

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2011



**ENROLLED**

**House Bill No. 2648**

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



Passed March 8, 2011

In Effect July 1, 2011

# ENROLLED

## H. B. 2648

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(BY DELEGATES IAQUINTA, 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 §18-5A-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.**

- 1 (a) There is established at every public school in this state
- 2 a faculty senate which is comprised of all permanent, full-

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

29 (b) In addition to any other powers and duties conferred  
30 by law, or authorized by policies adopted by the state or  
31 county board of education or bylaws which may be adopted  
32 by the faculty senate not inconsistent with law, the powers  
33 and duties listed in this subsection are specifically reserved  
34 for the faculty senate. The intent of these provisions is  
35 neither to restrict nor to require the activities of every faculty  
36 senate to the enumerated items except as otherwise stated.  
37 Each faculty senate shall organize its activities as it deems

38 most effective and efficient based on school size,  
39 departmental structure and other relevant factors.

40 (1) Each faculty senate shall control funds allocated to  
41 the school from legislative appropriations pursuant to section  
42 nine, article nine-a of this chapter. From such funds, each  
43 classroom teacher and librarian shall be allotted \$100 for  
44 expenditure during the instructional year for academic  
45 materials, supplies or equipment which, in the judgment of  
46 the teacher or librarian, will assist him or her in providing  
47 instruction in his or her assigned academic subjects or shall  
48 be returned to the faculty senate: *Provided*, That nothing  
49 contained herein prohibits the funds from being used for  
50 programs and materials that, in the opinion of the teacher,  
51 enhance student behavior, increase academic achievement,  
52 improve self-esteem and address the problems of students at-  
53 risk. The remainder of funds shall be expended for academic  
54 materials, supplies or equipment in accordance with a budget  
55 approved by the faculty senate. Notwithstanding any other  
56 provisions of the law to the contrary, funds not expended in  
57 one school year are available for expenditure in the next  
58 school year: *Provided, however*, That the amount of county  
59 funds budgeted in a fiscal year may not be reduced  
60 throughout the year as a result of the faculty appropriations  
61 in the same fiscal year for such materials, supplies and  
62 equipment. Accounts shall be maintained of the allocations  
63 and expenditures of such funds for the purpose of financial  
64 audit. Academic materials, supplies or equipment shall be  
65 interpreted broadly, but does not include materials, supplies  
66 or equipment which will be used in or connected with  
67 interscholastic athletic events.

68 (2) A faculty senate may establish a process for faculty  
69 members to interview new prospective professional educators  
70 and paraprofessional employees at the school and submit  
71 recommendations regarding employment to the principal,

72 who may also make independent recommendations, for  
73 submission to the county superintendent: *Provided*, That  
74 such process shall be chaired by the school principal and  
75 must permit the timely employment of persons to perform  
76 necessary duties.

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

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

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

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

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

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

99 (9) Each faculty senate shall have an opportunity to make  
100 recommendations on the selection of faculty to serve as

101 mentors for beginning teachers under beginning teacher  
102 internship programs at the school.

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

110 (11) Any faculty senate may review the evaluation  
111 procedure as conducted in their school to ascertain whether  
112 the evaluations were conducted in accordance with the  
113 written system required pursuant to section twelve, article  
114 two, chapter eighteen-a of this code and the general intent of  
115 this Legislature regarding meaningful performance  
116 evaluations of school personnel. If a majority of members of  
117 the faculty senate determine that such evaluations were not so  
118 conducted, they shall submit a report in writing to the State  
119 Board of Education: *Provided*, That nothing herein creates  
120 any new right of access to or review of any individual's  
121 evaluations.

122 (12) A local board shall provide to each faculty senate a  
123 two-hour block of time for a faculty senate meeting on a day  
124 scheduled for the opening of school prior to the beginning of  
125 the instructional term, and a two-hour block of time on each  
126 instructional support and enhancement day scheduled by the  
127 board for instructional activities for students and professional  
128 activities for teachers pursuant to section forty-five, article  
129 five of this chapter. A faculty senate may meet for an  
130 unlimited block of time per month during noninstructional  
131 days to discuss and plan strategies to improve student  
132 instruction and to conduct other faculty senate business. A  
133 faculty senate meeting scheduled on a noninstructional day

134 shall be considered as part of the purpose for which the  
135 noninstructional day is scheduled. This time may be utilized  
136 and determined at the local school level and includes, but is  
137 not limited to, faculty senate meetings.

138 (13) Each faculty senate shall develop a strategic plan to  
139 manage the integration of special needs students into the  
140 regular classroom at their respective schools and submit the  
141 strategic plan to the superintendent of the county board of  
142 education periodically pursuant to guidelines developed by  
143 the State Department of Education. Each faculty senate shall  
144 encourage the participation of local school improvement  
145 councils, parents and the community at large in developing  
146 the strategic plan for each school.

147 Each strategic plan developed by the faculty senate shall  
148 include at least: (A) A mission statement; (B) goals; (C)  
149 needs; (D) objectives and activities to implement plans  
150 relating to each goal; (E) work in progress to implement the  
151 strategic plan; (F) guidelines for placing additional staff into  
152 integrated classrooms to meet the needs of exceptional needs  
153 students without diminishing the services rendered to the  
154 other students in integrated classrooms; (G) guidelines for  
155 implementation of collaborative planning and instruction; and  
156 (H) training for all regular classroom teachers who serve  
157 students with exceptional needs in integrated classrooms.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect July 1, 2011.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2011.

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*Governor*