

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 890

By Senator Roberts

[Introduced February 9, 2026; referred
to the Committee on Education]

1 A BILL to amend and reenact §18-5-45, §18-28-2, and §18A-4-8 of the Code of West Virginia,
 2 1931, as amended, relating to the school calendar; changing minimum public school 180
 3 instructional day requirement into a minimum 900 instructional hour requirement; changing
 4 the minimum public school employment term from 200 days to 1,600 hours; converting
 5 other public school calendar provisions from days or months to hours; increasing the time
 6 to be designated by the county board to be used by the employees for preparation for
 7 opening school; and allowing nonpublic schools to deliver instruction through alternative
 8 methods that count toward up to 25 hours of instructional time when schools are closed
 9 due to inclement weather or other unforeseen circumstance.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

1 (a) As used in this section:

2 (1) "Instructional day hour" means ~~a day within the instructional term which meets the~~
 3 ~~following criteria:~~

4 (A) ~~Instruction is offered to students for at least the minimum number of minutes as follows:~~

5 (i) ~~For early childhood programs as provided in subsection (d) section forty four of this~~
 6 ~~article;~~

7 (ii) ~~For schools with grade levels kindergarten through and including grade five, 315~~
 8 ~~minutes of instructional time per day;~~

9 (iii) ~~For schools with grade levels six through and including grade eight, 330 minutes of~~
 10 ~~instructional time per day; and~~

11 (iv) ~~For schools with grade levels nine through and including grade twelve, 345 minutes of~~
 12 ~~instructional time per day.~~

13 (B) ~~Instructional time is an hour used for instruction and cocurricular activities and~~

14 (C) ~~Other that meets any other criteria as the state board determines appropriate.~~

15 (2) "Cocurricular activities" are activities that are closely related to identifiable academic
16 programs or areas of study that serve to complement academic curricula as further defined by the
17 state board; and

18 (3) "Instruction delivered through alternative methods" means a plan developed by a
19 county board and approved by the state board for teachers to assign and grade work to be
20 completed by students on days or hours when schools are closed due to inclement weather or
21 other unforeseen circumstances.

22 (b) *Findings.* –

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

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

26 (3) The school calendar shall provide for ~~one hundred eighty separate instructional days or~~
27 ~~an equivalent amount~~ 900 hours of instructional time as provided in this section.

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

29 (1) An employment term that excludes Saturdays and Sundays and consists of at least ~~two~~
30 ~~hundred days~~ 1,600 hours, which need not be successive. The beginning and closing dates of the
31 employment term may not exceed forty-eight weeks;

32 (2) Within the employment term, an instructional term for students of no less than ~~one~~
33 ~~hundred eighty separate instructional days~~ 900 hours, which includes an inclement weather and
34 emergencies plan designed to guarantee an instructional term for students of no less than ~~one~~
35 ~~hundred eighty separate instructional days~~ 900 hours, subject to the following:

36 (A) A county board ~~may increase the length of the instructional day as defined in this~~
37 ~~section by at least thirty minutes per day to~~ shall establish a length for the days of instruction,
38 which may vary, that will ensure that it achieves at least an amount of instructional time equivalent
39 ~~to one hundred and eighty separate instructional days~~ 900 instructional hours within its school
40 calendar; and

41 ~~(i) Apply up to five days of this equivalent time to cancel days lost due to necessary school~~
42 ~~closures;~~

43 ~~(ii) Plan (B) A county board may plan~~ within its school calendar and not subject to
44 cancellation and rescheduling as instructional days hours up to an additional ~~five days~~ 25 hours or
45 equivalent portions of ~~days~~ hours, without students present, to be used as determined by the
46 county board exclusively for activities by educators at the school level designed to improve
47 instruction; and

48 ~~(iii) Apply any additional equivalent time to recover time lost due to late arrivals and early~~
49 ~~dismissals;~~

50 ~~(B) (C)~~ Subject to approval of its plan by the state board, a county board may deliver
51 instruction through alternative methods ~~on~~ that count toward up to ~~five days~~ 25 hours of
52 instructional time when schools are closed due to inclement weather or other unforeseen
53 circumstances and these hours of instruction ~~days, are instructional days~~ count toward meeting
54 the 900-hour instructional time requirement notwithstanding the closure of schools. The number of
55 hours of instruction that count toward the 900-hour instructional time requirement is subject to the
56 approval of the state board. The plan shall include the number of hours of instruction the
57 instruction through alternative methods counts toward meeting the 900-hour instructional time
58 requirement and state board approval of the plan shall be considered to be the state board's
59 approval of the number of hours included in the plan; and

60 ~~(C) (D)~~ The use of ~~equivalent time gained by lengthening the school day to cancel days~~
61 ~~lost, and~~ the delivery of instruction through alternative methods, ~~both~~ as defined in this section,
62 shall be considered instructional days hours for the purpose of meeting the ~~180 separate day~~ 900-
63 hour instructional time requirement and as employment days hours for the purpose of meeting the
64 ~~200-day~~ 1,600 hour employment term.

65 (3) Within the employment term, noninstructional days hours shall total ~~twenty~~ 160 and
66 shall be comprised of the following:

- 67 (A) ~~Seven~~ Eight hours for each of seven paid holidays;
- 68 (B) ~~Election~~ Eight hours for election day as specified in section two, article five, chapter
69 eighteen-a of this code;
- 70 (C) ~~Six~~ Eight hours for each of six days to be designated by the county board to be used by
71 the employees outside the school environment, with at least four outside the school environment
72 days scheduled to occur after the ~~one hundred and thirtieth~~ 650th instructional ~~day~~ hour of the
73 school calendar;
- 74 (D) ~~One day~~ At least 16 hours for a minimum of two days to be designated by the county
75 board to be used by the employees for preparation for opening school and eight hours for one day
76 to be designated by the county board to be used by the employees for preparation for closing
77 school: *Provided*, That the school preparation days may be used for the purposes set forth in
78 paragraph (E) of this subdivision at the teacher's discretion; and
- 79 (E) The remaining ~~days~~ hours to be designated by the county board for purposes to
80 include, but not be limited to:
- 81 (i) Curriculum development;
- 82 (ii) Professional development;
- 83 (iii) Teacher-pupil-parent conferences;
- 84 (iv) Professional meetings;
- 85 (v) Making up ~~days~~ hours when instruction was scheduled but not conducted; and
- 86 (vi) At least six two-hour blocks of time for faculty senate meetings with at least one two-
87 hour block of time scheduled in the first ~~month~~ 160 hours of the employment term, at least one two-
88 hour block of time scheduled in the last ~~month~~ 160 hours of the employment term and at least one
89 two-hour block of time scheduled in each of the months of October, December, February, and
90 April; and
- 91 (4) Scheduled out-of-calendar days that are to be used ~~for~~ to schedule instructional ~~days~~
92 and employment hours in the event school is canceled for any reason.

93 (d) A county board of education shall develop a policy that requires additional minutes or
94 hours of instruction ~~in the school day or additional days of instruction~~ to recover time lost due to
95 late arrivals and early dismissals.

96 (e) If it is not possible to complete ~~one hundred eighty separate instructional days~~ 900
97 hours with the current school calendar, ~~and the additional five days of instructional time gained by~~
98 ~~increasing the length of the instructional day as provided in subsection (c) of this section are~~
99 ~~insufficient to offset the loss of separate instructional days~~ the county board shall increase the
100 amount of instruction on a day when instruction was previously scheduled or schedule instruction
101 on any available noninstructional day for which instruction was not originally scheduled,
102 regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day
103 and the day will be used for instruction of students: *Provided*, That the provisions of this subsection
104 do not apply to:

105 (1) Holidays;

106 (2) Election day;

107 (3) Saturdays and Sundays; and

108 (4) ~~The five days~~ 25 hours or equivalent portions of ~~days~~ hours planned within the school
109 calendar exclusively for activities by educators at the school level to improve instruction. ~~that are~~
110 ~~gained by increasing the length of the instructional day as provided in subsection (c) of this~~
111 ~~section.~~

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

114 (g) The state board may not schedule the primary statewide assessment program more
115 than ~~thirty days~~ 150 hours prior to the end of the instructional year unless the state board
116 determines that the nature of the test mandates an earlier testing. ~~date.~~

117 (h) The following applies to cocurricular activities:

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

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

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

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

124 (j) Noninstructional interruptions to ~~the instructional day~~ scheduled instruction shall be
125 minimized to allow the classroom teacher to teach.

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

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

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

137 (n) The minimum instructional term may be decreased by order of the state superintendent
138 in any county declared a federal disaster area and in any county subject to an emergency or
139 disaster declaration by the Governor when the event causing the declaration is substantially
140 related to the loss of instructional ~~days~~ hours in the county.

141 (o) Notwithstanding any provision of this code to the contrary, the state board may grant a
142 waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen-a,
143 eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory ~~one~~
144 hundred eighty separate instructional days 900 annual hours of instruction established in this

145 section.

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

**ARTICLE 28. PRIVATE, PAROCHIAL OR CHURCH SCHOOLS, OR SCHOOLS OF A
RELIGIOUS ORDER.**

§18-28-2. Attendance; health and safety regulations.

1 The following is applicable to private, parochial, or church schools or schools of a religious
2 order:

3 (a) Each school shall observe a minimum instructional term of 900 hours per school year:
4 Provided, That the school may deliver instruction through alternative methods that count toward
5 up to 25 hours of instructional time when schools are closed due to inclement weather or other
6 unforeseen circumstance and these hours of instruction count toward meeting the 900-hour
7 instructional time requirement notwithstanding the closure of the school;

8 (b) Each school shall make and maintain annual attendance and disease immunization
9 records for each pupil enrolled and regularly attending classes. The attendance records shall be
10 made available to the parents or legal guardians;

11 (c) Upon the request of the county superintendent, a school (or a parents' organization
12 composed of the parents or guardians of children enrolled in the school) shall furnish to the county
13 board a list of the names and addresses of all children enrolled in the school between the ages of
14 seven and 16 years;

15 (d) Attendance by a child at any school which complies with this article satisfies the
16 requirements of compulsory school attendance;

17 (e) Each school is subject to reasonable fire, health, and safety inspections by state,
18 county, and municipal authorities as required by law, and is required to comply with the West

19 Virginia school bus safety regulations; and

20 (f) Each school shall establish, file, and update a school specific crisis response plan which
21 complies with the requirements established for it by the state board and the Division of Homeland
22 Security and Emergency Management pursuant to §18-9F-9 of this code.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8. Employment term and class titles of service personnel; definitions.

1 (a) The purpose of this section is to establish an employment term and class titles for
2 service personnel. The employment term for service personnel may not be less than 10 months. A
3 month is defined as ~~20 employment days~~ 160 employment hours. The county board may contract
4 with, all or part of, these service personnel for a longer term.

5 (b) Service personnel employed on a yearly or 12-month basis may be employed by
6 calendar months. Whenever there is a change in job assignment during the school year, the
7 minimum pay scale and any county supplement are applicable.

8 (c) Service personnel employed in the same classification for more than the ~~200-day~~ 1,600
9 hour minimum employment term are paid for additional employment at a ~~daily~~ hourly rate of not
10 less than the ~~daily~~ hourly rate paid for the ~~200-day~~ 1,600 hour minimum employment term.

11 (d) A service person may not be required to report for work more than five days per week
12 without his or her agreement, and no part of any working day may be accumulated by the
13 employer for future work assignments, unless the employee agrees thereto.

14 (e) If a service person whose regular work week is scheduled from Monday through Friday
15 agrees to perform any work assignments on a Saturday or Sunday, the service person is paid for at
16 least one-half day of work for each day he or she reports for work. If the service person works more
17 than three and one-half hours on any Saturday or Sunday, he or she is paid for at least a full day of
18 work for each day.

19 (f) A custodian, aide, maintenance, office, and school lunch service person required to
20 work a daily work schedule that is interrupted is paid additional compensation in accordance with
21 this subsection.

22 (1) A maintenance person means a person who holds a classification title other than in a
23 custodial, aide, school lunch, office or transportation category as provided in §18A-1-1 of this
24 code.

25 (2) A service person's schedule is considered to be interrupted if he or she does not work a
26 continuous period in one day. Aides are not regarded as working an interrupted schedule when
27 engaged exclusively in the duties of transporting students;

28 (3) The additional compensation provided in this subsection:

29 (A) Is equal to at least one eighth of a service person's total salary as provided by the state
30 minimum pay scale and any county pay supplement; and

31 (B) Is payable entirely from county board funds.

32 (g) When there is a change in classification or when a service person meets the
33 requirements of an advanced classification, his or her salary shall be made to comply with the
34 requirements of this article and any county salary schedule in excess of the minimum
35 requirements of this article, based upon the service person's advanced classification and
36 allowable years of employment.

37 (h) A service person's contract, as provided in §18A-2-5 of this code, shall state the
38 appropriate monthly salary the employee is to be paid, based on the class title as provided in this
39 article and on any county salary schedule in excess of the minimum requirements of this article.

40 (i) The column heads of the state minimum pay scale and class titles, set forth in §18A-4-8a
41 of this code, are defined as follows:

42 "Pay grade" means the monthly salary applicable to class titles of service personnel;

43 "Years of employment" means the number of years which an employee classified as a
44 service person has been employed by a county board in any position prior to or subsequent to the

45 effective date of this section and includes service in the Armed Forces of the United States, if the
46 employee was employed at the time of his or her induction. For the purpose of §18A-4-8a of this
47 code, years of employment is limited to the number of years shown and allowed under the state
48 minimum pay scale as set forth in §18A-4-8a of this code;

49 "Class title" means the name of the position or job held by a service person;

50 "Accountant I" means a person employed to maintain payroll records and reports and
51 perform one or more operations relating to a phase of the total payroll;

52 "Accountant II" means a person employed to maintain accounting records and to be
53 responsible for the accounting process associated with billing, budgets, purchasing and related
54 operations;

55 "Accountant III" means a person employed in the county board office to manage and
56 supervise accounts payable, payroll procedures, or both;

57 "Accounts payable supervisor" means a person employed in the county board office who
58 has primary responsibility for the accounts payable function and who either has completed 12
59 college hours of accounting courses from an accredited institution of higher education or has at
60 least eight years of experience performing progressively difficult accounting tasks.
61 Responsibilities of this class title may include supervision of other personnel;

62 "Aide I" means a person selected and trained for a teacher-aide classification such as
63 monitor aide, clerical aide, classroom aide or general aide;

64 "Aide II" means a service person referred to in the "Aide I" classification who has
65 completed a training program approved by the state board, or who holds a high school diploma or
66 has received a general educational development certificate. Only a person classified in an Aide II
67 class title may be employed as an aide in any special education program;

68 "Aide III" means a service person referred to in the "Aide I" classification who holds a high
69 school diploma or a general educational development certificate; and

70 (A) Has completed six semester hours of college credit at an institution of higher education;

71 or

72 (B) Is employed as an aide in a special education program and has one year's experience
73 as an aide in special education;

74 "Aide IV" means a service person referred to in the "Aide I" classification who holds a high
75 school diploma or a general educational development certificate; and

76 (A) Has completed 18 hours of State Board-approved college credit at a regionally
77 accredited institution of higher education, or

78 (B) Has completed 15 hours of State Board-approved college credit at a regionally
79 accredited institution of higher education; and has successfully completed an in-service training
80 program determined by the state board to be the equivalent of three hours of college credit;

81 "Aide V (Special Education Assistant Teacher) – Temporary Authorization" means a
82 person who does not possess minimum requirements for the Aide V permanent authorization, but
83 is enrolled in and pursuing requirements as prescribed by the state board of education. No service
84 person shall be entitled to receive the paygrade associated with this classification unless he or she
85 has applied for and been selected to fill a posted position which specifically requires the successful
86 candidate to hold or be enrolled in and pursuing the requirements for the classification. The
87 determination as to whether a position will be posted requiring this classification is solely at the
88 discretion of the county;

89 "Aide V (Special Education Assistant Teacher)" means a service person referred to in the
90 "Aide I" classification who holds a high school diploma or a general educational development
91 certificate and who has completed the requirements and experience to be prescribed by the state
92 board of education. No service person shall be entitled to receive the paygrade associated with
93 this classification unless he or she has applied for and been selected to fill a posted position which
94 specifically requires the successful candidate to hold or be enrolled in and pursuing the
95 requirements for the classification. The determination as to whether a position will be posted
96 requiring this classification is solely at the discretion of the county;

97 "Aide VI (Behavioral Support Assistant Teacher – Temporary Authorization)" means a
98 person who does not possess minimum requirements for the Aide VI permanent authorization, but
99 is enrolled in and pursuing the requirements as prescribed by the state board of education. No
100 service person shall be entitled to receive the paygrade associated with this classification unless
101 he or she has applied for and been selected to fill a posted position which specifically requires the
102 successful candidate to hold or be enrolled in and pursuing the requirements for the classification.
103 The determination as to whether a position will be posted requiring this classification is solely at
104 the discretion of the county;

105 "Aide VI (Behavioral Support Assistant Teacher)" means a person who works with a
106 student or students who have identified behavior difficulties, holds at least an Aide III classification
107 and has completed the requirements and experience to be prescribed by the state board of
108 education. No service person shall be entitled to receive the paygrade associated with this
109 classification unless he or she has applied for and been selected to fill a posted position which
110 specifically requires the successful candidate to hold or be enrolled in and pursuing the
111 requirements for the classification. The determination as to whether a position will be posted
112 requiring this classification is solely at the discretion of the county;

113 "Audiovisual technician" means a person employed to perform minor maintenance on
114 audiovisual equipment, films, and supplies and who fills requests for equipment;

115 "Auditor" means a person employed to examine and verify accounts of individual schools
116 and to assist schools and school personnel in maintaining complete and accurate records of their
117 accounts;

118 "Autism mentor" means a person who works with students having been identified as a
119 person of autism and who meets standards and experience to be determined by the state Board. A
120 person who has held or holds an aide title and becomes employed as an autism mentor shall hold
121 a multiclassification status that includes both aide and autism mentor titles, in accordance with
122 §18A-4-8b of this code;

123 "Braille specialist" means a person employed to provide braille assistance to students. A
124 service person who has held or holds an aide title and becomes employed as a braille specialist
125 shall hold a multiclassification status that includes both aide and braille specialist title, in
126 accordance with §18A-4-8b of this code;

127 "Bus operator" means a person employed to operate school buses and other school
128 transportation vehicles as provided by the state board;

129 "Buyer" means a person employed to review and write specifications, negotiate purchase
130 bids and recommend purchase agreements for materials and services that meet predetermined
131 specifications at the lowest available costs;

132 "Cabinetmaker" means a person employed to construct cabinets, tables, bookcases and
133 other furniture;

134 "Cafeteria manager" means a person employed to direct the operation of a food services
135 program in a school, including assigning duties to employees, approving requisitions for supplies
136 and repairs, keeping inventories, inspecting areas to maintain high standards of sanitation,
137 preparing financial reports, and keeping records pertinent to food services of a school;

138 "Carpenter I" means a person classified as a carpenter's helper;

139 "Carpenter II" means a person classified as a journeyman carpenter;

140 "Chief mechanic" means a person employed to be responsible for directing activities which
141 ensure that student transportation or other county board-owned vehicles are properly and safely
142 maintained;

143 "Clerk I" means a person employed to perform clerical tasks;

144 "Clerk II" means a person employed to perform general clerical tasks, prepare reports and
145 tabulations, and operate office machines;

146 "Computer operator" means a qualified person employed to operate computers;

147 "Cook I" means a person employed as a cook's helper;

148 "Cook II" means a person employed to interpret menus and to prepare and serve meals in

149 a food service program of a school. This definition includes a service person who has been
150 employed as a "Cook I" for a period of four years;

151 "Cook III" means a person employed to prepare and serve meals, make reports, prepare
152 requisitions for supplies, order equipment and repairs for a food service program of a school
153 system;

154 "Crew leader" means a person employed to organize the work for a crew of maintenance
155 employees to carry out assigned projects;

156 "Custodian I" means a person employed to keep buildings clean and free of refuse;

157 "Custodian II" means a person employed as a watchman or groundsman;

158 "Custodian III" means a person employed to keep buildings clean and free of refuse, to
159 operate the heating or cooling systems and to make minor repairs;

160 "Custodian IV" means a person employed as a head custodian. In addition to providing
161 services as defined in "Custodian III" duties may include supervising other custodian personnel;

162 "Director or coordinator of services" means an employee of a county board who is
163 assigned to direct a department or division.

164 (A) Nothing in this subdivision prohibits a professional person or a professional educator
165 from holding this class title: *Provided*, That after July 1, 2024, all persons employed for the first
166 time in a position with this classification title as a director, assistant director, or coordinator of
167 transportation shall possess a commercial driver's license within one year of employment except
168 that this requirement shall not apply to persons who are multiclassified, hold multiple job titles, or
169 provide documentation from a physician that they have a medical diagnosis that renders them
170 physically unqualified to obtain a commercial driver's license;

171 (B) Professional personnel holding this class title may not be defined or classified as
172 service personnel unless the professional person held a service personnel title under this section
173 prior to holding the class title of "director or coordinator of services;"

174 (C) The director or coordinator of services is classified either as a professional person or a

175 service person for state aid formula funding purposes;

176 (D) Funding for the position of director or coordinator of services is based upon the
177 employment status of the director or coordinator either as a professional person or a service
178 person; and

179 (E) A person employed under the class title "director or coordinator of services" may not be
180 exclusively assigned to perform the duties ascribed to any other class title as defined in this
181 subsection: *Provided*, That nothing in this paragraph prohibits a person in this position from being
182 multiclassified;

183 "Draftsman" means a person employed to plan, design, and produce detailed
184 architectural/engineering drawings;

185 "Early Childhood Classroom Assistant Teacher I" means a person who does not possess
186 minimum requirements for the permanent authorization requirements, but is enrolled in and
187 pursuing requirements;

188 "Early Childhood Classroom Assistant Teacher II" means a person who has completed the
189 minimum requirements for a state-awarded certificate for early childhood classroom assistant
190 teachers as determined by the state board;

191 "Early Childhood Classroom Assistant Teacher III" means a person who has completed
192 permanent authorization requirements, as well as additional requirements comparable to current
193 paraprofessional certificate;

194 "Educational Sign Language Interpreter I" means a person employed to provide
195 communication access across all educational environments to students who are deaf or hard of
196 hearing, and who holds the Initial Paraprofessional Certificate – Educational Interpreter pursuant
197 to state board policy;

198 "Educational Sign Language Interpreter II" means a person employed to provide
199 communication access across all educational environments to students who are deaf or hard of
200 hearing, and who holds the Permanent Paraprofessional Certificate – Educational Interpreter

201 pursuant to state board policy;

202 "Electrician I" means a person employed as an electrician helper or one who holds an
203 electrician helper license issued by the State Fire Marshal;

204 "Electrician II" means a person employed as an electrician journeyman or one who holds a
205 journeyman electrician license issued by the State Fire Marshal;

206 "Electronic technician I" means a person employed to repair and maintain electronic
207 equipment;

208 "Electronic technician II" means a person employed at the journeyman level to repair and
209 maintain electronic equipment;

210 "Executive secretary" means a person employed as secretary to the county school
211 superintendent or as a secretary who is assigned to a position characterized by significant
212 administrative duties;

213 "Food services supervisor" means a qualified person who is not a professional person or
214 professional educator as defined in §18A-1-1 of this code. The food services supervisor is
215 employed to manage and supervise a county school system's food service program. The duties
216 include preparing in-service training programs for cooks and food service employees, instructing
217 personnel in the areas of quantity cooking with economy and efficiency and keeping aggregate
218 records and reports;

219 "Foreman" means a skilled person employed to supervise personnel who work in the areas
220 of repair and maintenance of school property and equipment;

221 "General maintenance" means a person employed as a helper to skilled maintenance
222 employees, and to perform minor repairs to equipment and buildings of a county school system;

223 "Glazier" means a person employed to replace glass or other materials in windows and
224 doors and to do minor carpentry tasks;

225 "Graphic artist" means a person employed to prepare graphic illustrations;

226 "Groundsman" means a person employed to perform duties that relate to the appearance,

227 repair, and general care of school grounds in a county school system. Additional assignments may
228 include the operation of a small heating plant and routine cleaning duties in buildings;

229 "Handyman" means a person employed to perform routine manual tasks in any operation
230 of the county school system;

231 "Heating and air conditioning mechanic I" means a person employed to install, repair and
232 maintain heating and air conditioning plants and related electrical equipment;

233 "Heating and air conditioning mechanic II" means a person employed at the journeyman
234 level to install, repair, and maintain heating and air conditioning plants and related electrical
235 equipment;

236 "Heavy equipment operator" means a person employed to operate heavy equipment;

237 "Inventory supervisor" means a person employed to supervise or maintain operations in
238 the receipt, storage, inventory and issuance of materials and supplies;

239 "Licensed practical nurse" means a nurse, licensed by the West Virginia Board of
240 Examiners for Licensed Practical Nurses, employed to work in a public school under the
241 supervision of a school nurse;

242 "Locksmith" means a person employed to repair and maintain locks and safes;

243 "Lubrication man" means a person employed to lubricate and service gasoline or diesel-
244 powered equipment of a county school system;

245 "Machinist" means a person employed to perform machinist tasks which include the ability
246 to operate a lathe, planer, shaper, threading machine and wheel press. A person holding this class
247 title also should have the ability to work from blueprints and drawings;

248 "Mail clerk" means a person employed to receive, sort, dispatch, deliver or otherwise
249 handle letters, parcels, and other mail;

250 "Maintenance clerk" means a person employed to maintain and control a stocking facility to
251 keep adequate tools and supplies on hand for daily withdrawal for all school maintenance crafts;

252 "Mason" means a person employed to perform tasks connected with brick and block laying

253 and carpentry tasks related to these activities;

254 "Mechanic" means a person employed to perform skilled duties independently in the
255 maintenance and repair of automobiles, school buses and other mechanical and mobile
256 equipment to use in a county school system;

257 "Mechanic assistant" means a person employed as a mechanic apprentice and helper;

258 "Multiclassification" means a person employed to perform tasks that involve the
259 combination of two or more class titles in this section. In these instances, the minimum salary
260 scale is the higher pay grade of the class titles involved;

261 "Office equipment repairman I" means a person employed as an office equipment
262 repairman apprentice or helper;

263 "Office equipment repairman II" means a person responsible for servicing and repairing all
264 office machines and equipment. A person holding this class title is responsible for the purchase of
265 parts necessary for the proper operation of a program of continuous maintenance and repair;

266 "Painter" means a person employed to perform duties painting, finishing and decorating
267 wood, metal and concrete surfaces of buildings, other structures, equipment, machinery and
268 furnishings of a county school system;

269 "Paraprofessional" means a person certified pursuant to §18A-3-2a of this code to perform
270 duties in a support capacity including, but not limited to, facilitating in the instruction and direct or
271 indirect supervision of students under the direction of a principal, a teacher or another designated
272 professional educator.

273 (A) A person employed on the effective date of this section in the position of an aide may
274 not be subject to a reduction in force or transferred to create a vacancy for the employment of a
275 paraprofessional;

276 (B) A person who has held or holds an aide title and becomes employed as a
277 paraprofessional shall hold a multiclassification status that includes both aide and
278 paraprofessional titles in accordance with §18A-4-8b of this code; and

279 (C) When a service person who holds an aide title becomes certified as a paraprofessional
280 and is required to perform duties that may not be performed by an aide without paraprofessional
281 certification, he or she shall receive the paraprofessional title pay grade;

282 "Payroll supervisor" means a person employed in the county board office who has primary
283 responsibility for the payroll function and who either has completed 12 college hours of accounting
284 from an accredited institution of higher education or has at least eight years of experience
285 performing progressively difficult accounting tasks. Responsibilities of this class title may include
286 supervision of other personnel;

287 "Plumber I" means a person employed as an apprentice plumber and helper;

288 "Plumber II" means a person employed as a journeyman plumber;

289 "Printing operator" means a person employed to operate duplication equipment, and to cut,
290 collate, staple, bind and shelve materials as required;

291 "Printing supervisor" means a person employed to supervise the operation of a print shop;

292 "Programmer" means a person employed to design and prepare programs for computer
293 operation;

294 "Roofing/sheet metal mechanic" means a person employed to install, repair, fabricate and
295 maintain roofs, gutters, flashing and duct work for heating and ventilation;

296 "Sanitation plant operator" means a person employed to operate and maintain a water or
297 sewage treatment plant to ensure the safety of the plant's effluent for human consumption or
298 environmental protection;

299 "School bus supervisor" means a qualified person:

300 (A) Employed to assist in selecting school bus operators and routing and scheduling
301 school buses, operate a bus when needed, relay instructions to bus operators, plan emergency
302 routing of buses and promote good relationships with parents, students, bus operators and other
303 employees; and

304 (B) Certified to operate a bus or previously certified to operate a bus;

305 "Secretary I" means a person employed to transcribe from notes or mechanical equipment,
306 receive callers, perform clerical tasks, prepare reports, and operate office machines;

307 "Secretary II" means a person employed in any elementary, secondary, kindergarten,
308 nursery, special education, vocational, or any other school as a secretary. The duties may include
309 performing general clerical tasks; transcribing from notes; stenotype, mechanical equipment, or a
310 sound-producing machine; preparing reports; receiving callers and referring them to proper
311 persons; operating office machines; keeping records and handling routine correspondence.
312 Nothing in this subdivision prevents a service person from holding or being elevated to a higher
313 classification;

314 "Secretary III" means a person assigned to the county board office administrators in
315 charge of various instructional, maintenance, transportation, food services, operations and health
316 departments, federal programs, or departments with particular responsibilities in purchasing and
317 financial control or any person who has served for eight years in a position which meets the
318 definition of "Secretary II" or "Secretary III";

319 "Sign Support Specialist" means a person employed to provide sign supported speech
320 assistance to students who can access environments through audition. A person who has held or
321 holds an aide title and becomes employed as a sign support specialist shall hold a
322 multiclassification status that includes both aide and sign support specialist titles, in accordance
323 with §18A-4-8b of this code.

324 "Supervisor of maintenance" means a skilled person who is not a professional person or
325 professional educator as defined in §18A-1-1 of this code. The responsibilities include directing
326 the upkeep of buildings and shops, and issuing instructions to subordinates relating to cleaning,
327 repairs and maintenance of all structures and mechanical and electrical equipment of a county
328 board;

329 "Supervisor of transportation" means a qualified person employed to direct school
330 transportation activities properly and safely, and to supervise the maintenance and repair of

331 vehicles, buses and other mechanical and mobile equipment used by the county school system.
332 After July 1, 2010, all persons employed for the first time in a position with this classification title or
333 in a multiclassification position that includes this title shall have five years of experience working in
334 the transportation department of a county board. Experience working in the transportation
335 department consists of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief
336 mechanic or in a clerical position within the transportation department;

337 "Switchboard operator-receptionist" means a person employed to refer incoming calls, to
338 assume contact with the public, to direct and to give instructions as necessary, to operate
339 switchboard equipment and to provide clerical assistance;

340 "Truck driver" means a person employed to operate light or heavy duty gasoline and
341 diesel-powered vehicles;

342 "Warehouse clerk" means a person employed to be responsible for receiving, storing,
343 packing, and shipping goods;

344 "Watchman" means a person employed to protect school property against damage or theft.
345 Additional assignments may include operation of a small heating plant and routine cleaning duties;

346 "Welder" means a person employed to provide acetylene or electric welding services for a
347 school system; and

348 "WVEIS data entry and administrative clerk" means a person employed to work under the
349 direction of a school principal to assist the school counselor or counselors in the performance of
350 administrative duties, to perform data entry tasks on the West Virginia Education Information
351 System, and to perform other administrative duties assigned by the principal.

352 (j) Notwithstanding any provision in this code to the contrary, and in addition to the
353 compensation provided for service personnel in §18A-4-8a of this code, each service person is
354 entitled to all service personnel employee rights, privileges and benefits provided under this or any
355 other chapter of this code without regard to the employee's hours of employment or the methods
356 or sources of compensation.

357 (k) A service person whose years of employment exceeds the number of years shown and
358 provided for under the state minimum pay scale set forth in §18A-4-8a of this code may not be paid
359 less than the amount shown for the maximum years of employment shown and provided for in the
360 classification in which he or she is employed.

361 (l) Each county board shall review each service person's job classification annually and
362 shall reclassify all service persons as required by the job classifications. The state superintendent
363 may withhold state funds appropriated pursuant to this article for salaries for service personnel
364 who are improperly classified by the county boards. Further, the state superintendent shall order a
365 county board to immediately correct any improper classification matter and, with the assistance of
366 the Attorney General, shall take any legal action necessary against any county board to enforce
367 the order.

368 (m) Without his or her written consent, a service person may not be:

369 (1) Reclassified by class title; or

370 (2) Relegated to any condition of employment which would result in a reduction of his or
371 her salary, rate of pay, compensation or benefits earned during the current fiscal year; or for which
372 he or she would qualify by continuing in the same job position and classification held during that
373 fiscal year and subsequent years.

374 (n) Any county board failing to comply with the provisions of this article may be compelled
375 to do so by mandamus and is liable to any party prevailing against the board for court costs and the
376 prevailing party's reasonable attorney fee, as determined and established by the court.

377 (o) Notwithstanding any provision of this code to the contrary, a service person who holds a
378 continuing contract in a specific job classification and who is physically unable to perform the job's
379 duties as confirmed by a physician chosen by the employee, shall be given priority status over any
380 employee not holding a continuing contract in filling other service personnel job vacancies if the
381 service person is qualified as provided in §18A-4-8e of this code.

382 (p) Any person employed in an aide position on the effective date of this section may not be

383 transferred or subject to a reduction in force for the purpose of creating a vacancy for the
384 employment of a licensed practical nurse.

385 (q) Without the written consent of the service person, a county board may not establish the
386 beginning work station for a bus operator or transportation aide at any site other than a county
387 board-owned facility with available parking. The workday of the bus operator or transportation aide
388 commences at the bus at the designated beginning work station and ends when the employee is
389 able to leave the bus at the designated beginning work station, unless he or she agrees otherwise
390 in writing. The application or acceptance of a posted position may not be construed as the written
391 consent referred to in this subsection.

392 (r) Itinerant status means a service person who does not have a fixed work site and may be
393 involuntarily reassigned to another work site. A service person is considered to hold itinerant
394 status if he or she has bid upon a position posted as itinerant or has agreed to accept this status. A
395 county board may establish positions with itinerant status only within the aide and autism mentor
396 classification categories and only when the job duties involve exceptional students. A service
397 person with itinerant status may be assigned to a different work site upon written notice 10 days
398 prior to the reassignment without the consent of the employee and without posting the vacancy. A
399 service person with itinerant status may be involuntarily reassigned no more than twice during the
400 school year. At the conclusion of each school year, the county board shall post and fill, pursuant to
401 §18A-4-8b of this code, all positions that have been filled without posting by a service person with
402 itinerant status. A service person who is assigned to a beginning and ending work site and travels
403 at the expense of the county board to other work sites during the daily schedule, is not considered
404 to hold itinerant status.

405 (s) Any service person holding a classification title on June 30, 2013, that is removed from
406 the classification schedule pursuant to amendment and reenactment of this section in the year
407 2013, has his or her employment contract revised as follows:

408 (1) Any service person holding the Braille or Sign Language Specialist classification title

409 has that classification title renamed on his or her employment contract as either Braille Specialist
410 or Sign Support Specialist. This action does not result in a loss or reduction of salary or
411 supplement by any employee. Any seniority earned in the Braille or Sign Language Specialist
412 classification prior to July 1, 2013, continues to be credited as seniority earned in the Braille
413 Specialist or Sign Support Specialist classification;

414 (2) Any service person holding the Paraprofessional classification title and holding the
415 Initial Paraprofessional Certificate – Educational Interpreter has the title Educational Sign
416 Language Interpreter I added to his or her employment contract. This action does not result in a
417 loss or reduction of salary or supplement by any employee. Any seniority earned in the
418 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned in
419 the Educational Sign Language Interpreter I classification; and

420 (3) Any service person holding the Paraprofessional classification title and holding the
421 Permanent Paraprofessional Certificate – Educational Interpreter has the title Educational Sign
422 Language Interpreter II added to his or her employment contract. This action does not result in a
423 loss or reduction of salary or supplement by any employee. Any seniority earned in the
424 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned in
425 the Educational Sign Language Interpreter II classification;

426 (t) Any person employed as an aide in a kindergarten program who is eligible for full
427 retirement benefits before the first day of the instructional term in the 2020-2021 school year, may
428 not be subject to a reduction in force or transferred to create a vacancy for the employment of a
429 less senior Early Childhood Classroom Assistant Teacher;

430 (u) A person who has held or holds an aide title and becomes employed as an Early
431 Childhood Classroom Assistant Teacher shall hold a multiclassification status that includes aide
432 and/or paraprofessional titles in accordance with §18A-4-8b of this code.

NOTE: The purpose of this bill is to change the minimum public school 180 instructional day

requirement into a minimum 900 instructional hour requirement; change the minimum public school employment term from 200 days to 1,600 hours; convert other public school calendar provisions from days or months to hours; increase the time to be designated by the county board to be used by the employees for preparation for opening school; and allow nonpublic schools to deliver instruction through alternative methods that count toward up to 25 hours of instructional time when schools are closed due to inclement weather or other unforeseen circumstance.

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