

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4956**

By Delegates Vance and Martin

[Introduced January 29, 2026; 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 to  
2 establishing that the educational instructional term for students shall begin no earlier than  
3 the Tuesday after Labor Day and conclude no later than the Friday before Memorial Day.

*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" 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 number of minutes as follows:

5 (i) For early childhood programs as provided in §18-5-44 (d) of this code;

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

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

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

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

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

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

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

21 (b) *Findings.* –

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

23 (2) The school calendar, as defined in this section, is designed to define the school term

24 both for employees and for instruction.

25 (3) The school calendar shall provide for 180 separate instructional days or an equivalent

26 amount of instructional time as provided in this section.

27 (4) Beginning for the school year 2026-2027, the instructional term for students shall begin

28 no earlier than the Tuesday after Labor Day and shall conclude no later than the Friday before

29 Memorial Day.

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

31 (1) An employment term that excludes Saturdays and Sundays and consists of at least 200

32 days, which need not be successive. The beginning and closing dates of the employment term

33 may not exceed 48 weeks;

34 (2) Within the employment term, an instructional term for students of no less than 180

35 separate instructional days, which includes an inclement weather and emergencies plan designed

36 to guarantee an instructional term for students of no less than 180 separate instructional days,

37 subject to the following:

38 (A) A county board may increase the length of the instructional day as defined in this

39 section by at least 30 minutes per day to ensure that it achieves at least an amount of instructional

40 time equivalent to 180 separate instructional days within its school 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 within its school calendar and not subject to cancellation and rescheduling as

44 instructional days up to an additional five days or equivalent portions of days, without students

45 present, to be used as determined by the county board exclusively for activities by educators at the

46 school level designed to improve instruction; and

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

49 (B) Subject to approval of its plan by the state board, a county board may deliver instruction  
50 through alternative methods on up to five days when schools are closed due to inclement weather  
51 or other unforeseen circumstances and these days are instructional days notwithstanding the  
52 closure of schools; and

53 (C) The use of equivalent time gained by lengthening the school day to cancel days lost,  
54 and the delivery of instruction through alternative methods, both as defined in this section, shall be  
55 considered instructional days for the purpose of meeting the 180 separate day requirement and as  
56 employment days for the purpose of meeting the 200 day employment term.

59 (A) Seven paid holidays;

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

61 (C) Six days to be designated by the county board to be used by the employees outside the  
62 school environment, with at least four outside the school environment days scheduled to occur  
63 after the 130th instructional day of the school calendar; (D) One day to be designated by the  
64 county board to be used by the employees for preparation for opening school and one day to be  
65 designated by the county board to be used by the employees for preparation for closing school;

66 *Provided*, That the school preparation days may be used for the purposes set forth in paragraph  
67 (E) of this subdivision at the teacher's discretion; and

68 (E) The remaining days to be designated by the county board for purposes to include, but  
69 not be limited to:

### 70 (i) Curriculum development;

71 (ii) Professional development;

72 (iii) Teacher-pupil-parent conferences;

(iv) Professional meetings;

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

(vi) At least six two-hour blocks of time for faculty senate meetings with at least one two-

76 hour block of time scheduled in the first month of the employment term, at least one two-hour block

77 of time scheduled in the last month of the employment term and at least one two-hour block of time

78 scheduled in each of the months of October, December, February and April; and

79 (4) Scheduled out-of-calendar days that are to be used for instructional days ~~in the event if~~

80 school is canceled for any reason.

81 (d) A county board of education shall develop a policy that requires additional minutes of

82 instruction in the school day or additional days of instruction to recover time lost due to late arrivals

83 and early dismissals.

(e) If it is not possible to complete one hundred eighty separate instructional days with the

85 current school calendar and the additional five days of instructional time gained by increasing the

86 length of the instructional day as provided in subsection (c) of this section are insufficient to offset

87 the loss of separate instructional days, the county board shall schedule instruction on any

88 available noninstructional day, regardless of the purpose for which the day originally was

89 scheduled, or an out-of-calendar day and the day will be used for instruction of students: *Provided,*

90 That the provisions of this subsection do not apply to:

91 (1) Holidays;

92 (2) Election day;

93 (3) Saturdays and Sundays; and

94 (4) The five days or equivalent portions of days planned within the school calendar

95 exclusively for activities by educators at the school level to improve instruction that are gained by

96 increasing the length of the instructional day as provided in subsection (c) of this section.

97 (f) The instructional term shall commence and terminate on a date selected by the county

98 board.

99 (g) The state board may not schedule the primary statewide assessment program more  
100 than 30 days prior to the end of the instructional year unless the state board determines that the  
101 nature of the test mandates an earlier testing date.

102 (h) The following applies to cocurricular activities:

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

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

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

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

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

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

114 (I) In formulation of a school's calendar, a county school board shall hold at least two public  
115 meetings that allow parents, teachers, teacher organizations, businesses and other interested  
116 parties within the county to discuss the school calendar. The public notice of the date, time and  
117 place of the public hearing must be published in a local newspaper of general circulation in the  
118 area as a Class II legal advertisement, in accordance with the provisions of §59-3-1 *et seq.* of this  
119 code.

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

122 (n) The minimum instructional term may be decreased by order of the state superintendent  
123 in any county declared a federal disaster area and in any county subject to an emergency or  
124 disaster declaration by the Governor when the event causing the declaration is substantially

125 related to the loss of instructional days in the county.

126 (o) Notwithstanding any provision of this code to the contrary, the state board may grant a  
127 waiver to a county board for its noncompliance with provisions of Chapter 18, Chapter 18A,  
128 Chapter 18B and Chapter 18C of this code to maintain compliance in reaching the mandatory one  
129 hundred eighty separate instructional days established in this section.

130 (p) The state board shall promulgate a rule in accordance with the provisions of §29A-3B-1  
131 *et seq.* of this code for the purpose of implementing the provisions of this section.

NOTE: The purpose of this bill is to establish that the educational instructional term for students shall begin no earlier than the Tuesday after Labor Day and conclude no later than the Friday before Memorial Day.

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