

RECEIVED
1993 APR 27 AM 10:14
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Com. Sub. For

HOUSE BILL No. *2224*

(By Delegates *s. Proudfoot and Lindsey*)



Passed *April 8,* 1993

In Effect *Ninety Days From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2224
(By DELEGATES PROUDFOOT AND LINDSEY)

[Passed April 8, 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
2 schools which shall be comprised of (1) an employment
3 term for teachers and (2) an instructional term for
4 pupils. Nothing in this section shall prohibit the
5 establishment of year-round schools in accordance with
6 rules to be established by the state board.

7 The employment term for teachers shall be no less

8 than ten months, a month to be defined as twenty
9 employment days exclusive of Saturdays and Sundays:
10 *Provided*, That the board may contract with all or part
11 of the personnel for a longer term. The employment
12 term shall be fixed within such beginning and closing
13 dates as established by the state board: *Provided*,
14 *however*, That the time between the beginning and
15 closing dates does not exceed forty-three weeks.

16 Within the employment term there shall be an
17 instructional term for pupils of not less than one
18 hundred eighty nor more than one hundred eighty-five
19 instructional days: *Provided*, That the minimum instructional
20 term may be decreased, by order of the state
21 superintendent of schools, in any West Virginia county
22 declared to be a federal disaster area by the federal
23 emergency management agency. Instructional and
24 noninstructional activities may be scheduled during the
25 same employment day. Noninstructional interruptions
26 to the instructional day shall be minimized to allow the
27 classroom teacher to teach. The instructional term shall
28 commence no earlier than the first day of September
29 and shall terminate no later than the eighth day of June.

30 Noninstructional days in the employment term may
31 be used for making up canceled instructional days,
32 curriculum development, preparation for opening and
33 closing of the instructional term, in-service and profes-
34 sional training of teachers, teacher-pupil-parent confer-
35 ences, professional meetings and other related activities.
36 In addition, each board shall designate and schedule for
37 teachers and service personnel six days to be used by
38 the employee outside the school environment. However,
39 no more than eight noninstructional days, except
40 holidays, may be scheduled prior to the first day of
41 January in a school term.

42 Notwithstanding any other provisions of the law to the
43 contrary, if the board has canceled instructional days
44 equal to the difference between the total instructional
45 days scheduled and one hundred seventy-eight, each
46 succeeding instructional day canceled shall be resched-
47 uled, utilizing only the remaining noninstructional
48 days, except holidays, following such cancellation, which

49 are available prior to the second day before the end of
50 the employment term established by such county board.

51 Where the employment term overlaps a teacher's or
52 service personnel's participation in a summer institute
53 or institution of higher education for the purpose of
54 advancement or professional growth, the teacher or
55 service personnel may substitute, with the approval of
56 the county superintendent, such participation for not
57 more than five of the noninstructional days of the
58 employment term.

59 The board may extend the instructional term beyond
60 one hundred eighty-five instructional days provided the
61 employment term is extended an equal number of days.
62 If the state revenues and regular levies, as provided by
63 law, are insufficient to enable the board of education to
64 provide for the school term, the board may at any
65 general or special election, if petitioned by at least five
66 percent of the qualified voters in the district, submit the
67 question of additional levies to the voters. If at the
68 election a majority of the qualified voters cast their
69 ballots in favor of the additional levy, the board shall
70 fix the term and lay a levy necessary to pay the cost of
71 the additional term. The additional levy fixed by the
72 election shall not continue longer than five years without
73 submission to the voters. The additional rate shall not
74 exceed by more than one hundred percent the maximum
75 school rate prescribed by article eight, chapter eleven
76 of the code, as amended.

77 (b) The Legislature finds and declares that excess
78 levies as they currently exist create unequal educational
79 opportunities from county to county based on the
80 difference in the will of the voters and also based on the
81 differences in property wealth among the counties; that
82 prior to the first day of July, one thousand nine hundred
83 ninety-four, the Legislature shall proceed to equalize
84 educational opportunities over and above the opportuni-
85 ties afforded by each county's property values by
86 considering the existence or nonexistence of excess
87 levies as a factor in the distribution of equity moneys;
88 and that on and after the first day of July, one thousand
89 nine hundred ninety-four, the Legislature shall imple-

90 ment a plan for the equitable distribution of funds so
91 as to eliminate the inequities resulting from county
92 excess levies.

93 (c) The public schools shall be open for the full
94 instructional term to all persons who have attained the
95 entrance age as stated in section five, article two and
96 section eighteen, article five, chapter eighteen of this
97 code: *Provided*, That any student suspended or expelled
98 from public or private school shall only be permitted to
99 enroll in public school upon the approval of the
100 superintendent of the county where the student seeks
101 enrollment: *Provided, however*, That in making such
102 decision, the principal of the school in which the student
103 may enroll shall be consulted by the superintendent and
104 the principal may make a recommendation to the
105 superintendent concerning the student's enrollment in
106 his or her new school: *Provided further*, That if enrol-
107 lment to public school is denied by the superintendent,
108 the student may petition the board of education where
109 the student seeks enrollment.

110 Persons over the age of twenty-one may enter only
111 those programs or classes authorized by the state board
112 of education and deemed appropriate by the county
113 board of education conducting any such program or
114 class: *Provided*, That authorization for such programs or
115 classes shall in no way serve to affect or eliminate
116 programs or classes offered by county boards of
117 education at the adult level for which fees are charged
118 to support such programs or classes.

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

[Handwritten Signature]
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harrell Adams
.....
Clerk of the Senate

Donald J Perry
.....
Clerk of the House of Delegates

Neil Burton
.....
President of the Senate

Boyd
.....
Speaker of the House of Delegates

The within is approved this the 26th
day of April 1993.

Jason Agard
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/20/43

Time 10:26am