WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1997

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ENROLLED

HOUSE BILL No. 2866

Williams, Manuel, Beach, Hubbard,
(Delegates Spencer and Henderson)

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Passed __________________________ April 12, 1997

In Effect __________________________ July 1, 1997

Passage
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.

(a) There is established at every public school in this state a faculty senate which shall be comprised of all permanent, full-time professional educators employed at the school who shall all be voting members. Professional educators as used in this section means professional educators as defined in chapter eighteen-a of this code. A
quorum of more than one half of the voting members of
the faculty shall be present at any meeting of the faculty
senate at which official business is conducted. When a
principal does not comply within a reasonable time, or
refuses, to comply with or implement a rule, policy or
practice recommended as a result of a majority vote of the
faculty senate taken at a regular faculty senate meeting,
the faculty senate chair shall make a written request to the
principal for justification of his or her failure or refusal.
Within ten days of receipt of the request, the principal
shall give a written response to the faculty senate chair,
which response shall specifically state the reasons for his
or her failure or refusal. A copy of each request and
response shall be forwarded to the county superintendent
by the respective senders. Prior to the beginning of the
instructional term each year, but within the employment
term, the principal shall convene a meeting of the faculty
senate to elect a chair, vice chair and secretary and discuss
matters relevant to the beginning of the school year. The
vice chair shall preside at meetings when the chair is
absent. Meetings of the faculty senate shall be held on a
regular basis as determined by a schedule approved by the
faculty senate and amended from time to time if needed.
Emergency meetings may be held at the call of the chair
or a majority of the voting members by petition submitted
to the chair and vice chair. An agenda of matters to be
considered at a scheduled meeting of the faculty senate
shall be available to the members at least two employment
days prior to the meeting, and in the case of emergency
meetings, as soon as possible prior to the meeting. The
chair of the faculty senate may appoint such committees
as may be desirable to study and submit recommendations
to the full faculty senate, but the acts of the faculty senate
shall be voted upon by the full body.

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

(1) Each faculty senate shall control funds allocated to the school from legislative appropriations pursuant to section nine, article nine-a of this chapter. From such funds, each classroom teacher and librarian shall be allotted fifty dollars for expenditure during the instructional year for academic materials, supplies or equipment which in the judgment of the teacher or librarian will assist him or her in providing instruction in his or her assigned academic subjects, or shall be returned to the faculty senate: Provided, That nothing contained herein shall prohibit such funds from being used for programs and materials that, in the opinion of the teacher, enhance student behavior, increase academic achievement, improve self-esteem and address the problems of students at-risk. The remainder of funds shall be expended for academic materials, supplies or equipment in accordance with a budget approved by the faculty senate.

Notwithstanding any other provisions of the law to the contrary, funds not expended in one school year shall be available for expenditure in the next school year: Provided, however, That the amount of county funds budgeted in a fiscal year shall not be reduced throughout the year as a result of the faculty appropriations in the same fiscal year for such materials, supplies and equipment. Accounts shall be maintained of the allocations and expenditures of such funds for the purpose of financial audit. Academic materials, supplies or equipment shall be interpreted broadly, but shall not include materials, supplies or equipment which will be used in or connected with interscholastic athletic events.

(2) A faculty senate may establish a process for faculty members to interview new prospective professional educators and paraprofessional employees at the school and submit recommendations regarding employment to the principal, who may also make independent recommendations, for submission to the county
superintendent: Provided, That such process must permit
the timely employment of persons to perform necessary
duties.

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

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

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

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

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

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

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

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

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

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

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

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

At least two hours of the day under either option shall be reserved for the faculty senate meeting. One-half of the full instructional day per month provided by
county boards under option (B) of this subdivision shall be made available through extended instructional time, continuing education time, outside the school environment time, or other non-instructional time, so that instructional time for students is not further reduced.

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

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

(14) Each faculty senate shall develop a strategic plan to manage the integration of special needs students into the regular classroom at their respective schools and submit said strategic plan to the superintendent of the county board of education by the thirtieth day of June, one thousand nine hundred ninety-five, and periodically thereafter pursuant to guidelines developed by the state department of education. Each faculty senate shall encourage the participation of local school improvement councils, parents and the community at large in the development of the strategic plan for each school.
Each strategic plan developed by the faculty senate shall include at least: (A) A mission statement; (B) goals; (C) needs; (D) objectives and activities to implement plans relating to each goal; (E) work in progress to implement the strategic plan; (F) guidelines for the placement of additional staff into integrated classrooms to meet the needs of exceptional needs students without diminishing the services rendered to the other students in integrated classrooms; (G) guidelines for implementation of collaborative planning and instruction; and (H) training for all regular classroom teachers who serve students with 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 was approved this the ___ day of May, 1997.

Governor
PRESENTED TO THE GOVERNOR
Date 5/1/97
Time 3:52 PM