

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-30-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

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ENROLLED

HOUSE BILL No. 2026

(By Mr. Blackwell & McInnis)

— ● —

Passed March 12, 1982

In Effect July 1, 1982 Passage



ENROLLED

H. B. 2026

(By MR. BLACKWELL and MR. GIVENS)

[Passed March 12, 1982; in effect July 1, 1982.]

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 county boards of education; deleting the requirement that the instructional term shall be confined to two hundred seventy-eight calendar days; providing that each county board may schedule a maximum of four days to be used by the employee outside the school environment.

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 BOARD OF EDUCATION.

§18-5-15. School term; 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
5 ten months, a month to be defined as twenty employment days
6 exclusive of Saturdays and Sundays: *Provided*, That the board
7 may contract with all or part of the personnel for a longer

8 term. The employment term shall be fixed within such begin-
9 ning 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. Instructional
15 and noninstructional activities may be scheduled during the
16 same employment day. The instructional term shall commence
17 no earlier than the first day of September and shall terminate
18 no later than the eighth day of June.

19 Noninstructional days in the employment term may be used
20 for making up canceled instructional days, curriculum develop-
21 ment, preparation for opening and closing of the instructional
22 term, in-service and professional training of teachers, teacher-
23 pupil-parent conferences, professional meetings and other re-
24 lated activities. In addition, each board may designate and
25 schedule for teachers and service personnel a maximum of four
26 days to be used by the employee outside the school environ-
27 ment. However, no more than seven noninstructional days, ex-
28 cept holidays, may be scheduled prior to the first day of Jan-
29 uary in a school term.

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

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

44 The board may extend the instructional term beyond one
45 hundred eighty-five instructional days provided the employment

46 term is extended an equal number of days. If the state revenues
47 and regular levies, as provided by law, are insufficient to en-
48 able the board of education to provide for the school term,
49 the board may at any general or special election, if petitioned
50 by at least five percent of the qualified voters in the district,
51 submit the question of additional levies to the voters. If at the
52 election sixty percent of the qualified voters cast their ballots
53 in favor of the additional levy, the board shall fix the term and
54 lay a levy necessary to pay the cost of the additional term. The
55 additional levy fixed by the election shall not continue longer
56 than five years without submission to the voters. The additional
57 rate shall not exceed by more than one hundred percent the
58 maximum school rate prescribed by article eight, chapter eleven
59 of the code, as amended.

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

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

R. P. Bayle
Chairman Senate Committee

Tony E. Whitton
Chairman House Committee

Originating in the House.

Takes effect July 1, 1982.

Judd C. Watts
Clerk of the Senate

VA Blankenship
Clerk of the House of Delegates
Warner R. McInnis
President of the Senate

Alfred M. Lee, Jr.
Speaker House of Delegates

The within is approved this the 30
day of March, 1982.

John J. Dyer
Governor

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SECY. OF STATE