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ENROLLED

H. B. 2648

(By Delegate Iaquina, Anderson, M. Poling,
Crosier and Fragale)

[Passed March 8, 2011; in effect July 1, 2011.]

**FISCAL
NOTE**

AN ACT to amend and reenact §18-5A-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.

(a) There is established at every public school in this state 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

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

22 (b) In addition to any other powers and duties conferred by
23 law, or authorized by policies adopted by the state or county board
24 of education or bylaws which may be adopted by the faculty senate

1 not inconsistent with law, the powers and duties listed in this
2 subsection are specifically reserved for the faculty senate. The
3 intent of these provisions is neither to restrict nor to require
4 the activities of every faculty senate to the enumerated items
5 except as otherwise stated. Each faculty senate shall organize its
6 activities as it deems most effective and efficient based on school
7 size, departmental structure and other relevant factors.

8 (1) Each faculty senate shall control funds allocated to the
9 school from legislative appropriations pursuant to section nine,
10 article nine-a of this chapter. From such funds, each classroom
11 teacher and librarian shall be allotted \$100 for expenditure during
12 the instructional year for academic materials, supplies or
13 equipment which, in the judgment of the teacher or librarian, will
14 assist him or her in providing instruction in his or her assigned
15 academic subjects or shall be returned to the faculty senate:
16 *Provided*, That nothing contained herein prohibits the funds from
17 being used for programs and materials that, in the opinion of the
18 teacher, enhance student behavior, increase academic achievement,
19 improve self-esteem and address the problems of students at-risk.
20 The remainder of funds shall be expended for academic materials,
21 supplies or equipment in accordance with a budget approved by the
22 faculty senate. Notwithstanding any other provisions of the law to
23 the contrary, funds not expended in one school year are available
24 for expenditure in the next school year: *Provided, however*, That

1 the amount of county funds budgeted in a fiscal year may not be
2 reduced throughout the year as a result of the faculty
3 appropriations in the same fiscal year for such materials, supplies
4 and equipment. Accounts shall be maintained of the allocations and
5 expenditures of such funds for the purpose of financial audit.
6 Academic materials, supplies or equipment shall be interpreted
7 broadly, but does not include materials, supplies or equipment
8 which will be used in or connected with interscholastic athletic
9 events.

10 (2) A faculty senate may establish a process for faculty
11 members to interview new prospective professional educators and
12 paraprofessional employees at the school and submit recommendations
13 regarding employment to the principal, who may also make
14 independent recommendations, for submission to the county
15 superintendent: *Provided*, That such process shall be chaired by
16 the school principal and must permit the timely employment of
17 persons to perform necessary duties.

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

23 (4) A faculty senate may submit recommendations to the
24 principal regarding the assignment scheduling of secretaries,

1 clerks, aides and paraprofessionals at the school.

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

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

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

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

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

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

1 (11) Any faculty senate may review the evaluation procedure as
2 conducted in their school to ascertain whether the evaluations were
3 conducted in accordance with the written system required pursuant
4 to section twelve, article two, chapter eighteen-a of this code and
5 the general intent of this Legislature regarding meaningful
6 performance evaluations of school personnel. If a majority of
7 members of the faculty senate determine that such evaluations were
8 not so conducted, they shall submit a report in writing to the
9 State Board of Education: *Provided*, That nothing herein creates
10 any new right of access to or review of any individual's
11 evaluations.

12 (12) A local board shall provide to each faculty senate a two-
13 hour block of time for a faculty senate meeting on a day scheduled
14 for the opening of school prior to the beginning of the
15 instructional term, and a two-hour block of time on each
16 instructional support and enhancement day scheduled by the board
17 for instructional activities for students and professional
18 activities for teachers pursuant to section forty-five, article
19 five of this chapter. A faculty senate may meet for an unlimited
20 block of time per month during noninstructional days to discuss and
21 plan strategies to improve student instruction and to conduct other
22 faculty senate business. A faculty senate meeting scheduled on a
23 noninstructional day shall be considered as part of the purpose for
24 which the noninstructional day is scheduled. This time may be

1 utilized and determined at the local school level and includes, but
2 is not limited to, faculty senate meetings.

3 (13) Each faculty senate shall develop a strategic plan to
4 manage the integration of special needs students into the regular
5 classroom at their respective schools and submit the strategic plan
6 to the superintendent of the county board of education periodically
7 pursuant to guidelines developed by the State Department of
8 Education. Each faculty senate shall encourage the participation
9 of local school improvement councils, parents and the community at
10 large in developing the strategic plan for each school.

11 Each strategic plan developed by the faculty senate shall
12 include at least: (A) A mission statement; (B) goals; (C) needs;
13 (D) objectives and activities to implement plans relating to each
14 goal; (E) work in progress to implement the strategic plan; (F)
15 guidelines for placing additional staff into integrated classrooms
16 to meet the needs of exceptional needs students without diminishing
17 the services rendered to the other students in integrated
18 classrooms; (G) guidelines for implementation of collaborative
19 planning and instruction; and (H) training for all regular
20 classroom teachers who serve students with exceptional needs in
21 integrated classrooms.