

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time \_\_\_\_\_

No: 210

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1981



ENROLLED

SENATE BILL NO. 210

(By Mr. Ash & Ms. Chase)



PASSED April 10, 1981

In Effect ninty days from Passage



**ENROLLED**  
**Senate Bill No. 210**

(By MR. ASH and MS. CHACE)

[Passed April 10, 1981; in effect ninety days from passage.]

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, relating to the school term; employment term; instructional term; extension of terms; number of noninstructional days that may be scheduled.

*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 to read as follows:

**ARTICLE 5. COUNTY BOARDS 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 which
- 2 shall be comprised of (a) an employment term for teachers,
- 3 and (b) an instructional term for pupils.
- 4 The employment term for teachers shall be no less than ten
- 5 months, a month to be defined as twenty employment days
- 6 exclusive of Saturdays and Sundays: *Provided*, That the
- 7 board may contract with all or part of the personnel for a
- 8 longer term. The employment term shall be fixed within such
- 9 beginning and closing dates as established by the state board:
- 10 *Provided, however*, That the time between the beginning and
- 11 closing dates does not exceed forty-three weeks.

12 Within the employment term there shall be an instructional  
13 term for pupils of not less than one hundred eighty nor more  
14 than one hundred eighty-five instructional days.  
15 Instructional and noninstructional activities may be  
16 scheduled during the same employment day. The  
17 instructional term shall commence no earlier than the first  
18 day of September and shall terminate no later than the eighth  
19 day of June and shall not cover a period greater than two  
20 hundred seventy-eight calendar days.

21 Noninstructional days in the employment term may be  
22 used for making up canceled instructional days, curriculum  
23 development, preparation for opening and closing of the  
24 instructional term, in-service and professional training of  
25 teachers, teacher-pupil-parent conferences, professional  
26 meetings and other related activities. However, no more than  
27 seven such noninstructional days, except holidays, may be  
28 scheduled prior to the first day of January in a school term.

29 Notwithstanding any other provisions of the law to the  
30 contrary, if the board has canceled instructional days equal to  
31 the difference between the total instructional days scheduled  
32 and one hundred seventy-eight, each succeeding  
33 instructional day canceled shall be rescheduled, utilizing only  
34 the remaining noninstructional days, except holidays,  
35 following such cancellation, which are available prior to the  
36 second day before the end of the employment term  
37 established by such county board.

38 Where the employment term overlaps a teacher's  
39 participation in a summer institute or institution of higher  
40 learning for the purpose of professional growth, the teacher  
41 may substitute, with the approval of the county  
42 superintendent, such participation for not more than four of  
43 the noninstructional days of the employment term.

44 The board may extend the instructional term beyond one  
45 hundred eighty-five instructional days provided the  
46 employment term is extended an equal number of days. If the  
47 state revenues and regular levies, as provided by law, are  
48 insufficient to enable the board of education to provide for  
49 the school term, the board may at any general or special  
50 election, if petitioned by at least five percent of the qualified  
51 voters in the district, submit the question of additional levies  
52 to the voters. If at the election sixty percent of the qualified  
53 voters cast their ballots in favor of the additional levy, the

54 board shall fix the term and lay a levy necessary to pay the  
55 cost of the additional term. The additional levy fixed by the  
56 election shall not continue longer than five years without  
57 submission to the voters. The additional rate shall not exceed  
58 by more than one hundred percent the maximum school rate  
59 prescribed by article eight, chapter eleven of the code, as  
60 amended.

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

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

*R. P. Bayler*  
Chairman Senate Committee

*Tommy E. Whitlow*  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

*Todd C. Willis*  
Clerk of the Senate

*V. Blankenship*  
Clerk of the House of Delegates

*Robert R. Taylor*  
President of the Senate

*Walter G. Reed, Jr.*  
Speaker House of Delegates

The within *is approved* this the *20*

day of *April*, 1981.

*John A. Reaves*  
Governor

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