WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011

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ENROLLED

House Bill No. 2648

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

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Passed March 8, 2011

In Effect July 1, 2011
AN ACT to amend and reenact §18-SA-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-
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. 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 during the times provided in accordance
with subdivision (12), subsection (b) of this section as
determined by the faculty senate. Emergency meetings may
be held during noninstructional time 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. For emergency meetings the agenda shall be
available 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 $100 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 prohibits the 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 are available for expenditure in the next school year: Provided, however, That the amount of county funds budgeted in a fiscal year may 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 does 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 shall be chaired by the school principal and 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 has 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 is
subject to normal auditing procedures.

(11) Any faculty senate may review the evaluation
procedure as conducted in their school to ascertain whether
the 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 creates
any new right of access to or review of any individual's
evaluations.

(12) A local board shall provide to each faculty senate a
two-hour block of time for a faculty senate meeting on a day
scheduled for the opening of school prior to the beginning of
the instructional term, and a two-hour block of time on each
instructional support and enhancement day scheduled by the
board for instructional activities for students and professional
activities for teachers pursuant to section forty-five, article
five of this chapter. A faculty senate may meet for an
unlimited block of time per month during noninstructional
days to discuss and plan strategies to improve student
instruction and to conduct other faculty senate business. A
faculty senate meeting scheduled on a noninstructional day
shall be considered as part of the purpose for which the noninstructional day is scheduled. This time may be utilized and determined at the local school level and includes, but is not limited to, faculty senate meetings.

(13) 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 the strategic plan to the superintendent of the county board of education periodically 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 developing 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 placing 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, 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 is approved this the 18th day of March, 2011.

Governor
PRESENTED TO THE GOVERNOR

MAR 15 2011

Time 3:15 pm