18-9A-5 of this code.  
30 Distribution to the counties is made proportional to the number of service personnel authorized  
31 for the county in compliance with §18-9A-5 of this code; plus

32 (4) For academic materials, supplies and equipment for use in instructional programs,  
33 ~~\$200~~ \$300 multiplied by the number of professional instructional personnel and professional  
34 student support personnel employed in the schools of the county. Distribution is made to each  
35 county for allocation to the faculty senate of each school in the county on the basis of ~~\$200~~ \$300  
36 per professional instructional personnel employed at the school. "Faculty Senate" means a faculty  
37 senate created pursuant to §18-5A-5 of this code. Decisions for the expenditure of such funds are  
38 made at the school level by the faculty senate in accordance with the provisions of ~~said section~~  
39 ~~five, article five-a~~ that section and may not be used to supplant the current expense expenditures  
40 of the county. Beginning on September 1, 1994, and every September thereafter, county boards  
41 shall forward to each school for the use by faculty senates the appropriation specified in this  
42 section. Each school shall be responsible for keeping accurate records of expenditures.

NOTE: The purpose of this bill is to increase the amount that a faculty senate may allocate to a classroom teacher or librarian for academic materials, supplies or equipment which, in the judgment of the teacher or librarian, will assist providing instruction.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.