

Senate Bill No. 477

(By Senators Tucker, Beach, Cann, Edgell, Fitzsimmons, Green, D. Hall, Miller, Palumbo, Plymale, Snyder, Williams, Kessler (Mr. President), Yost, Wells, Nohe, Cookman and Stollings)

[Introduced February 3, 2014; referred to the Committee on Education.]

A BILL to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to daily planning periods for certain school employees; providing that teachers determine the use of time of a planning period; and providing for a definition of "meeting" for purposes of this section.

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.

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

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

11 (b) Every teacher who is regularly employed for a period of
12 time more than one-half the class periods of the regular school day
13 shall be provided at least one planning period within each school
14 instructional day to be used to complete necessary preparations for
15 the instruction of pupils. No teacher may be assigned any
16 responsibilities during this period, and no county shall increase
17 the number of hours to be worked by a teacher as a result of such
18 teacher being granted a planning period subsequent to the adoption
19 of this section (March 13, 1982). The use of the entire period of
20 time allotted for a planning period is determined by the teacher.
21 Administrators may not request or require a teacher to attend
22 meetings, training or any other work related event during a
23 planning period. "Meeting" for the purpose of this section
24 includes, but is not limited to, IEP meetings, 504 Plan meetings

1 and parent-teacher conferences. A planning period begins once
2 students are physically delivered to another teacher or dismissed
3 from a class.

4 The duration of the planning period shall be in accordance
5 with the following:

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

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

23 (c) Nothing in this section prevents any teacher from
24 exchanging his or her lunch recess or a planning period or any

1 service person from exchanging his or her lunch recess for any
2 compensation or benefit mutually agreed upon by the employee and
3 the county superintendent or his or her agent: *Provided*, That a
4 teacher and the superintendent or his or her agent may not agree to
5 terms which are different from those available to any other teacher
6 granted rights under this section within the individual school or
7 to terms which in any way discriminate among those teachers within
8 the individual school, and a service person granted rights under
9 this section and the superintendent or his or her agent may not
10 agree to terms which are different from those available to any
11 other service personnel within the same classification category
12 granted rights under this section within the individual school or
13 to terms which in any way discriminate among those service
14 personnel within the same classification category within the
15 individual school.

16 ~~(d) The state board shall conduct a study on planning periods.~~
17 ~~The study shall include, but not be limited to, the appropriate~~
18 ~~length for planning periods at the various grade levels and for the~~
19 ~~different types of class schedules. The board shall report its~~
20 ~~findings and recommendations to the Legislative Oversight~~
21 ~~Commission on Education Accountability no later than December 31,~~
22 ~~2013.~~

NOTE: The purpose of this bill is to provide that teachers determine the use of time of a planning period. It also provides a definition of "meeting" for purposes of this section.

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