

Senate Bill No. 537

(By Senators D. Hall and Boso)

[Introduced February 20, 2015; referred to the Committee on Education.]

9 A BILL to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating
10 to school calendar; and changing mandatory instructional days from one hundred eighty days
11 to minutes based upon minimum amount of hours of instruction offered to students provided
12 by state board rules.

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

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

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

17 **§18-5-45. School calendar.**

18 (a) As used in this section:

19 (1) "Instructional day" means a day within the instructional term which meets the following
20 criteria:

21 (A) Instruction is offered to students for at least the minimum amount of hours provided by
22 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 based upon the minimum amount of hours of instruction offered to
19 students provided by state board rules and converted to minutes as follows:

20 (A) For kindergarten, one hundred eighty minutes a day or twenty-eight thousand four
21 hundred forty minutes over a period of not less than one hundred eighty days;

22 (B) For grades 1 to 4, three hundred fifteen minutes a day or fifty-six thousand seven hundred

1 minutes over a period of not less than one hundred eighty days;

2 (C) For grades 5 to 8, three hundred twenty minutes a day or fifty-nine thousand four hundred
3 minutes over a period of not less than one hundred eighty days; and

4 (D) For grades 9 to 12, three hundred forty-five minutes a day or sixty-two thousand minutes
5 over a period of not less than one hundred eighty days;

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

8 (A) Seven paid holidays;

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

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

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

15 (i) Curriculum development;

16 (ii) Preparation for opening and closing school;

17 (iii) Professional development;

18 (iv) Teacher-pupil-parent conferences;

19 (v) Professional meetings;

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

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

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

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

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

11 (A) Holidays;

12 (B) Election day;

13 (C) Saturdays and Sundays.

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

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

19 (h) The following applies to cocurricular activities:

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

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

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

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

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

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

9 (l) In formulation of a school's calendar, a county school board shall hold at least two public
10 meetings that allow parents, teachers, teacher organizations, businesses and other interested parties
11 within the county to discuss the school calendar. The public notice of the date, time and place of the
12 public hearing must be published in a local newspaper of general circulation in the area as a Class
13 II legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this
14 code.

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

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

20 (o) Notwithstanding any provision of this code to the contrary, the state board may grant a
21 waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen-a,
22 eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory one

1 hundred eighty separate instructional days established in this section.

2 (p) The state board shall promulgate a rule in accordance with the provisions of article
3 three-b, chapter twenty-nine-a of this code for the purpose of implementing the provisions of this
4 section.

5 (q) The amendments to this section during the 2013 regular session of the Legislature shall
6 be effective for school years beginning on or after July 1, 2014, and the provisions of this section
7 existing immediately prior to the 2013 regular session of the Legislature remain in effect for school
8 years beginning prior to July 1, 2014.

NOTE: The purpose of this bill is to change the mandatory school instructional days from one hundred eighty days to minutes over a period of one hundred eighty days based upon the minimum amount of hours of instruction offered to students provided by state board rules.

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