

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

### House Bill 4171

FISCAL  
NOTE

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[Introduced January 20, 2016; referred to the  
Committee on Education.]

1 A BILL to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating  
 2 to providing that school instructional terms for students begin no earlier than the day after  
 3 Labor Day and end no later than the second Friday in June; and providing that in the event  
 4 instructional days need to be cancelled the county boards of education shall provide for  
 5 ten technology days whereby assigned classwork may be completed.

*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 separate 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 separate instructional days, which includes an inclement weather and  
22 emergencies plan designed to guarantee an instructional term for students of no less than one  
23 hundred eighty separate instructional days;

24 (3) The instructional term for students shall begin no earlier than the day after Labor Day  
25 and end no later than the second Friday in June of each year.

26 (4) The inclement weather and emergencies plan shall include ten technology days  
27 whereby assigned classwork may be completed. For students who do not have the appropriate  
28 electronic equipment at home to complete the assignments the county board shall provide  
29 homework packets so that students may complete the assigned classwork. Classwork completed  
30 during these technology days are instructional days as defined by this section.

31 ~~(3)~~ (5) Within the employment term, noninstructional days shall total twenty and shall be  
32 comprised of the following:

33 (A) Seven paid holidays;

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

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

38 (D) 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) Preparation for opening and closing school;

42 (iii) Professional development;

- 43 (iv) Teacher-pupil-parent conferences;
- 44 (v) Professional meetings;
- 45 (vi) Making up days when instruction was scheduled but not conducted; and
- 46 (vii) At least four two-hour blocks of time for faculty senate meetings with each two-hour
- 47 block of time scheduled once at least every forty-five instructional days; and

48 ~~(4)~~ (6) Scheduled out-of-calendar days that are to be used for instructional days in the  
49 event 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.

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

- 58 (A) Holidays;
- 59 (B) Election day;
- 60 (C) Saturdays and Sundays.

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

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

66 (h) The following applies to cocurricular activities:

- 67 (1) The state board shall determine what activities may be considered cocurricular;
- 68 (2) The state board shall determine the amount of instructional time that may be consumed

69 by cocurricular activities; and

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

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

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

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

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

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

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

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

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

95 section.

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

NOTE: The purpose of this bill is to provide that school instructional terms for students begin no earlier than the day after Labor Day and end no later than the second Friday in June. The bill provides that in the event instructional days need to be cancelled the county boards of education must provide for ten technology days whereby assigned classwork may be completed. The bill also provides for homework packets be provided to students who do not have the necessary computer access at home.

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