WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014

COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 477

(Senators Tucker, Beach, Cann, Edgell, Fitzsimmons, Green, D. Hall, Miller, Palumbo, Plymale, Snyder, Williams, Kessler (Mr. President), Yost, Wells, Nohe, Cookman and Stollings, original sponsors)

[Passed March 8, 2014; in effect ninety days from passage.]
AN ACT to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to daily planning periods for certain school employees; providing that teachers determine the use of time for a planning period; prohibiting administrators from requiring teachers to attend meetings, training or work-related events during planning period; allowing for teacher discretion; defining “meeting”; and setting forth when a planning period begins.

Be it enacted by the Legislature of West Virginia:

That §18A-4-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.
§18A-4-14. Duty-free lunch and daily planning period for certain employees.

(a) Notwithstanding the provisions of section seven, article two of this chapter, every teacher who is employed for a period of time more than one-half the class periods of the regular school day and every service person whose employment is for a period of more than three and one-half hours per day and whose pay is at least the amount indicated in the state minimum pay scale as set forth in section eight-a of this article shall be provided a daily lunch recess of not less than thirty consecutive minutes and the employee shall not be assigned any responsibilities during this recess. The recess shall be included in the number of hours worked and no county shall increase the number of hours to be worked by an employee as a result of the employee being granted a recess under the provisions of this section.

(b) Every teacher who is regularly employed for a period of time more than one-half the class periods of the regular school day shall be provided at least one planning period within each school instructional day to be used to complete necessary preparations for the instruction of pupils. No teacher may be assigned any responsibilities during this period and no county shall increase the number of hours to be worked by a teacher as a result of such teacher being granted a planning period subsequent to the adoption of this section. The use of the entire period of time allotted for a planning period is determined by the teacher. Administrators may not require a teacher to attend meetings, training or any other work-related event during a planning period. This does not prohibit any teacher from participating in school-related activities, teacher evaluation conferences or conducting school-related meetings, as prescribed, at his or her discretion. “Meeting” for the purpose of this section includes, but is not limited to, IEP meetings, 504 Plan
meetings, team meetings and parent-teacher conferences. A planning period begins once students are physically delivered to another teacher or dismissed from a class.

The duration of the planning period shall be in accordance with the following:

(1) For grades where the majority of the student instruction is delivered by only one teacher, the planning period shall be no less than forty minutes; and

(2) For grades where students take separate courses during at least four separate periods of instruction, most usually delivered by different teachers for each subject, the planning period shall be the length of the usual class period taught by the teacher, but no less than forty minutes.

Principals, and assistant principals, where applicable, shall cooperate in carrying out the provisions of this subsection, including, but not limited to, assuming control of the class period or supervision of students during the time the teacher is engaged in the planning period. Substitute teachers may also be utilized to assist with classroom responsibilities under this subsection: Provided, That any substitute teacher who is employed to teach a minimum of two consecutive days in the same position shall be granted a planning period pursuant to this section.

(c) Nothing in this section prevents any teacher from exchanging his or her lunch recess or a planning period or any service person from exchanging his or her lunch recess for any compensation or benefit mutually agreed upon by the employee and the county superintendent or his or her agent: Provided, That a teacher and the superintendent or his or her agent may not agree to terms which are different from those available to any other teacher granted rights under this section within the individual school or to terms which in any
way discriminate among those teachers within the individual school, and a service person granted rights under this section and the superintendent or his or her agent may not agree to terms which are different from those available to any other service personnel within the same classification category granted rights under this section within the individual school or to terms which in any way discriminate among those service personnel within the same classification category within the individual school.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Member Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within bill is disapproved this the 1st Day of April, 2014.

[Signature]
Governor