WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979

ENROLLED
Committee Substitute
SENATE BILL NO. 424

(By Mr. Nelson)

PASSED March 10, 1979
In Effect July 1, 1979
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 424
(MR. NELSON, original sponsor)

[Passed March 10, 1979; in effect July 1, 1979.]

AN ACT to amend and reenact section fifteen, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section two-a, article four, chapter eighteen-a of said code, all relating to county boards of education and school personnel; providing for county boards of education to set school term opening and closing dates; providing that noninstructional days shall be rescheduled as instructional days in certain instances; and providing increases in the state supplemental salary schedule for teachers.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section two-a, article four, chapter eighteen-a of said code be amended and reenacted, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-15. School term; employment term; instructional term; extension of terms; levies; ages of persons to whom schools are open.

1 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
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, however, 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 noninstructional activities may be scheduled during the same employment day. The instructional term shall commence no earlier than the first Tuesday following Labor Day and shall terminate no later than the eighth day of June and shall not cover a period greater than two hundred seventy-eight calendar days.

Noninstructional 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. However, no more than four such noninstructional days, except holidays, may be scheduled prior to the first day of January in a school term.

Notwithstanding any other provisions of the law to the contrary, if the board has cancelled instructional days equal to the difference between the total instructional days scheduled and one hundred eighty, each succeeding instructional day cancelled shall be rescheduled, utilizing only the remaining noninstructional days, except holidays, following such cancellation, which are available prior to the second day before the end of the employment term established by such county board.

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 noninstructional 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 percent 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 percent the maximum school rate prescribed by article eight, chapter eleven of the code, as amended.

The public schools shall be open for the full instructional term to all persons who have attained the entrance age as stated in section five, article two and section eighteen, article five, chapter eighteen of this code: Provided, That persons over the age of twenty-one may enter only those programs or classes authorized by the state board of education and deemed appropriate by the county board of education conducting any such program or class: Provided, however, That authorization for such programs or classes shall in no way serve to affect or eliminate programs or classes offered by county boards of education at the adult level for which fees are charged to support such programs or classes.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-2a. State supplemental salaries.

In addition to the amount of state minimum salary received pursuant to section two of this article, on and after the first day of July, one thousand nine hundred seventy-nine, each teacher shall receive as a supplement thereto the specific additional amount prescribed in this
section for such teacher's years of experience and educational level as hereinafter set forth. This salary supplement and the increased fixed charges payments hereby required shall be paid outside the West Virginia public school support plan provided for in article nine-a, chapter eighteen of the code.

**STATE SUPPLEMENTAL SALARY SCHEDULE**

**Educational Level**

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

James L. Davis  
Chairman Senate Committee

Clarence L. Chrestia, Jr.  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1979.

J.C. Wilkerson Jr.  
Clerk of the Senate

A.A. Blankenship  
Clerk of the House of Delegates

W.D. Battle Jr.  
President of the Senate

L.E. See Jr.  
Speaker House of Delegates

The within is approved this the 20th day of March, 1979.

John D. W deployed  
Governor