

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4171

(BY DELEGATES COOPER, D. EVANS, AMBLER, PERRY,

MOYE, LYNCH, KELLY, WAGNER, ROWAN AND SMITH)

[Passed March 9, 2016; in effect from passage.]

1 AN ACT to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all
2 relating to primary and secondary school instructional terms; removing the word “separate”
3 throughout the section as it relates to the number of instructional days in the school
4 calendar; requiring that the instructional term for students begin no earlier than August 10
5 and end no later than June 10, except for schools operating on a balanced calendar;
6 removing preparation for opening and closing school from mandatory list of areas for
7 which remaining noninstructional days may be designated by county school board;
8 designating one noninstructional day for teachers as a preparation day; allowing teacher
9 preparation day to be used for other purposes only at teacher’s discretion; increasing
10 number of two-hour blocks for faculty senate meetings from four to six; removing
11 requirement that faculty senate meetings be held once every forty-five days; permitting
12 accrued minutes to be used for lost instructional days; designating time frames within
13 which faculty senate meetings may take place; requiring county boards to first use accrued
14 minutes for early dismissals and late arrivals and requiring that any reimagining student
15 instructional days be exhausted prior to using accrued minutes for lost instructional days.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

1 (a) As used in this section:

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

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

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

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

8 (2) "Cocurricular activities" are activities that are closely related to identifiable academic
9 programs or areas of study that serve to complement academic curricula as further defined by
10 the state board.

11 (b) *Findings.* -

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

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

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

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

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

20 (2) Within the employment term, an instructional term for students of no less than one
21 hundred eighty instructional days, which includes an inclement weather and emergencies plan
22 designed to guarantee an instructional term for students of no less than one hundred eighty
23 instructional days;

24 (3) The instructional term for students shall begin no earlier than August 10th and end no
25 later than June 10th of each calendar school year: *Provided*, That nothing in this subdivision shall
26 apply to any school operating on a balanced calendar as defined by state board policy.

27 (4) Within the employment term, noninstructional days shall total twenty and shall be
28 comprised of the following:

29 (A) Seven paid holidays;

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

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

34 (D) One to be designated by the county board to be used by the employees for preparation
35 for opening and closing school: *Provided*, That the school preparation day at the beginning of the
36 instructional term may be used for the purposes set forth in paragraph (e), at the teacher's
37 discretion.

38 (E) The remaining days to be designated by the county board for purposes to include, but
39 not be limited to:

40 (i) Curriculum development;

41 (ii) Professional development;

42 (iii) Teacher-pupil-parent conferences;

43 (iv) Professional meetings;

44 (v) Making up days when instruction was scheduled but not conducted; and

45 (vi) At least six two-hour blocks of time for faculty senate meetings with a two-hour block
46 of time scheduled in the first month and last month of school and once in October, December,
47 February, and April; and

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

50 (d) A county board of education shall develop a policy that requires additional minutes of
51 instruction in the school day or additional days of instruction to recover time lost due to late arrivals
52 and early dismissals first. Any remaining minutes accrued may be used for instructional minutes
53 or days lost, due to inclement weather or emergencies: *Provided*, That any reimagining student
54 instructional days that are awarded to the county by the state board must be exhausted prior to
55 using accrued minutes to cover lost instructional days.

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

61 (A) Holidays;

62 (B) Election day;

63 (C) Saturdays and Sundays.

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

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

69 (h) The following applies to cocurricular activities:

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

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

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

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

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

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

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

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

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

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2016.

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Governor