

SB 890

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled
Committee Substitute
for
Senate Bill 890

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2026 APR - 1 P 10:37

FILED

BY SENATORS ROBERTS, GRADY, FULLER, DEEDS, AND

BARTLETT

[Passed March 14, 2026; to take effect July 1, 2027]

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1 AN ACT to amend and reenact §18-5-45 and §18-28-2 of the Code of West Virginia, 1931, as
2 amended, relating to the school calendar; defining employment term and instructional
3 term; prohibiting a teacher from being required to use school preparation days for any
4 other purpose besides the preparation for the opening of school or for school closing;
5 requiring noninstructional days to include three Educator Focus Days to be used as
6 determined by classroom teachers for activities that will improve instruction; requiring
7 faculty senate meetings to occur on Educator Focus Days; providing a schedule for these
8 days to be used during the instructional term; reducing the number of days to be used as
9 designated by the county board; changing minimum public school 180-instructional day
10 requirement to a minimum 900-instructional hour requirement; allowing state board rule to
11 clarify certain school calendar requirements and address any unforeseen issues that might
12 arise from changing from an instructional day requirement to an instructional hour
13 requirement; providing that nothing in this section as amended during the 2026 regular
14 session of the Legislature is intended to adversely modify any existing employment
15 contracts or retirement benefits for county personnel; and allowing nonpublic schools to
16 deliver instruction through alternative methods that count toward up to 25 hours of
17 instructional time when schools are closed due to inclement weather or other unforeseen
18 circumstance.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

1 (a) As used in this section:

2 (1) "Instructional hour" means

an hour used for instruction and cocurricular activities as set forth in subsection (2) below, and that meets any 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; and

(3) "Instruction delivered through alternative methods" means a plan developed by a county board and approved by the state board for teachers to assign and grade work to be completed by students on days or hours when schools are closed due to inclement weather or other unforeseen circumstances.

(4) "Employment term" means at least a 200-day contract.

(5) "Instructional term" consists of at least 900 instructional hours.

(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 900 hours of instructional time as provided in this section.

(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.

(2) Within the employment term, an instructional term for students of no less than 900 hours, which includes an inclement weather and emergencies plan designed to guarantee an instructional term for students of no less than 900 hours, subject to the following: (A) A county board shall establish a length for the days of instruction, which may vary, that will ensure that it achieves at least 900 instructional hours within its school calendar;

(B) Subject to approval of its plan by the state board, a county board may deliver instruction through alternative methods that count toward up to 25 hours of instructional time when schools are closed due to inclement weather or other unforeseen circumstances and these hours of instruction count toward meeting the 900-hour instructional time requirement notwithstanding the closure of schools. The number of hours of instruction that count toward the 900-hour instructional time requirement is subject to the approval of the state board. The plan shall include the number of hours of instruction the instruction through alternative methods counts toward meeting the 900-hour instructional time requirement and state board approval of the plan shall be considered to be the state board's approval of the number of hours included in the plan; and

(C) The use of the delivery of instruction through alternative methods, as defined in this section, shall be considered instructional hours for the purpose of meeting the 900-hour instructional time requirement and as employment days for the purpose of meeting the 200-day employment term;

(3) A county board may plan within its school calendar and not subject to cancellation and rescheduling as instructional hours up to an additional 25 hours or equivalent portions of hours, without students present, to be used as determined by the county board exclusively for activities by educators at the school level designed to improve instruction. Any time planned and used pursuant to this subdivision shall not be considered instructional hours;

(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 §18A-5-2 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;

(D) One day to be designated by the county board to be used by the employees for preparation for opening school and one day to be designated by the county board to be used by the employees for preparation for closing school, subject to the following:

(i) The school preparation days may be used for the purposes set forth in paragraph (F) of this subdivision at the teacher's discretion; and

(ii) No teacher may be required to use the school preparation days for any other purpose besides preparation for the opening of school or for school closing;(E) Three "Educator Focus Days" to be used as determined by classroom teachers for activities that will improve instruction, subject to the following:

(i) One "Educator Focus Day" shall occur before the beginning of the instructional term, one "Educator Focus Day" shall occur in December, one "Educator Focus Day" shall occur in April, and the remaining day as set forth in paragraph (F) of this subdivision may occur at any point during the school year;

(ii) The principal may use "Educator Focus Days" as a teacher does; and

(iii) A two-hour block of time on "Educator Focus Days" shall be used for faculty senate meetings; and

(F) The remaining day 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 hours when instruction was scheduled but not conducted; and

(vi) Faculty senate meetings; and

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

(d) A county board of education shall develop a policy that requires additional minutes or hours of instruction to recover time lost due to late arrivals and early dismissals.

(e) If it is not possible to complete 900 hours with the current school calendar, the county board shall increase the amount of instruction on a day when instruction was previously scheduled or schedule instruction on any available day for which instruction was not originally scheduled, 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:

(1) Holidays;

(2) Election day;

(3) Saturdays and Sundays; and (4) The 25 hours or equivalent portions of hours planned within the school calendar exclusively for activities by educators at the school level to improve instruction.

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

(g) The state board shall, no earlier than 150 instructional hours prior to the end of the instructional year, schedule the primary statewide assessment program unless the state board determines that the nature of the test mandates earlier testing.

(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 scheduled instruction 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 in any county subject to an emergency or disaster declaration by the Governor when the event causing the declaration is substantially related to the loss of instructional hours in the county.

(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 chapters 18, 18A, 18B, and 18C of this code to maintain compliance in reaching the mandatory 900 annual hours of instruction established in this section.

(p) The state board shall promulgate a rule in accordance with the provisions of §29A-3B-1 *et seq.* of this code for the purpose of implementing the provisions of this section. If necessary, the rule may clarify the requirements of this section and address any unforeseen issues that might arise from the amendments to this section made during the 2026 regular session of the Legislature: *Provided*, That nothing in this rule may conflict with this code: *Provided further*, That

130 nothing in this section as amended during the 2026 regular session of the Legislature is intended
131 to adversely modify any existing employment contracts or retirement benefits for county
132 personnel.

**ARTICLE 28. PRIVATE, PAROCHIAL OR CHURCH SCHOOLS, OR SCHOOLS OF A
RELIGIOUS ORDER.**

§18-28-2. Attendance; health and safety regulations.

1 The following is applicable to private, parochial, or church schools, or schools of a religious
2 order:

3 (a) Each school shall observe a minimum instructional term of 900 hours per school year:
4 *Provided*, That the school may deliver instruction through alternative methods that count toward
5 up to 25 hours of instructional time when schools are closed due to inclement weather or other
6 unforeseen circumstance and these hours of instruction shall count toward meeting the 900 hour
7 instructional time requirement notwithstanding the closure of the school;

8 (b) Each school shall make and maintain annual attendance and disease immunization
9 records for each pupil enrolled and regularly attending classes. The attendance records shall be
10 made available to the parents or legal guardians;

11 (c) Upon the request of the county superintendent, a school (or a parents' organization
12 composed of the parents or guardians of children enrolled in the school) shall furnish to the county
13 board a list of the names and addresses of all children enrolled in the school between the ages
14 of seven and 16 years;

15 (d) Attendance by a child at any school which complies with this article satisfies the
16 requirements of compulsory school attendance;

17 (e) Each school is subject to reasonable fire, health, and safety inspections by state,
18 county, and municipal authorities as required by law, and is required to comply with the West
19 Virginia school bus safety regulations; and

- 20 (f) Each school shall establish, file, and update a school specific crisis response plan which
21 complies with the requirements established for it by the state board and the Division of Homeland
22 Security and Emergency Management pursuant to §18-9F-9 of this code.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.


Clerk of the Senate


Clerk of the House of Delegates

FILED
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SECRETARY OF STATE

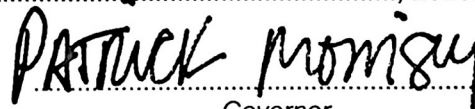
Originated in the Senate.

To take effect July 1, 2027.


President of the Senate


Speaker of the House of Delegates

The within is approved this the 1st
Day of April, 2026.


Governor

PRESENTED TO THE GOVERNOR

MAR 13 1985

Time 1:20pm