

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4403

FISCAL
NOTE

BY DELEGATES SPONAUGLE, PHILLIPS, HARTMAN,
HAMILTON, LYNCH, PERRY, CAMPBELL, A. EVANS,
ROMINE, ROWAN AND MCGEEHAN

[Introduced February 4, 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 school calendar; and changing mandatory instructional days from one hundred eighty
 3 days to minutes based upon minimum amount of hours of instruction offered to students
 4 provided by state board rules.

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 based upon the minimum amount of hours of
24 instruction offered to students provided by state board rules and converted to minutes as follows:

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

27 (B) For grades one to four, three hundred fifteen minutes a day or fifty-six thousand seven
28 hundred minutes over a period of not less than one hundred eighty days;

29 (C) For grades five to eight, three hundred twenty minutes a day or fifty-nine thousand four
30 hundred minutes over a period of not less than one hundred eighty days; and

31 (D) For grades nine to twelve, three hundred forty-five minutes a day or sixty-two thousand
32 minutes over a period of not less than one hundred eighty days;

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

35 (A) Seven paid holidays;

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

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

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

42 (i) Curriculum development;

43 (ii) Preparation for opening and closing school;

- 44 (iii) Professional development;
- 45 (iv) Teacher-pupil-parent conferences;
- 46 (v) Professional meetings;
- 47 (vi) Making up days when instruction was scheduled but not conducted; and
- 48 (vii) At least four two-hour blocks of time for faculty senate meetings with each two-hour
49 block of time scheduled once at least every forty-five instructional days; and
- 50 (4) Scheduled out-of-calendar days that are to be used for instructional days in the event
51 school is canceled for any reason.
- 52 (d) A county board of education shall develop a policy that requires additional minutes of
53 instruction in the school day or additional days of instruction to recover time lost due to late arrivals
54 and early dismissals.
- 55 (e) If it is not possible to complete one hundred eighty separate instructional days with the
56 current school calendar, the county board shall schedule instruction on any available
57 noninstructional day, regardless of the purpose for which the day originally was scheduled, or an
58 out-of-calendar day and the day will be used for instruction of students: *Provided*, That the
59 provisions of this subsection do not apply to:
- 60 (A) Holidays;
- 61 (B) Election day;
- 62 (C) Saturdays and Sundays.
- 63 (f) The instructional term shall commence and terminate on a date selected by the county
64 board.
- 65 (g) The state board may not schedule the primary statewide assessment program more
66 than thirty days prior to the end of the instructional year unless the state board determines that
67 the nature of the test mandates an earlier testing date.
- 68 (h) The following applies to cocurricular activities:
- 69 (1) The state board shall determine what activities may be considered cocurricular;

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

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

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

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

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

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

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

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

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

95 (p) The state board shall promulgate a rule in accordance with the provisions of article

96 three-b, chapter twenty-nine-a of this code for the purpose of implementing the provisions of this
97 section.

98 (q) The amendments to this section during the 2013 regular session of the Legislature
99 shall be effective for school years beginning on or after July 1, 2014, and the provisions of this
100 section existing immediately prior to the 2013 regular session of the Legislature remain in effect
101 for school 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 a heading or the present law, and underscoring indicates new language that would be added.