ENROLLED

Committee Substitute

for

House Bill 4171

(By Delegates Cooper, D. Evans, Ambler, Perry, Moye, Lynch, Kelly, Wagner, Rowan and Smith)

[Passed March 9, 2016; in effect from passage.]
WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

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[Passed March 9, 2016; in effect from passage.]
AN ACT to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all
relating to primary and secondary school instructional terms; removing the word "separate"
throughout the section as it relates to the number of instructional days in the school
calendar; requiring that the instructional term for students begin no earlier than August 10
and end no later than June 10, except for schools operating on a balanced calendar;
removing preparation for opening and closing school from mandatory list of areas for
which remaining noninstructional days may be designated by county school board;
designating one noninstructional day for teachers as a preparation day; allowing teacher
preparation day to be used for other purposes only at teacher's discretion; increasing
number of two-hour blocks for faculty senate meetings from four to six; removing
requirement that faculty senate meetings be held once every forty-five days; permitting
accrued minutes to be used for lost instructional days; designating time frames within
which faculty senate meetings may take place; requiring county boards to first use accrued
minutes for early dismissals and late arrivals and requiring that any reimagining student
instructional days be exhausted prior to using accrued minutes for lost instructional days.

Be it enacted by the Legislature of West Virginia:

That §18-5-45 of the Code of West Virginia, 1931, as amended, be amended and
reenacted to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

(a) As used in this section:

(1) "Instructional day" means a day within the instructional term which meets the following
criteria:

(A) Instruction is offered to students for at least the minimum amount of hours provided by
state board rule;

(B) Instructional time is used for instruction and cocurricular activities; and
(C) Other criteria as the state board determines appropriate.

(2) "Cocurricular activities" are activities that are closely related to identifiable academic programs or areas of study that serve to complement academic curricula as further defined by the state board.

(b) Findings. -

(1) The primary purpose of the school system is to provide instruction for students.

(2) The school calendar, as defined in this section, is designed to define the school term both for employees and for instruction.

(3) The school calendar shall provide for one hundred eighty instructional days.

(c) The county board shall provide a school term for its schools that contains the following:

(1) An employment term that excludes Saturdays and Sundays and consists of at least two hundred days, which need not be successive. The beginning and closing dates of the employment term may not exceed forty-eight weeks;

(2) Within the employment term, an instructional term for students of no less than one hundred eighty instructional days, which includes an inclement weather and emergencies plan designed to guarantee an instructional term for students of no less than one hundred eighty instructional days;

(3) The instructional term for students shall begin no earlier than August 10th and end no later than June 10th of each calendar school year: Provided, That nothing in this subdivision shall apply to any school operating on a balanced calendar as defined by state board policy.

(4) Within the employment term, noninstructional days shall total twenty and shall be comprised of the following:

(A) Seven paid holidays;

(B) Election day as specified in section two, article five, chapter eighteen-a of this code;

(C) Six days to be designated by the county board to be used by the employees outside the school environment, with at least four outside the school environment days scheduled to occur after the one hundred and thirtieth instructional day of the school calendar; and
(D) One to be designated by the county board to be used by the employees for preparation for opening and closing school: Provided, That the school preparation day at the beginning of the instructional term may be used for the purposes set forth in paragraph (e), at the teacher's discretion.

(E) The remaining days to be designated by the county board for purposes to include, but not be limited to:

(i) Curriculum development;

(ii) Professional development;

(iii) Teacher-pupil-parent conferences;

(iv) Professional meetings;

(v) Making up days when instruction was scheduled but not conducted; and

(vi) At least six two-hour blocks of time for faculty senate meetings with a two-hour block of time scheduled in the first month and last month of school and once in October, December, February, and April; and

(5) Scheduled out-of-calendar days that are to be used for instructional days in the event school is canceled for any reason.

(d) A county board of education shall develop a policy that requires additional minutes of instruction in the school day or additional days of instruction to recover time lost due to late arrivals and early dismissals first. Any remaining minutes accrued may be used for instructional minutes or days lost, due to inclement weather or emergencies: Provided, That any reimagining student instructional days that are awarded to the county by the state board must be exhausted prior to using accrued minutes to cover lost instructional days.

(e) If it is not possible to complete one hundred eighty instructional days with the current school calendar, the county board shall schedule instruction on any available noninstructional day, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day and the day will be used for instruction of students: Provided, That the provisions of this subsection do not apply to:
(A) Holidays;

(B) Election day;

(C) Saturdays and Sundays.

(f) The instructional term shall commence and terminate on a date selected by the county board.

(g) The state board may not schedule the primary statewide assessment program more than thirty days prior to the end of the instructional year unless the state board determines that the nature of the test mandates an earlier testing date.

(h) The following applies to cocurricular activities:

(1) The state board shall determine what activities may be considered cocurricular;

(2) The state board shall determine the amount of instructional time that may be consumed by cocurricular activities; and

(3) Other requirements or restrictions the state board may provide in the rule required to be promulgated by this section.

(i) Extracurricular activities may not be used for instructional time.

(j) Noninstructional interruptions to the instructional day shall be minimized to allow the classroom teacher to teach.

(k) Prior to implementing the school calendar, the county board shall secure approval of its proposed calendar from the state board or, if so designated by the state board, from the state superintendent.

(l) In formulation of a school's calendar, a county school board shall hold at least two public meetings that allow parents, teachers, teacher organizations, businesses and other interested parties within the county to discuss the school calendar. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class II legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code.
(m) The county board may contract with all or part of the personnel for a longer term of employment.

(n) The minimum instructional term may be decreased by order of the state superintendent in any county declared a federal disaster area and where the event causing the declaration is substantially related to a reduction of instructional days.

(o) Notwithstanding any provision of this code to the contrary, the state board may grant a waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen-a, eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory one hundred eighty instructional days established in this section.

(p) The state board shall promulgate a rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for the purpose of implementing the provisions of this section.

(q) The amendments to this section during the 2013 regular session of the Legislature shall be effective for school years beginning on or after July 1, 2014, and the provisions of this section existing immediately prior to the 2013 regular session of the Legislature remain in effect for school years beginning prior to July 1, 2014.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within bill disappeared this the 1st day of April, 2016.

Governor
PRESENTED TO THE GOVERNOR

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