

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2840**

5 (By Delegates Campbell, Rowan, Pasdon, Cooper, Perry and Eldridge)

6  
7 [Passed March 14, 2015; in effect July 1, 2015.]

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11 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
12 designated §18-5-45a, relating to authorizing a county board of education in certain  
13 circumstances to provide instruction to students during emergency closures under an  
14 alternative plan to make up lost days of traditional instruction in a manner that meets the  
15 instructional day and time requirements for not more than four instructional days of  
16 accumulated time so that the board is not required to repurpose other days or add additional  
17 days of instruction to maintain compliance in reaching the mandatory one hundred eighty  
18 separate instructional days.

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

20 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
21 section, designated §18-5-45a, to read as follows:

22 **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

23 **§18-5-45a. Alternate instruction plan for emergency closure days and times.**

1 (a) The purpose of this section is to allow optional plans for school systems to provide  
2 instruction that meets the school calendar requirements for instructional days and time in section  
3 forty-five of this article during an emergency closure of school facilities. An “emergency closure”  
4 means hours or days during the instructional term when it is necessary to close schools for disease  
5 epidemic, hazardous weather conditions, law-enforcement emergencies, inoperability of school buses  
6 or other equipment necessary to the school's operation, damage to a school building, or other  
7 temporary circumstances due to utility failure rendering the school building unfit for school use.  
8 Instruction provided during an emergency closure through a plan established in accordance with this  
9 section meets the instructional day and time requirements in section forty-five of this article for not  
10 more than four instructional days of accumulated time, including full instructional days, and,  
11 therefore, does not require the repurposing of other days pursuant to subsection (e), section forty-five  
12 of this article, or adding additional days of instruction to maintain compliance in reaching the  
13 mandatory one hundred eighty separate instructional days established in said section forty-five.

14 (b) Prior to the first day of August of each school year, a county board of education may  
15 submit to the State Board of Education a plan for providing instruction to students during emergency  
16 closures which includes at least the following:

17 (1) The method or methods of providing the instruction including, but not limited to delivery  
18 using lessons on electronic devices provided to students, lessons posted on a board or school website  
19 and distribution of emergency closure day packets of instructional assignments, or any combination  
20 of these instructional delivery methods. The method or methods must accommodate any differences  
21 in the ability of students to access the instructional assignments and to complete them within a  
22 reasonable time period:

23 (2) The method for ensuring that each classroom teacher develops and makes available a

1 sufficient number of instructional assignments for each course taught by the teacher to cover the  
2 amount of emergency closure time specified in the plan;

3       (3) The method for ensuring that the instructional assignments are based on current  
4 instructional progress to the extent possible and necessary, and are updated or replaced by the  
5 classroom teacher when needed;

6       (4) The method for informing students of the emergency closure instructional assignments,  
7 the order in which they are to be completed during emergency closures and the consequences of not  
8 completing them; and

9       (5) The method for requiring students to complete the instructional assignments, the time  
10 period for completion and for assigning a grade for the student's work.

11       (c) Subject to approval by the State Board, the county board may implement the plan for the  
12 applicable school year.

13       (d) A county board may submit its plan for providing instruction during an emergency closure  
14 as a part of its school calendar for approval by the State Board.