

70. 2165

RECEIVED

1989 APR 25 PM 4: 16

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 2165

(By ~~Mr.~~ Del. Murphy & Lattis )



Passed April 4, 1989

In Effect Ninety Days From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 2165**

(By DELEGATES MURPHY AND SATTES)

---

[Passed April 4, 1989; 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 school terms; employment terms for teachers; providing that one of the seven days outside the school environment coincide with the federal holiday honoring the birthday of Martin Luther King, Jr.; and providing that no more than eight noninstructional days, except holidays, be scheduled before the first day of January in a school term.

*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; exception; levies; ages of persons to whom schools are open.**

- 1 (a) The board shall provide a school term for its
- 2 schools which shall be comprised of (a) an employment
- 3 term for teachers, and (b) an instructional term for
- 4 pupils. Nothing in this section shall prohibit the

5 establishment of year-round schools in accordance with  
6 rules to be established by the state board.

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

16 Within the employment term there shall be an  
17 instructional term for pupils of not less than one  
18 hundred eighty nor more than one hundred eighty-five  
19 instructional days: *Provided*, That the minimum instruc-  
20 tional term may be decreased, by order of the state  
21 superintendent of schools, in any West Virginia county  
22 declared to be a federal disaster area by the Federal  
23 Emergency Management Agency. Instructional and  
24 noninstructional activities may be scheduled during the  
25 same employment day. Noninstructional interruptions  
26 to the instructional day shall be minimized to allow the  
27 classroom teacher to teach. The instructional term shall  
28 commence no earlier than the first day of September  
29 and shall terminate no later than the eighth day of June.

30 Noninstructional days in the employment term may  
31 be used for making up canceled instructional days,  
32 curriculum development, preparation for opening and  
33 closing of the instructional term, in-service and profes-  
34 sional training of teachers, teacher-pupil-parent confer-  
35 ences, professional meetings and other related activities.  
36 In addition, each board shall designate and schedule for  
37 teachers and service personnel seven days to be used by  
38 the employee outside the school environment one of  
39 which days shall coincide with the federal holiday  
40 honoring the birthday of Martin Luther King, Jr.  
41 However, no more than eight noninstructional days,  
42 except holidays, may be scheduled prior to the first day  
43 of January in a school term.

44 Notwithstanding any other provisions of the law to the

45 contrary, if the board has canceled instructional days  
46 equal to the difference between the total instructional  
47 days scheduled and one hundred seventy-eight, each  
48 succeeding instructional day canceled shall be resche-  
49 duled, utilizing only the remaining noninstructional  
50 days, except holidays, following such cancellation, which  
51 are available prior to the second day before the end of  
52 the employment term established by such county board.

53 Where the employment term overlaps a teacher's or  
54 service personnel's participation in a summer institute  
55 or institution of higher education for the purpose of  
56 advancement or professional growth, the teacher or  
57 service personnel may substitute, with the approval of  
58 the county superintendent, such participation for not  
59 more than five of the noninstructional days of the  
60 employment term.

61 The board may extend the instructional term beyond  
62 one hundred eighty-five instructional days provided the  
63 employment term is extended an equal number of days.  
64 If the state revenues and regular levies, as provided by  
65 law, are insufficient to enable the board of education to  
66 provide for the school term, the board may at any  
67 general or special election, if petitioned by at least five  
68 percent of the qualified voters in the district, submit the  
69 question of additional levies to the voters. If at the  
70 election a majority of the qualified voters cast their  
71 ballots in favor of the additional levy, the board shall  
72 fix the term and lay a levy necessary to pay the cost of  
73 the additional term. The additional levy fixed by the  
74 election shall not continue longer than five years without  
75 submission to the voters. The additional rate shall not  
76 exceed by more than one hundred percent the maximum  
77 school rate prescribed by article eight, chapter eleven  
78 of the code, as amended.

79 (b) The Legislature finds and declares that excess  
80 levies as they currently exist create unequal educational  
81 opportunities from county to county based on the  
82 difference in the will of the voters and also based on the  
83 differences in property wealth among the counties; that  
84 prior to the first day of July, one thousand nine hundred  
85 ninety-four, the Legislature shall proceed to equalize

86 educational opportunities over and above the opportun-  
87 ities afforded by each county's property values by  
88 considering the existence or nonexistence of excess  
89 levies as a factor in the distribution of equity moneys;  
90 and that on and after the first day of July, one thousand  
91 nine hundred ninety-four, the Legislature shall imple-  
92 ment a plan for the equitable distribution of funds so  
93 as to eliminate the inequities resulting from county  
94 excess levies.

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

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

*Frederick L. Parker*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Israel C. Welch*  
Clerk of the Senate

*Donald V. Kepp*  
Clerk of the House of Delegates

*Paul Turner*  
President of the Senate

*Robert O. Anderson*  
Speaker of the House of Delegates

The within *is approved* this the *25<sup>th</sup>*  
day of *April*, 1989.

*Gaston Caperton*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/11/89

Time 11:37