

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4957

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 modifying the school calendar; and setting the school year to 160 days of instruction.

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 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 used for instruction and cocurricular activities; and

14 (C) 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 when schools are closed due to inclement weather or other
21 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~~ 160 separate instructional

27 days or an equivalent amount 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, which need not be successive. The beginning and closing dates of the employment~~

31 ~~term may not exceed forty-eight weeks;~~

32 (2) (1) Within the employment term, an instructional term for students of no less than ~~one~~

33 ~~hundred eighty~~ 160 separate instructional days, 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~~ 160 separate instructional days, 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 ensure that it achieves at least an amount of

38 instructional time equivalent to one to ~~one hundred and eighty~~ 160 separate instructional days

39 within its school calendar and:

40 (i) Apply up to five days of this equivalent time to cancel days lost due to necessary school

41 closures;

42 (ii) Plan within its school calendar and not subject to cancellation and rescheduling as

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

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

45 school level designed to improve instruction; and

46 (iii) Apply any additional equivalent time to recover time lost due to late arrivals and early

47 dismissals;

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

52 (C) The use of equivalent time gained by lengthening the school day to cancel days lost,
53 and the delivery of instruction through alternative methods, both as defined in this section, shall be
54 considered instructional days for the purpose of meeting the 180 160 separate day requirement
55 and as employment days for the purpose of meeting the 200 day employment term.

56 (3) (2) Within the employment term, noninstructional days shall total twenty 30 and shall be
57 comprised of the following:

58 A. (A) Seven paid holidays;

59 B. (B) Election day as specified in section two, article five, chapter eighteen a §18A-5-2 of
60 this code;

61 C. (C) Six days to be designated by the county board to be used by the employees outside
62 the school environment, with at least four outside the school environment days scheduled to occur
63 after the 130th instructional day of the school calendar.

64 (D) One day to be designated by the county board to be used by the employees for
65 preparation for opening school and one day to be designated by the county board to be used by
66 the employees for preparation for closing school: *Provided*, That the school preparation days may
67 be used for the purposes set forth in paragraph (E) of this subdivision at the teacher's discretion;
68 and

69 (E) The remaining days 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 days when instruction was scheduled but not conducted; and

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

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

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

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

80 (4) (3) Scheduled out-of-calendar days that are to be used for instructional days in the

81 event school is canceled for any reason.

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

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

84 and early dismissals.

85 (e) If it is not possible to complete ~~one hundred eighty~~ 160 separate instructional days with

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

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

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

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

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

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

92 (1) Holidays;

93 (2) Election day;

94 (3) Saturdays and Sundays; and

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

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

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

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

99 board.

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

103 (h) The following applies to cocurricular activities:

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

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

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

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

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

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

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

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

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

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

127 (o) Notwithstanding any provision of this code to the contrary, the state board may grant a
128 waiver to a county board for its noncompliance with provisions of ~~chapter eighteen, eighteen a,~~
129 ~~eighteen b~~ chapters 18, 18A, 18B, and eighteen c 18C of this code to maintain compliance in
130 reaching the mandatory ~~one hundred eighty~~ 160 separate instructional days established in this
131 section.

132 (p) The state board shall promulgate a rule in accordance with the provisions of ~~article~~
133 ~~three b, chapter twenty-nine-a~~ §29A-3B-1 et seq. of this code for the purpose of implementing the
134 provisions of this section.

NOTE: The purpose of this bill is to set the school calendar to 160 days of instruction.

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