WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

SENATE BILL NO. 193

(By Senators Halliday and Blatnik)

PASSED March 10, 1990
In Effect 30 days from Passage
AN ACT to repeal section one-a, article two, chapter two of
the code of West Virginia, one thousand nine hundred
thirty-one, as amended; to amend and reenact section
fifteen, article five, chapter eighteen of said code; and to
amend and reenact section two, article five, chapter
eighteen-a of said code, all relating to reducing the
number of out of school environment days from seven
to six; designating Martin Luther King’s birthday as a
legal school holiday; removing an obsolete term from
the code; and repealing an obsolete code section to
comport with the bill.

Be it enacted by the Legislature of West Virginia:

That section one-a, article two, chapter two of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, be repealed; that section fifteen, article five, chapter
eighteen of said code be amended and reenacted; and that section two, article five, 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; exception; levies; ages of persons to
whom schools are open.

1 (a) The board shall provide a school term for its
schools which shall be comprised of (1) an employment
term for teachers, and (2) an instructional term for
pupils. Nothing in this section shall prohibit the
establishment of year-round schools in accordance
with rules to be established by the state board.

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,
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: Provided, That the minimum
instructional term may be decreased, by order of the
state superintendent of schools, in any West Virginia
county declared to be a federal disaster area by the
federal emergency management agency. Instructional
and noninstructional activities may be scheduled
during the same employment day. Noninstructional
interruptions to the instructional day shall be minim-
ized to allow the classroom teacher to teach. The
instructional term shall commence no earlier than the
first day of September and shall terminate no later
than the eighth day of June.

Noninstructional days in the employment term may
be used for making up canceled instructional days,
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. In addition, each board shall designate and
schedule for teachers and service personnel six days to
be used by the employee outside the school environ-
ment. However, no more than eight 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 canceled instructional days equal to the difference between the total instructional days scheduled and one hundred seventy-eight, each succeeding instructional day canceled 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 or service personnel's participation in a summer institute or institution of higher education for the purpose of advancement or professional growth, the teacher or service personnel may substitute, with the approval of the county superintendent, such participation for not more than five 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 a majority 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.

(b) The Legislature finds and declares that excess levies as they currently exist create unequal educational opportunities from county to county based on the difference in the will of the voters and also based
on the differences in property wealth among the counties; that prior to the first day of July, one thousand nine hundred ninety-four, the Legislature shall proceed to equalize educational opportunities over and above the opportunities afforded by each county’s property values by considering the existence or nonexistence of excess levies as a factor in the distribution of equity moneys; and that on and after the first day of July, one thousand nine hundred ninety-four, the Legislature shall implement a plan for the equitable distribution of funds so as to eliminate the inequities resulting from county excess levies.

(c) 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 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-2. Holidays; closing of schools; time lost because of such; special Saturday classes.

Schools shall not be kept open 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, Martin Luther King’s birthday, 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, it shall be considered as a day of the employment term and the full-time school personnel shall receive his or her 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 and by teachers and service personnel, and that such teachers and service personnel shall be remunerated in ratio to the regularly contracted pay.

Any school or schools may be closed by proper authorities 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 are counted as days of employment and as meeting a part of the requirements of the minimum term of one hundred eighty days of instruction. On such day or days, county boards of education may provide appropriate alternate work schedules for professional and service personnel affected by the closing of any school or schools under any or all of the above provisions. Professional and service personnel 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 meetings, workshops, vacation time or other holidays through extended employment of personnel at the same rate of pay.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of , 1990.

Governor