

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 104

(By Mr. McKown and Mr. Grogan)

PASSED March 11, 1967

In Effect July 1, 1967 ~~Passage~~

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

#104

ENROLLED

Senate Bill No. 104

(By MR. MCKOWN and MR. CARRIGAN)

[Passed March 11, 1967; in effect July 1, 1967.]

AN ACT to amend and reenact section one, article one; section fifteen, article five; section four, article seven; section two, article nine-a; and sections two, seven and eight, article nine-b; all of chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the implementation of the ten-month employment term for teachers and other school personnel.

Be it enacted by the Legislature of West Virginia:

That section one, article one; section fifteen, article five; section four, article seven; section two, article nine-a; and sections two, seven and eight, article nine-b, all of chapter eighteen of the code of West Virginia, one thousand nine hun-

dred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. DEFINITIONS; LIMITATIONS OF CHAPTER.

§18-1-1. Definitions; school; district; teacher, etc.

The following words used in this chapter and in any proceedings pursuant thereto shall, unless the context clearly indicates a different meaning, be construed as follows:

(a) "School" shall mean the pupils and teacher or teachers assembled in one or more buildings, organized as a unit;

(b) "District" shall mean county school district;

(c) "State board" shall mean the West Virginia board of education;

(d) "Board" shall mean the county board of education;

(e) "State superintendent" shall mean the state superintendent of free schools;

(f) "Superintendent" shall mean the county superintendent of schools;

(g) "Teacher" shall mean teacher, supervisor, principal, superintendent, public school librarian or any other

18 person regularly employed for instructional purposes in
19 a public school in this state;

20 (h) "Service personnel" shall mean all non-teaching
21 school employees not included in the above definition of
22 "teacher";

23 (i) "Regular full-time employee" shall mean any per-
24 son employed by a county board of education who has a
25 regular position or job throughout his employment term,
26 without regard to hours or method of pay.

ARTICLE 5. DISTRICT BOARD OF EDUCATION.

§18-5-15. School term; levy.

The board shall provide a school term for its schools
2 which shall be comprised of (a) an employment term for
3 teachers, and (b) an instructional term for pupils.

4 The employment term for teachers shall be no less than
5 ten months, a month to be defined as twenty employment
6 days exclusive of Saturdays and Sundays: *Provided, That*
7 the board may contract with all or part of the personnel
8 for a longer term. The employment term shall be fixed
9 within such beginning and closing dates as established
10 by the state board: *Provided, That* the time between the

11 beginning and closing dates does not exceed forty-three
12 weeks.

13 Within the employment term there shall be an in-
14 structural term for pupils of not less than one hundred
15 eighty nor more than one hundred eighty-five instruc-
16 tional days. Instructional and non-instructional activities
17 may be scheduled during the same employment day. The
18 instructional term shall start not later than the fifth day
19 of the employment term.

20 Non-instructional days in the employment term may be
21 used for curriculum development, preparation for opening
22 and closing of the instructional term, in-service and pro-
23 fessional training of teachers, teacher-pupil-parent confer-
24 ences, professional meetings and other related activities.

25 Where the employment term overlaps a teacher's partic-
26 ipation in a summer institute or institution of higher learn-
27 ing for the purpose of professional growth, the teacher
28 may substitute, with the approval of the county superin-
29 tendent, such participation for not more than four of the
30 non-instructional days of the employment term.

31 The board may extend the instructional term beyond
32 one hundred eighty-five instructional days provided the
33 employment term is extended an equal number of days.
34 If the state revenues and regular levies, as provided by
35 law, are insufficient to enable the board of education to
36 provide for the school term, the board may at any gen-
37 eral or special election, if petitioned by at least five per
38 cent of the qualified voters in the district, submit the
39 question of additional levies to the voters. If at the elec-
40 tion sixty per cent of the qualified voters cast their ballots
41 in favor of the additional levy, the board shall fix the
42 term and lay a levy necessary to pay the cost of the addi-
43 tional term. The additional levy fixed by the election
44 shall not continue longer than five years without sub-
45 mission to the voters. The additional rate shall not exceed
46 by more than one hundred per cent the maximum school
47 rate prescribed by article eight, chapter eleven of the
48 code, as amended.

49 The schools shall be open to youths between the ages
50 of six and twenty-one for the full instructional term.

ARTICLE 7. TEACHERS.**§18-7-4. Time lost through closing of schools; holidays; extension of school term.**

Schools shall not be kept open for pupils or teachers on
2 any Saturday nor on the following days which are desig-
3 nated as legal school holidays, namely: Independence
4 Day, Labor Day, Veterans Day, Thanksgiving Day,
5 Christmas Day, New Year's Day, Memorial Day, and any
6 day on which a primary election, general election, or
7 special election is held throughout the state or school dis-
8 trict and any day appointed and set apart by the president
9 or the governor as a holiday of special observance by the
10 people of the state. When any such holiday falls within
11 the employment term of the teacher it shall be considered
12 as a day of the employment term and the teacher shall re-
13 ceive his pay for same. When any of the above desig-
14 nated holidays, except a special election, falls on Saturday,
15 the schools shall be closed on the preceding Friday; when
16 any such falls on Sunday, the schools shall be closed on
17 the following Monday.

18 Special classes may be conducted on Saturdays, provided

19 they are conducted on a voluntary basis, for pupils, teach-
20 ers and service personnel, and that such teachers and
21 service personnel shall be remunerated in ratio to the reg-
22 ularly contracted pay.

23 Any school or schools may be closed by proper authori-
24 ties on account of the prevalence of contagious disease,
25 conditions of weather or any other calamitous cause over
26 which the board has no control. Under any or all of the
27 above provisions, the time lost by the closing of schools
28 shall be counted as taught and as meeting a part of the
29 requirements of the minimum term of one hundred and
30 eighty days of instruction. The teacher shall receive pay
31 the same as if school were in session. Insofar as funds
32 are available or can be made available during the school
33 year, the board may extend the employment term for
34 the purpose of making up time that might affect the
35 instructional term.

36 In addition to any other provisions of this chapter, the
37 board is further authorized to provide in its annual budget
38 for teachers' meetings, workshops, vacation time and/or
39 other holidays through extended employment of teachers
40 at the same rate of pay.

**ARTICLE 9A. ALLOCATION OF STATE AID FOR
SCHOOLS.**

§18-9A-2. Definitions.

For the purpose of this article:

2 "State board" or "board" means the state board of
3 school finance.

4 "County board" means a county board of education.

5 "Teacher" means any person, except the county super-
6 intendent and assistant superintendents, who is required
7 to hold an authorized teaching certificate for employment
8 in any county of the state, and who devotes the majority
9 of his school time to the instruction of school-age children.

10 "Employment term" means ten months of employment
11 as defined in section fifteen, article five of this chapter.

12 "Instructional term" shall be that as defined in section
13 fifteen, article five of this chapter.

14 "Average annual foundation salary for teachers", based
15 on the standard term, means the sum of the basic founda-
16 tion salary, which for this purpose shall be determined on
17 the same certification classification as provided in item
18 (A), section two, article seven of this chapter, and in ac-

19 cordance with the numerical subsections of said section
20 at the following rate of each class under said numerical
21 subsections: (1) \$165, (2) \$175, (3) \$200, (4) \$210, (5)
22 \$260, (6) \$285, (7) \$290; plus the advanced-salary experi-
23 ence increment of six dollars per month times the years
24 of allowable experience under each classification in sec-
25 tion two of said article seven, for all full-time teachers
26 employed in a county at the end of the third month of the
27 current year divided by the total number of such teachers.

28 "Net enrollment" means the number of pupils enrolled
29 in grades one to twelve, inclusive, of the public schools of
30 the county at the close of the third month of the current
31 school year, but no pupil shall be counted more than once
32 by reason of transfer within the county or from another
33 county within the state, and no pupil shall be counted
34 who attends school in this state from another state.

35 "High school" means a school consisting only of grades
36 above the sixth, organized for instruction by departments,
37 or the seventh and eighth grades of a school in which
38 these grades are organized for instruction by departments
39 and which has at least four teachers in these grades.

40 "Levies for general current expense purposes" means
41 on each hundred dollars of valuation, nineteen and six-
42 tenths cents on class one property, thirty-nine and two-
43 tenths cents on class two property, and seventy-eight and
44 four-tenths cents on classes three and four property.

ARTICLE 9B. STATE BOARD OF SCHOOL FINANCE.

§18-9B-2. Definitions.

For the purposes of this article:

2 "Board of finance" means the state board of school
3 finance.

4 "Budget" means the annual budget of school revenues
5 and expenditures prepared and adopted by a county
6 board of education in accordance with this article.

7 "Levy estimate" means the summary statement of the
8 total budgeted school requirements prepared and adopted
9 by a county board of education in accordance with law,
10 in justification of the amount levied upon taxable
11 property within the county for the support of the local
12 schools.

13 "Appropriation" means an item, or the amount of an
14 item, budgeted by a county board of education for ex-
15 penditure during the fiscal year.

16 "Expenditure schedule" means a schedule for the ex-
17 penditure of amounts budgeted throughout the fiscal
18 year and adopted in conjunction with the annual budget.

19 "County board" means a county board of education.

20 "Employment term" means ten months of employment
21 as defined in section fifteen, article five of this chapter.

22 "Instructional term" shall be that as defined in section
23 fifteen, article five of this chapter.

**§18-9B-7. Determination by the board of finance before final
approval of budget; length of term.**

The board of finance, before giving its final approval
2 to a proposed budget, shall require that:

3 (1) Estimates of revenue and receipts are reasonable
4 and accurate;

5 (2) Amounts are budgeted so as to cover actual re-
6 quirements of school operation;

7 (3) Amounts are budgeted so as to maintain the
8 schools of the county for the employment term; or, if the
9 employment term cannot be maintained, amounts are
10 budgeted so as to assure the maximum length of such term

11 possible, but not for less than the instructional term as
12 defined in section fifteen, article five of this chapter.

13 The board of finance may authorize budgeting for less
14 than the employment term only if it finds, upon petition
15 of the county board setting forth the circumstances in
16 full, that the best interests of the county schools will be
17 promoted by the use of available funds for purposes other
18 than the maintenance of the maximum employment term
19 in view of funds available for expenditure.

§18-9B-8. Reduction of school term.

If the board of finance finds that the proposed budget
2 for a county will not maintain the schools for the em-
3 ployment term, it may require that the budget be revised
4 so as to provide as much of the employment term as
5 possible; but in no case shall permit the reduction of the
6 instructional term. Any required revision in the budget
7 for this purpose may be made in the following order:

8 (1) Postpone expenditures for permanent improve-
9 ments and capital outlays except from the permanent im-
10 provement fund;

11 (2) Reduce the amount budgeted for maintenance ex-

12 .clusive of service personnel so as to guarantee the pay-
13 ment of salaries for the employment term;

14 (3) Reduce the number of non-instructional days;

15 (4) Reduce the amount of salary paid in excess of that
16 fixed by section two, article seven of this chapter;

17 (5) Adjust amounts budgeted in any other way so as
18 to assure the required instructional term of one hundred
19 eighty days under the applicable provisions of law.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1967.

Thomas Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within *approved* this the *21*
day of *March*, 1967.

Suett C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/31/67

Time 2:20 PM