

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 477**

5 (SENATORS TUCKER, BEACH, CANN, EDGELL, FITZSIMMONS, GREEN, D. HALL, MILLER,
6 PALUMBO, PLYMALE, SNYDER, WILLIAMS, KESSLER (MR. PRESIDENT), YOST, WELLS,
7 NOHE, COOKMAN AND STOLLINGS, *original sponsors*)

8 _____
9 [Passed March 8, 2014; in effect ninety days from passage.]
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12 AN ACT to amend and reenact §18A-4-14 of the Code of West Virginia,
13 1931, as amended, relating to daily planning periods for
14 certain school employees; providing that teachers determine
15 the use of time for a planning period; prohibiting
16 administrators from requiring teachers to attend meetings,
17 training or work-related events during planning period;
18 allowing for teacher discretion; defining "meeting"; and
19 setting forth when a planning period begins.

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

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

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

24 **§18A-4-14. Duty-free lunch and daily planning period for certain**
25 **employees.**

1 (a) Notwithstanding the provisions of section seven, article
2 two of this chapter, every teacher who is employed for a period of
3 time more than one-half the class periods of the regular school day
4 and every service person whose employment is for a period of more
5 than three and one-half hours per day and whose pay is at least the
6 amount indicated in the state minimum pay scale as set forth in
7 section eight-a of this article shall be provided a daily lunch
8 recess of not less than thirty consecutive minutes and the employee
9 shall not be assigned any responsibilities during this recess. The
10 recess shall be included in the number of hours worked and no
11 county shall increase the number of hours to be worked by an
12 employee as a result of the employee being granted a recess under
13 the provisions of this section.

14 (b) Every teacher who is regularly employed for a period of
15 time more than one-half the class periods of the regular school day
16 shall be provided at least one planning period within each school
17 instructional day to be used to complete necessary preparations for
18 the instruction of pupils. No teacher may be assigned any
19 responsibilities during this period and no county shall increase
20 the number of hours to be worked by a teacher as a result of such
21 teacher being granted a planning period subsequent to the adoption
22 of this section. The use of the entire period of time allotted for
23 a planning period is determined by the teacher. Administrators may
24 not require a teacher to attend meetings, training or any other
25 work-related event during a planning period. This does not
26 prohibit any teacher from participating in school-related

1 activities, teacher evaluation conferences or conducting school-
2 related meetings, as prescribed, at his or her discretion.
3 "Meeting" for the purpose of this section includes, but is not
4 limited to, IEP meetings, 504 Plan meetings, team meetings and
5 parent-teacher conferences. A planning period begins once students
6 are physically delivered to another teacher or dismissed from a
7 class.

8 The duration of the planning period shall be in accordance
9 with the following:

10 (1) For grades where the majority of the student instruction
11 is delivered by only one teacher, the planning period shall be no
12 less than forty minutes; and

13 (2) For grades where students take separate courses during at
14 least four separate periods of instruction, most usually delivered
15 by different teachers for each subject, the planning period shall
16 be the length of the usual class period taught by the teacher, but
17 no less than forty minutes. Principals, and assistant principals,
18 where applicable, shall cooperate in carrying out the provisions of
19 this subsection, including, but not limited to, assuming control of
20 the class period or supervision of students during the time the
21 teacher is engaged in the planning period. Substitute teachers may
22 also be utilized to assist with classroom responsibilities under
23 this subsection: *Provided*, That any substitute teacher who is
24 employed to teach a minimum of two consecutive days in the same
25 position shall be granted a planning period pursuant to this
26 section.

1 (c) Nothing in this section prevents any teacher from
2 exchanging his or her lunch recess or a planning period or any
3 service person from exchanging his or her lunch recess for any
4 compensation or benefit mutually agreed upon by the employee and
5 the county superintendent or his or her agent: *Provided*, That a
6 teacher and the superintendent or his or her agent may not agree to
7 terms which are different from those available to any other teacher
8 granted rights under this section within the individual school or
9 to terms which in any way discriminate among those teachers within
10 the individual school, and a service person granted rights under
11 this section and the superintendent or his or her agent may not
12 agree to terms which are different from those available to any
13 other service personnel within the same classification category
14 granted rights under this section within the individual school or
15 to terms which in any way discriminate among those service
16 personnel within the same classification category within the
17 individual school.