WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4652

(By Delegate M. Poling)

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Passed March 13, 2010

In Effect July 1, 2010
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to school calendars; requiring each county superintendent to create a county school calendar committee; providing for designation and election of members; requiring the committee to develop multiple school calendar options for presentation to all employees for vote; requiring the generation of new calendar options if the county board or state board rejects the selected calendar; requiring the process to continue until a school calendar is approved by the county board and state board; requiring county board approval of school calendar prior to June 1 of each year; and establishing process for school districts served by a multi-county career and technical education center.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5-45a, to read as follows:
ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45a. County school calendar committee; county-wide vote; implementation in districts served by a multi-county career and technical education center.

(a) The county superintendent of each county shall create one county school calendar committee. The committee shall develop multiple school calendar options for presentation to all employees of the county board for vote. All calendars presented to the employees for selection shall comply with all applicable sections of this code, including but not limited to, section forty-five of this article.

(b) Each county school calendar committee shall consist of at least seven and no more than eleven members. The committee shall be comprised of teachers, service personnel, administrators, and two designees chosen by the county superintendent, at least one of whom shall be a parent, guardian or custodian of a student enrolled in the district. The county board employee membership of the committee shall be proportionally representative of the number of county board employees in each job category represented on the committee. Except for the designees chosen by the county superintendent, members of the committee shall be determined by election in accordance with the following:

(1) The county superintendent shall determine the number of member teachers, administrators and service personnel necessary for proportional representation of those respective classes of employment in the county;

(2) The county superintendent shall solicit nominations of teachers and administrators to serve on the committee from the faculty senates of the schools of the county and of
service personnel to serve on the committee from the service personnel of the county;

(3) Teachers are eligible to vote for the nominated teachers to fill the teacher positions on the committee, administrators are eligible to vote for the nominated administrators to fill the administrator positions on the committee and service personnel are eligible to vote for the nominated service personnel to fill the service personnel positions on the committee; and

(4) The superintendent shall prepare and distribute the ballots and tabulate the votes for membership in the same manner he or she prepares and distributes the ballots and tabulates the votes for professional staff development councils and service personnel staff development councils pursuant to sections eight and nine, article three, chapter eighteen-a of this code.

(c) The county school calendar committee shall generate at least three calendar options for presentation to the employees of the county board for a county-wide vote. The election shall be administered by the county superintendent. The county superintendent shall provide a reasonable time period for each employee to have the opportunity to vote, and shall establish a clearly stated deadline for the return of the ballots. Voting shall be conducted by a secret ballot election, and is optional to each employee. At least two representatives from the committee shall oversee the counting of returned votes. The calendar option that receives the highest number of votes returned to the county superintendent is the calendar option selected by the employees in the district, except as provided in subsection (c) of this section for the votes of districts served by the same multi-county career and technical education center.
(d) If the county board or the state board rejects a calendar selected by the employees in the district, the county school calendar committee shall generate new calendar options for consideration of the employees and the process set forth in this section shall continue until a selected school calendar is approved by the county board and the state board. The county board shall approve a school calendar prior to June 1 of each year. If the state board has delegated approval of school calendars to the state superintendent pursuant to section forty-five of this article, the reference in this subsection to the state board rejection and approval of a school calendar means the state superintendent's rejection and approval of a school calendar.

(e) For districts that are served by a multi-county career and technical education center and need to adopt a school calendar that is uniform to the school calendars of the other districts being served by the same multi-county career and technical education center, all of the provisions of this section apply, subject to the following:

(1) All of the county school calendar committees of the districts that are served by the same multi-county career and technical education center shall collaborate in generating the required minimum three calendar options;

(2) The calendar options presented to the employees of a county board of a district served by a multi-county career and technical education center for a vote shall be identical to the calendar options presented to the employees of the other county boards of districts served by the same multi-county career and technical education center; and

(3) The county superintendents of the districts served by the same multi-county career and technical education center shall add the vote totals for each calendar option from each
of the districts and the calendar option that receives the
highest number of the combined votes is the calendar option
selected by the employees in all of those districts served by
the same multi-county career and technical education center.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect July 1, 2010.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within happened this the ___ day of ____, 2010.

Governor
PRESENTED TO THE GOVERNOR
MAR 1 2001
Time  3:50 p.m.