

H. B. 2372

(By Delegate Rodighiero)

[Introduced January 26, 2015; referred to the
Committee on Education.]

A BILL to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendars; and permitting a county board of education to lengthen an instructional day in certain instances.

Be it enacted by the Legislature of West Virginia:

That §18-5-45 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

(a) As used in this section:

(1) “Instructional day” means a day within the instructional term which meets the following criteria:

(A) Instruction is offered to students for at least the minimum amount of hours provided by state board rule;

1 (B) Instructional time is used for instruction and cocurricular activities; and

2 (C) Other criteria as the state board determines appropriate.

3 (2) “Cocurricular activities” are activities that are closely related to identifiable academic
4 programs or areas of study that serve to complement academic curricula as further defined by the
5 state board.

6 (b) *Findings.* –

7 (1) The primary purpose of the school system is to provide instruction for students.

8 (2) The school calendar, as defined in this section, is designed to define the school term both
9 for employees and for instruction.

10 (3) The school calendar shall provide for one hundred eighty separate instructional days.

11 (c) The county board shall provide a school term for its schools that contains the following:

12 (1) An employment term that excludes Saturdays and Sundays and consists of at least two
13 hundred days, which need not be successive. The beginning and closing dates of the employment
14 term may not exceed forty-eight weeks;

15 (2) Within the employment term, an instructional term for students of no less than one
16 hundred eighty separate instructional days, which includes an inclement weather and emergencies
17 plan designed to guarantee an instructional term for students of no less than one hundred eighty
18 separate instructional days;

19 (3) Within the employment term, noninstructional days shall total twenty and shall be
20 comprised of the following:

21 (A) Seven paid holidays;

22 (B) Election day as specified in section two, article five, chapter eighteen-a of this code;

1 (C) Six days to be designated by the county board to be used by the employees outside the
2 school environment, with at least four outside the school environment days scheduled to occur after
3 the one hundred and thirtieth instructional day of the school calendar; and

4 (D) The remaining days to be designated by the county board for purposes to include, but not
5 be limited to:

6 (i) Curriculum development;

7 (ii) Preparation for opening and closing school;

8 (iii) Professional development;

9 (iv) Teacher-pupil-parent conferences;

10 (v) Professional meetings;

11 (vi) Making up days when instruction was scheduled but not conducted; and

12 (vii) At least four two-hour blocks of time for faculty senate meetings with each two-hour
13 block of time scheduled once at least every forty-five instructional days; and

14 (4) Scheduled out-of-calendar days that are to be used for instructional days in the event
15 school is canceled for any reason.

16 (d) A county board of education shall develop a policy that requires additional minutes of
17 instruction in the school day or additional days of instruction to recover time lost due to late arrivals
18 and early dismissals.

19 (e) If it is not possible to complete one hundred eighty separate instructional days with the
20 current school calendar, the county board shall schedule instruction on any available noninstructional
21 day, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day
22 and the day will be used for instruction of students: *Provided*, That the provisions of this subsection

1 do not apply to:

2 (A) Holidays;

3 (B) Election day;

4 (C) Saturdays and Sundays.

5 (f) The instructional term shall commence and terminate on a date selected by the county
6 board.

7 (g) The state board may not schedule the primary statewide assessment program more than
8 thirty days prior to the end of the instructional year unless the state board determines that the nature
9 of the test mandates an earlier testing date.

10 (h) The following applies to cocurricular activities:

11 (1) The state board shall determine what activities may be considered cocurricular;

12 (2) The state board shall determine the amount of instructional time that may be consumed
13 by cocurricular activities; and

14 (3) Other requirements or restrictions the state board may provide in the rule required to be
15 promulgated by this section.

16 (i) Extracurricular activities may not be used for instructional time.

17 (j) Noninstructional interruptions to the instructional day shall be minimized to allow the
18 classroom teacher to teach.

19 (k) Prior to implementing the school calendar, the county board shall secure approval of its
20 proposed calendar from the state board or, if so designated by the state board, from the state
21 superintendent.

22 (l) In formulation of a school's calendar, a county school board shall hold at least two public

1 meetings that allow parents, teachers, teacher organizations, businesses and other interested parties
2 within the county to discuss the school calendar. The public notice of the date, time and place of the
3 public hearing must be published in a local newspaper of general circulation in the area as a Class
4 II legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this
5 code.

6 (m) The county board may contract with all or part of the personnel for a longer term of
7 employment.

8 (n) The minimum instructional term may be decreased by order of the state superintendent
9 in any county declared a federal disaster area and where the event causing the declaration is
10 substantially related to a reduction of instructional days.

11 (o) Notwithstanding any provision of this code to the contrary, the state board may grant a
12 waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen-a,
13 eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory one
14 hundred eighty separate instructional days established in this section.

15 (p) Notwithstanding any provision of this code to the contrary, the county board may amend
16 its school calendar due to an emergency by lengthening any remaining instructional days in the
17 school calendar by thirty minutes or more. However, an instructional day may not contain more than
18 seven hours of instruction unless it has been approved by the state board.

19 ~~(p)~~ (q) The state board shall promulgate a rule in accordance with the provisions of article
20 three-b, chapter twenty-nine-a of this code for the purpose of implementing the provisions of this
21 section.

22 ~~(q)~~ (r) The amendments to this section during the 2013 regular session of the Legislature shall

- 1 be effective for school years beginning on or after July 1, 2014, and the provisions of this section
- 2 existing immediately prior to the 2013 regular session of the Legislature remain in effect for school
- 3 years beginning prior to July 1, 2014.

NOTE: The purpose of this bill is to permit a county board of education to lengthen an instructional day in certain instances.

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