
1 **Senate Bill No. 467**

2 (By Senators Plymale, Kessler (Acting President), Stollings,
3 Miller, Beach, Chafin and Foster)

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5 [Introduced February 8, 2011; referred to the Committee on
6 Education.]

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11 A BILL to amend and reenact §18A-4-14 of the Code of West Virginia,
12 1931, as amended, relating to preventing teachers from being
13 assigned additional responsibilities during planning period
14 without teacher's consent.

15 *Be it enacted by the Legislature of West Virginia:*

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

18 **ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

19 **§18A-4-14. Duty-free lunch and daily planning period for certain**
20 **employees.**

21 (1) Notwithstanding the provisions of section seven, article
22 two of this chapter, every teacher who is employed for a period of
23 time more than one-half the class periods of the regular school day
24 and every service ~~personnel~~ person whose employment is for a period

1 of more than three and one-half hours per day and whose pay is at
2 least the amount indicated in the "state minimum pay scale" as set
3 forth in section eight-a of this article shall be provided a daily
4 lunch recess of not less than thirty consecutive minutes, and ~~such~~
5 the employee shall not be assigned any responsibilities during this
6 recess. ~~Such~~ The recess shall be included in the number of hours
7 worked, and no county shall increase the number of hours to be
8 worked by an employee as a result of ~~such~~ the employee being
9 granted a recess under the provisions of this section.

10 (2) Every teacher who is regularly employed for a period of
11 time more than one-half the class periods of the regular school day
12 shall be provided at least one planning period within each school
13 instructional day to be used to complete necessary preparations for
14 the instruction of pupils. ~~Such~~ The planning period shall be the
15 length of the usual class period in the school to which ~~such~~ the
16 teacher is assigned, and shall be not less than thirty minutes. No
17 teacher shall be assigned any responsibilities during this period
18 without the consent of the teacher, and no county shall increase
19 the number of hours to be worked by a teacher as a result of ~~such~~
20 the teacher being granted a planning period subsequent to the
21 adoption of this section (March 13, 1982).

22 Principals, and assistant principals, where applicable, shall
23 cooperate in carrying out the provisions of this subsection,
24 including, but not limited to, assuming control of the class period

1 or supervision of students during the time the teacher is engaged
2 in the planning period. Substitute teachers ~~may~~ also may be
3 ~~utilized~~ used to assist with classroom responsibilities under this
4 subsection: *Provided*, That any substitute teacher who is employed
5 to teach a minimum of two consecutive days in the same position
6 shall be granted a planning period pursuant to this section.

7 (3) Nothing in this section shall be construed to prevent any
8 teacher from exchanging his or her lunch recess or a planning
9 period or any service ~~personnel~~ person from exchanging his or her
10 lunch recess for any compensation or benefit mutually agreed upon
11 by the employee and the county superintendent ~~of schools~~ or his or
12 her agent: *Provided*, That a teacher and the superintendent or his
13 or her agent may not agree to terms which are different from those
14 available to any other teacher granted rights under this section
15 within the individual school or to terms which in any way
16 discriminate among ~~such~~ the teachers within the individual school,
17 and that service personnel granted rights under this section and
18 the superintendent or his or her agent may not agree to terms which
19 are different from those available to any other service personnel
20 within the same classification category granted rights under this
21 section within the individual school or to terms which in any way
22 discriminate among ~~such~~ the service personnel within the same
23 classification category within the individual school.

(NOTE: The purpose of this bill is to redefine planning periods for teachers.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)