

# Senate Bill No. 467

(By Senators Plymale, Kessler (Acting President),  
Stollings, Miller, Beach, Chafin and Foster)

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[Introduced February 8, 2011; referred to  
the Committee on Education.]

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A BILL to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to preventing teachers from being assigned additional responsibilities during planning period without teacher's consent.

*Be it enacted by the Legislature of West Virginia:*

That §18A-4-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

### **§18A-4-14. Duty-free lunch and daily planning period for certain employees.**

- 1 (1) Notwithstanding the provisions of section seven, article
- 2 two of this chapter, every teacher who is employed for a
- 3 period of time more than one-half the class periods of the

4 regular school day and every service ~~personnel~~ person whose  
5 employment is for a period of more than three and one-half  
6 hours per day and whose pay is at least the amount indicated  
7 in the “state minimum pay scale” as set forth in section  
8 eight-a of this article shall be provided a daily lunch recess  
9 of not less than thirty consecutive minutes, and ~~such~~ the  
10 employee shall not be assigned any responsibilities during  
11 this recess. ~~Such~~ The recess shall be included in the number  
12 of hours worked, and no county shall increase the number of  
13 hours to be worked by an employee as a result of ~~such~~ the  
14 employee being granted a recess under the provisions of this  
15 section.

16 (2) Every teacher who is regularly employed for a period of  
17 time more than one-half the class periods of the regular  
18 school day shall be provided at least one planning period  
19 within each school instructional day to be used to complete  
20 necessary preparations for the instruction of pupils. ~~Such~~  
21 The planning period shall be the length of the usual class  
22 period in the school to which ~~such~~ the teacher is assigned,  
23 and shall be not less than thirty minutes. No teacher shall be  
24 assigned any responsibilities during this period without the  
25 consent of the teacher, and no county shall increase the

26 number of hours to be worked by a teacher as a result of ~~such~~  
27 the teacher being granted a planning period subsequent to  
28 the adoption of this section (March 13, 1982).

29 Principals, and assistant principals, where applicable,  
30 shall cooperate in carrying out the provisions of this subsec-  
31 tion, including, but not limited to, assuming control of the  
32 class period or supervision of students during the time the  
33 teacher is engaged in the planning period. Substitute  
34 teachers ~~may~~ also may be ~~utilized~~ used to assist with class-  
35 room responsibilities under this subsection: *Provided*, That  
36 any substitute teacher who is employed to teach a minimum  
37 of two consecutive days in the same position shall be granted  
38 a planning period pursuant to this section.

39 (3) Nothing in this section shall be construed to prevent  
40 any teacher from exchanging his or her lunch recess or a  
41 planning period or any service ~~personnel~~ person from  
42 exchanging his or her lunch recess for any compensation or  
43 benefit mutually agreed upon by the employee and the  
44 county superintendent ~~of schools~~ or his or her agent: *Pro-*  
45 *vided*, That a teacher and the superintendent or his or her  
46 agent may not agree to terms which are different from those  
47 available to any other teacher granted rights under this

48 section within the individual school or to terms which in any  
49 way discriminate among ~~such~~ the teachers within the  
50 individual school, and that service personnel granted rights  
51 under this section and the superintendent or his or her agent  
52 may not agree to terms which are different from those  
53 available to any other service personnel within the same  
54 classification category granted rights under this section  
55 within the individual school or to terms which in any way  
56 discriminate among ~~such~~ the service personnel within the  
57 same classification category within the individual school.

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(NOTE: The purpose of this bill is to redefine planning periods for teachers.)

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)