WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

---

ENROLLED
Com. Sub. For
HOUSE BILL No. 2224

(By Delegate S. Broadfoot and Lindsey)

---

Passed April 9, 1993
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 whom public schools are open; and requiring county board approval prior to public school enrollment by student suspended or expelled from public or private school.

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 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.

7   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 minimized 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 environment. 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 opportuni-
ties 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 imple-
ment 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 any student suspended or expelled from public or private school shall only be permitted to enroll in public school upon the approval of the superintendent of the county where the student seeks enrollment: Provided, however, That in making such decision, the principal of the school in which the student may enroll shall be consulted by the superintendent and the principal may make a recommendation to the superintendent concerning the student's enrollment in his or her new school: Provided further, That if enrollment to public school is denied by the superintendent, the student may petition the board of education where the student seeks enrollment.

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

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 25th day of April, 1993.

Governor