

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 3114**

BY DELEGATE SYPOLT

[Introduced February 12, 2019; Referred  
to the Committee on Education then the Judiciary.]

1 A BILL to amend and reenact §18A-5-2 of the Code of West Virginia, 1931, as amended, relating  
2 to eliminating the requirement that schools be closed on election days.

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

**ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.**

**§18A-5-2. Holidays; closing of schools; time lost because of such; special Saturday classes.**

1 (a) Schools shall be closed on Saturdays and on the following days which are designated  
2 as legal school holidays: Independence Day, Labor Day, Veterans Day, Thanksgiving Day,  
3 Christmas Day, New Year's Day, Martin Luther King's birthday, Memorial Day and West Virginia  
4 Day. Schools also shall be closed on ~~any day on which a primary election, general election or~~  
5 ~~special election is held throughout the state or school district and on~~ any day appointed and set  
6 apart by the President or the Governor as a holiday of special observance by the people of the  
7 state.

8 (b) When any of the above designated holidays, ~~except a special election~~ falls on  
9 Saturday, the schools shall be closed on the preceding Friday. When any designated holiday falls  
10 on Sunday, the schools shall be closed on the following Monday.

11 (c) Special classes may be conducted on Saturdays for pupils and by teachers and service  
12 personnel. Saturday classes shall be conducted on a voluntary basis and teachers and service  
13 personnel shall be remunerated in ratio to the regularly contracted pay.

14 (d) Any school or schools may be closed by proper authorities on account of the  
15 prevalence of contagious disease, conditions of weather or any other calamitous cause over  
16 which the board has no control.

17 (1) Under any or all of the above provisions, the time lost by the school closings may not  
18 be counted as days of employment and may not be counted as meeting a part of the requirements  
19 of the minimum term of 180 days of instruction. A school employee's pay per pay period may not  
20 change as a result of a school closing not being counted as a day of employment, and the

21 employee shall be paid the same amount during any pay period in which a school closing occurs  
22 that the employee would have been paid during the pay period if a school closing had not  
23 occurred.

24 (2) On the day or days when a school or schools are closed, county boards may provide  
25 appropriate alternate work schedules for professional and service personnel affected by the  
26 closing of any school or schools under any or all of the provisions of this subsection. Professional  
27 and service personnel shall receive pay the same as if school were in session.

28 (3) Insofar as funds are available or can be made available during the school year, the  
29 board may extend the employment term for the purpose of making up time that might affect the  
30 instructional term.

31 (e) In addition to any other provisions of this chapter, the board further is authorized to  
32 provide in its annual budget for meetings, workshops, vacation time or other holidays through  
33 extended employment of personnel at the same rate of pay.

NOTE: The purpose of this bill is to eliminate the requirement that schools be closed on election 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.