

HB 4652 (veto)

FILED

2010 APR -7 PM 6: 04

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4652**

(By Delegate M. Poling)



Passed March 13, 2010

In Effect July 1, 2010

ENROLLED

FILED

2010 APR -7 PM 6: 04

COMMITTEE SUBSTITUTE

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 4652

(BY DELEGATE M. POLING)

[Passed March 1, 2010; in effect in 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.

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

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

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

24 (2) The county superintendent shall solicit nominations
25 of teachers and administrators to serve on the committee
26 from the faculty senates of the schools of the county and of

27 service personnel to serve on the committee from the service
28 personnel of the county;

29 (3) Teachers are eligible to vote for the nominated
30 teachers to fill the teacher positions on the committee,
31 administrators are eligible to vote for the nominated
32 administrators to fill the administrator positions on the
33 committee and service personnel are eligible to vote for the
34 nominated service personnel to fill the service personnel
35 positions on the committee; and

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

43 (c) The county school calendar committee shall generate
44 at least three calendar options for presentation to the
45 employees of the county board for a county-wide vote. The
46 election shall be administered by the county superintendent.
47 The county superintendent shall provide a reasonable time
48 period for each employee to have the opportunity to vote, and
49 shall establish a clearly stated deadline for the return of the
50 ballots. Voting shall be conducted by a secret ballot election,
51 and is optional to each employee. At least two
52 representatives from the committee shall oversee the
53 counting of returned votes. The calendar option that receives
54 the highest number of votes returned to the county
55 superintendent is the calendar option selected by the
56 employees in the district, except as provided in subsection (e)
57 of this section for the votes of districts served by the same
58 multi-county career and technical education center.

59 (d) If the county board or the state board rejects a
60 calendar selected by the employees in the district, the county
61 school calendar committee shall generate new calendar
62 options for consideration of the employees and the process
63 set forth in this section shall continue until a selected school
64 calendar is approved by the county board and the state board.
65 The county board shall approve a school calendar prior to
66 June 1 of each year. If the state board has delegated approval
67 of school calendars to the state superintendent pursuant to
68 section forty-five of this article, the reference in this
69 subsection to the state board rejection and approval of a
70 school calendar means the state superintendent's rejection
71 and approval of a school calendar.

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

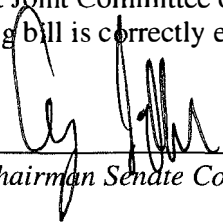
78 (1) All of the county school calendar committees of the
79 districts that are served by the same multi-county career and
80 technical education center shall collaborate in generating the
81 required minimum three calendar options;

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

88 (3) The county superintendents of the districts served by
89 the same multi-county career and technical education center
90 shall add the vote totals for each calendar option from each

91 of the districts and the calendar option that receives the
92 highest number of the combined votes is the calendar option
93 selected by the employees in all of those districts served by
94 the same multi-county career and technical education center.

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



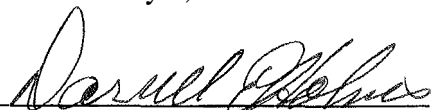
Chairman Senate Committee



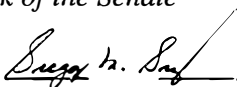
Chairman House Committee

Originating in the House.

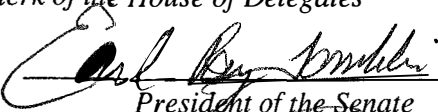
In effect July 1, 2010.



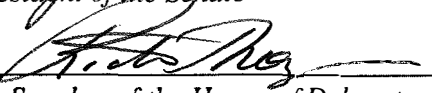
Clerk of the Senate



Clerk of the House of Delegates

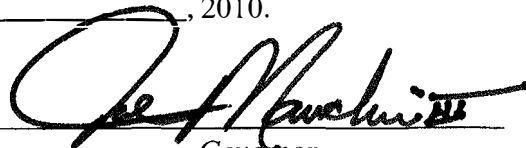


President of the Senate



Speaker of the House of Delegates

The within is approved this the 7th
day of April, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 31 2008

Time 3:50 p