

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014



ENROLLED

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.]

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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.

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

15 (b) Every teacher who is regularly employed for a period
16 of time more than one-half the class periods of the regular
17 school day shall be provided at least one planning period
18 within each school instructional day to be used to complete
19 necessary preparations for the instruction of pupils. No
20 teacher may be assigned any responsibilities during this
21 period and no county shall increase the number of hours to be
22 worked by a teacher as a result of such teacher being granted
23 a planning period subsequent to the adoption of this section.
24 The use of the entire period of time allotted for a planning
25 period is determined by the teacher. Administrators may not
26 require a teacher to attend meetings, training or any other
27 work-related event during a planning period. This does not
28 prohibit any teacher from participating in school-related
29 activities, teacher evaluation conferences or conducting
30 school-related meetings, as prescribed, at his or her
31 discretion. "Meeting" for the purpose of this section
32 includes, but is not limited to, IEP meetings, 504 Plan

33 meetings, team meetings and parent-teacher conferences. A
34 planning period begins once students are physically delivered
35 to another teacher or dismissed from a class.

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

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

41 (2) For grades where students take separate courses
42 during at least four separate periods of instruction, most
43 usually delivered by different teachers for each subject, the
44 planning period shall be the length of the usual class period
45 taught by the teacher, but no less than forty minutes.
46 Principals, and assistant principals, where applicable, shall
47 cooperate in carrying out the provisions of this subsection,
48 including, but not limited to, assuming control of the class
49 period or supervision of students during the time the teacher
50 is engaged in the planning period. Substitute teachers may
51 also be utilized to assist with classroom responsibilities under
52 this subsection: *Provided*, That any substitute teacher who is
53 employed to teach a minimum of two consecutive days in the
54 same position shall be granted a planning period pursuant to
55 this section.

56 (c) Nothing in this section prevents any teacher from
57 exchanging his or her lunch recess or a planning period or
58 any service person from exchanging his or her lunch recess
59 for any compensation or benefit mutually agreed upon by the
60 employee and the county superintendent or his or her agent:
61 *Provided*, That a teacher and the superintendent or his or her
62 agent may not agree to terms which are different from those
63 available to any other teacher granted rights under this
64 section within the individual school or to terms which in any

65 way discriminate among those teachers within the individual
66 school, and a service person granted rights under this section
67 and the superintendent or his or her agent may not agree to
68 terms which are different from those available to any other
69 service personnel within the same classification category
70 granted rights under this section within the individual school
71 or to terms which in any way discriminate among those
72 service personnel within the same classification category
73 within the individual school.

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this
the Day of, 2014.

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Governor