

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

Introduced

### Senate Bill 242

FISCAL  
NOTE

BY SENATORS MULLINS, BOSO AND CLINE

[Introduced February 10, 2017; 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 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.**

3 (a) As used in this section:

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

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

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

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

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

13 (b) *Findings.* -

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

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

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

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

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

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

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

29 ~~(3)~~ (4) Within the employment term, noninstructional days shall total twenty and shall be  
 30 comprised of the following:

31 (A) Seven paid holidays;

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

33 (C) Six days to be designated by the county board to be used by the employees outside  
 34 the school environment, with at least four outside the school environment days scheduled to occur

35 after the one hundred and thirtieth instructional day of the school calendar; and

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

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

42 (i) Curriculum development;

43 ~~(ii) Preparation for opening and closing school;~~

44 ~~(iii)~~ (ii) Professional development;

45 ~~(iv)~~ (iii) Teacher-pupil-parent conferences;

46 ~~(v)~~ (iv) Professional meetings;

47 ~~(vi)~~ (v) Making up days when instruction was scheduled but not conducted; and

48 ~~(vii)~~ (vi) At least ~~four~~ six two-hour blocks of time for faculty senate meetings with ~~each~~ a  
 49 two-hour block of time scheduled in the first month and last month of school and ~~once at least~~  
 50 ~~every forty-five instructional days~~ once in October, December, February and April; and

51 ~~(4)~~ (5) Scheduled out-of-calendar days that are to be used for instructional days in the  
 52 event school is canceled for any reason.

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

59 (e) If it is not possible to complete one hundred eighty ~~separate~~ instructional days with the  
 60 current school calendar, the county board shall schedule instruction on any available

61 noninstructional day, regardless of the purpose for which the day originally was scheduled, or an  
62 out-of-calendar day and the day will be used for instruction of students: *Provided*, That the  
63 provisions of this subsection do not apply to:

64 (A) Holidays;

65 (B) Election day;

66 (C) Saturdays and Sundays.

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

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

72 (h) The following applies to cocurricular activities:

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

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

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

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

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

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

84 (l) In formulation of a school's calendar, a county school board shall hold at least two public  
85 meetings that allow parents, teachers, teacher organizations, businesses and other interested  
86 parties within the county to discuss the school calendar. The public notice of the date, time and

87 place of the public hearing must be published in a local newspaper of general circulation in the  
88 area as a Class II legal advertisement, in accordance with the provisions of article three, chapter  
89 fifty-nine of this code.

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

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

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

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

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

NOTE: The purpose of this bill is to modify primary and secondary school instructional terms. The bill removes the word "separate" throughout the section as it relates to the number of instructional days in the school calendar. The bill requires that the instructional term for students begin no earlier than August 10, and end no later than June 10, except for schools operating on a balanced calendar. The bill removes preparation for opening and closing school from mandatory list of areas for which remaining noninstructional days may be designated by county school board. The bill designates one noninstructional day for teachers as a preparation day. The bill allows teacher preparation day to be used for other purposes only at teacher's discretion. The bill increases number of two-hour blocks for faculty senate meetings from four to six. The bill removes requirement that faculty senate meetings be held once every forty-five days. The bill permits accrued minutes to be used for lost instructional days. The bill designates time frames within which faculty senate

meetings may take place. The bill requires county boards to first use accrued minutes for early dismissals and late arrivals, and requires that any reimagining student instructional days be exhausted prior to using accrued minutes for lost instructional days.

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