WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 104

(By Mr. [Signature] and Mr. [Signature])

PASSED February 11, 1967

In Effect July 1, 1967

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

5  (a) “School” shall mean the pupils and teacher or teachers assembled in one or more buildings, organized as a unit;
8  (b) “District” shall mean county school district;
9  (c) “State board” shall mean the West Virginia board of education;
11 (d) “Board” shall mean the county board of education;
12 (e) “State superintendent” shall mean the state superintendent of free schools;
14 (f) “Superintendent” shall mean the county superintendent of schools;
16 (g) “Teacher” shall mean teacher, supervisor, principal, superintendent, public school librarian or any other
person regularly employed for instructional purposes in a public school in this state;

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

(i) "Regular full-time employee" shall mean any person employed by a county board of education who has a regular position or job throughout his employment term, 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 which shall be comprised of (a) an employment term for teachers, and (b) an instructional term for pupils.

The employment term for teachers shall be no less than ten months, a month to be defined as twenty employment days exclusive of Saturdays and Sundays: Provided, That the board may contract with all or part of the personnel for a longer term. The employment term shall be fixed within such beginning and closing dates as established by the state board: Provided, That the time between the
beginning and closing dates does not exceed forty-three weeks.

Within the employment term there shall be an instructional term for pupils of not less than one hundred eighty nor more than one hundred eighty-five instructional days. Instructional and non-instructional activities may be scheduled during the same employment day. The instructional term shall start not later than the fifth day of the employment term.

Non-instructional days in the employment term may be used for curriculum development, preparation for opening and closing of the instructional term, in-service and professional training of teachers, teacher-pupil-parent conferences, professional meetings and other related activities.

Where the employment term overlaps a teacher's participation in a summer institute or institution of higher learning for the purpose of professional growth, the teacher may substitute, with the approval of the county superintendent, such participation for not more than four of the non-instructional days of the employment term.
The board may extend the instructional term beyond one hundred eighty-five instructional days provided the employment term is extended an equal number of days.

If the state revenues and regular levies, as provided by law, are insufficient to enable the board of education to provide for the school term, the board may at any general or special election, if petitioned by at least five percent of the qualified voters in the district, submit the question of additional levies to the voters. If at the election sixty per cent of the qualified voters cast their ballots in favor of the additional levy, the board shall fix the term and lay a levy necessary to pay the cost of the additional term. The additional levy fixed by the election shall not continue longer than five years without submission to the voters. The additional rate shall not exceed by more than one hundred per cent the maximum school rate prescribed by article eight, chapter eleven of the code, as amended.

The schools shall be open to youths between the ages 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 any Saturday nor on the following days which are designated as legal school holidays, namely: Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, New Year's Day, Memorial Day, and any day on which a primary election, general election, or special election is held throughout the state or school district and any day appointed and set apart by the president or the governor as a holiday of special observance by the people of the state. When any such holiday falls within the employment term of the teacher it shall be considered as a day of the employment term and the teacher shall receive his pay for same. When any of the above designated holidays, except a special election, falls on Saturday, the schools shall be closed on the preceding Friday; when any such falls on Sunday, the schools shall be closed on the following Monday.

Special classes may be conducted on Saturdays, provided
they are conducted on a voluntary basis, for pupils, teach-
ers and service personnel, and that such teachers and
service personnel shall be remunerated in ratio to the reg-
ularly contracted pay.

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

In addition to any other provisions of this chapter, the
board is further authorized to provide in its annual budget
for teachers' meetings, workshops, vacation time and/or
other holidays through extended employment of teachers
at the same rate of pay.
ARTICLE 9A. ALLOCATION OF STATE AID FOR SCHOOLS.


For the purpose of this article:

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

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

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

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

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

14. "Average annual foundation salary for teachers", based on the standard term, means the sum of the basic foundation salary, which for this purpose shall be determined on the same certification classification as provided in item (A), section two, article seven of this chapter, and in ac-
cordance with the numerical subsections of said section
at the following rate of each class under said numerical
subsections: (1) $165, (2) $175, (3) $200, (4) $210, (5)
$260, (6) $285, (7) $290; plus the advanced-salary experi-
ence increment of six dollars per month times the years
of allowable experience under each classification in sec-
tion two of said article seven, for all full-time teachers
employed in a county at the end of the third month of the
current year divided by the total number of such teachers.

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

“High school” means a school consisting only of grades
above the sixth, organized for instruction by departments,
or the seventh and eighth grades of a school in which
these grades are organized for instruction by departments
and which has at least four teachers in these grades.
“Levies for general current expense purposes” means on each hundred dollars of valuation, nineteen and six-tenths cents on class one property, thirty-nine and two-tenths cents on class two property, and seventy-eight and 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:

1 “Board of finance” means the state board of school finance.

2 “Budget” means the annual budget of school revenues and expenditures prepared and adopted by a county board of education in accordance with this article.

3 “Levy estimate” means the summary statement of the total budgeted school requirements prepared and adopted by a county board of education in accordance with law, in justification of the amount levied upon taxable property within the county for the support of the local schools.

4 “Appropriation” means an item, or the amount of an item, budgeted by a county board of education for expenditure during the fiscal year.
"Expenditure schedule" means a schedule for the expenditure of amounts budgeted throughout the fiscal year and adopted in conjunction with the annual budget.

"County board" means a county board of education.

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

"Instructional term" shall be that as defined in section 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 to a proposed budget, shall require that:

1. Estimates of revenue and receipts are reasonable and accurate;

2. Amounts are budgeted so as to cover actual requirements of school operation;

3. Amounts are budgeted so as to maintain the schools of the county for the employment term; or, if the employment term cannot be maintained, amounts are budgeted so as to assure the maximum length of such term.
The board of finance may authorize budgeting for less than the employment term only if it finds, upon petition of the county board setting forth the circumstances in full, that the best interests of the county schools will be promoted by the use of available funds for purposes other than the maintenance of the maximum employment term in view of funds available for expenditure.

§18-9B-8. Reduction of school term.

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

(1) Postpone expenditures for permanent improvements and capital outlays except from the permanent improvement fund;

(2) Reduce the amount budgeted for maintenance ex-
(3) Reduce the number of non-instructional days;

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

(5) Adjust amounts budgeted in any other way so as to assure the required instructional term of one hundred eighty days under the applicable provisions of law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Temper
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1967.

Jerome M. Meyer
Clerk of the Senate

Clerk of the House of Delegates

Howard B. Carson
President of the Senate

H. Robey White
Speaker House of Delegates

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

Hulet C. Smith
Governor