

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 890

BY SENATORS ROBERTS, GRADY, FULLER, DEEDS, AND

BARTLETT

[Passed March 14, 2026; to take effect July 1, 2027]

1 AN ACT to amend and reenact §18-5-45 and §18-28-2 of the Code of West Virginia, 1931, as
2 amended, relating to the school calendar; defining employment term and instructional
3 term; prohibiting a teacher from being required to use school preparation days for any
4 other purpose besides the preparation for the opening of school or for school closing;
5 requiring noninstructional days to include three Educator Focus Days to be used as
6 determined by classroom teachers for activities that will improve instruction; requiring
7 faculty senate meetings to occur on Educator Focus Days; providing a schedule for these
8 days to be used during the instructional term; reducing the number of days to be used as
9 designated by the county board; changing minimum public school 180-instructional day
10 requirement to a minimum 900-instructional hour requirement; allowing state board rule to
11 clarify certain school calendar requirements and address any unforeseen issues that might
12 arise from changing from an instructional day requirement to an instructional hour
13 requirement; providing that nothing in this section as amended during the 2026 regular
14 session of the Legislature is intended to adversely modify any existing employment
15 contracts or retirement benefits for county personnel; and allowing nonpublic schools to
16 deliver instruction through alternative methods that count toward up to 25 hours of
17 instructional time when schools are closed due to inclement weather or other unforeseen
18 circumstance.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

- 1 (a) As used in this section:
2 (1) "Instructional hour" means

3 an hour used for instruction and cocurricular activities as set forth in subsection (2) below,
4 and that meets any other criteria as the state board determines appropriate;

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

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

12 (4) "Employment term" means at least a 200-day contract.

13 (5) "Instructional term" consists of at least 900 instructional hours.

14 (b) *Findings.* —

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

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

18 (3) The school calendar shall provide for 900 hours of instructional time as provided in this
19 section.

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

21 (1) An employment term that excludes Saturdays and Sundays and consists of at least
22 two hundred days, which need not be successive.

23 (2) Within the employment term, an instructional term for students of no less than 900
24 hours, which includes an inclement weather and emergencies plan designed to guarantee an
25 instructional term for students of no less than 900 hours, subject to the following: (A) A county
26 board shall establish a length for the days of instruction, which may vary, that will ensure that it
27 achieves at least 900 instructional hours within its school calendar;

28 (B) Subject to approval of its plan by the state board, a county board may deliver
29 instruction through alternative methods that count toward up to 25 hours of instructional time when
30 schools are closed due to inclement weather or other unforeseen circumstances and these hours
31 of instruction count toward meeting the 900-hour instructional time requirement notwithstanding
32 the closure of schools. The number of hours of instruction that count toward the 900-hour
33 instructional time requirement is subject to the approval of the state board. The plan shall include
34 the number of hours of instruction the instruction through alternative methods counts toward
35 meeting the 900-hour instructional time requirement and state board approval of the plan shall be
36 considered to be the state board's approval of the number of hours included in the plan; and

37 (C) The use of the delivery of instruction through alternative methods, as defined in this
38 section, shall be considered instructional hours for the purpose of meeting the 900-hour
39 instructional time requirement and as employment days for the purpose of meeting the 200-day
40 employment term;

41 (3) A county board may plan within its school calendar and not subject to cancellation and
42 rescheduling as instructional hours up to an additional 25 hours or equivalent portions of hours,
43 without students present, to be used as determined by the county board exclusively for activities
44 by educators at the school level designed to improve instruction. Any time planned and used
45 pursuant to this subdivision shall not be considered instructional hours;

46 (4) Within the employment term, noninstructional days shall total twenty and shall be
47 comprised of the following:

48 (A) Seven paid holidays;

49 (B) Election day as specified in §18A-5-2 of this code;

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

53 (D) One day to be designated by the county board to be used by the employees for
54 preparation for opening school and one day to be designated by the county board to be used by
55 the employees for preparation for closing school, subject to the following:

56 (i) The school preparation days may be used for the purposes set forth in paragraph (F)
57 of this subdivision at the teacher's discretion; and

58 (ii) No teacher may be required to use the school preparation days for any other purpose
59 besides preparation for the opening of school or for school closing;(E) Three "Educator Focus
60 Days" to be used as determined by classroom teachers for activities that will improve instruction,
61 subject to the following:

62 (i) One "Educator Focus Day" shall occur before the beginning of the instructional term,
63 one "Educator Focus Day" shall occur in December, one "Educator Focus Day" shall occur in
64 April, and the remaining day as set forth in paragraph (F) of this subdivision may occur at any
65 point during the school year;

66 (ii) The principal may use "Educator Focus Days" as a teacher does; and

67 (iii) A two-hour block of time on "Educator Focus Days" shall be used for faculty senate
68 meetings; and

69 (F) The remaining day to be designated by the county board for purposes to include, but
70 not be limited to:

71 (i) Curriculum development;

72 (ii) Professional development;

73 (iii) Teacher-pupil-parent conferences;

74 (iv) Professional meetings;

75 (v) Making up hours when instruction was scheduled but not conducted; and

76 (vi) Faculty senate meetings; and

77 (5) Scheduled out-of-calendar days that are to be used to schedule instructional and
78 employment hours in the event school is canceled for any reason.

79 (d) A county board of education shall develop a policy that requires additional minutes or
80 hours of instruction to recover time lost due to late arrivals and early dismissals.

81 (e) If it is not possible to complete 900 hours with the current school calendar, the county
82 board shall increase the amount of instruction on a day when instruction was previously scheduled
83 or schedule instruction on any available day for which instruction was not originally scheduled,
84 regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day
85 and the day will be used for instruction of students: *Provided*, That the provisions of this
86 subsection do not apply to:

87 (1) Holidays;

88 (2) Election day;

89 (3) Saturdays and Sundays; and(4) The 25 hours or equivalent portions of hours planned
90 within the school calendar exclusively for activities by educators at the school level to improve
91 instruction.

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

94 (g) The state board shall, no earlier than 150 instructional hours prior to the end of the
95 instructional year, schedule the primary statewide assessment program unless the state board
96 determines that the nature of the test mandates earlier testing.

97 (h) The following applies to cocurricular activities:

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

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

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

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

104 (j) Noninstructional interruptions to scheduled instruction shall be minimized to allow the
105 classroom teacher to teach.

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

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

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

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

121 (o) Notwithstanding any provision of this code to the contrary, the state board may grant
122 a waiver to a county board for its noncompliance with provisions of chapters 18, 18A, 18B, and
123 18C of this code to maintain compliance in reaching the mandatory 900 annual hours of instruction
124 established in this section.

125 (p) The state board shall promulgate a rule in accordance with the provisions of §29A-3B-
126 1 *et seq.* of this code for the purpose of implementing the provisions of this section. If necessary,
127 the rule may clarify the requirements of this section and address any unforeseen issues that might
128 arise from the amendments to this section made during the 2026 regular session of the
129 Legislature: *Provided*, That nothing in this rule may conflict with this code: *Provided further*, That

130 nothing in this section as amended during the 2026 regular session of the Legislature is intended
131 to adversely modify any existing employment contracts or retirement benefits for county
132 personnel.

**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 shall 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
14 of 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.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

To take effect July 1, 2027.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2026.

.....
Governor