

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 537

(By Senators D. Hall and Boso)

[Originating in the Committee on Education;
reported February 24, 2015.]

A BILL to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendar; and changing mandatory instructional days from one hundred eighty days to minutes based upon minimum amount of hours of instruction offered to students provided by state board rules.

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.

1 (a) As used in this section:

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

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

6 (B) Instructional time is used for instruction and cocurricular activities; and

7 (C) Other criteria as the state board determines appropriate.

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

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1 (b) *Findings.* –

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

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

5 (3) The school calendar shall provide for the equivalent of one hundred eighty ~~separate~~
6 instructional days.

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

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

11 (2) Within the employment term, an instructional term for students of no less than the
12 equivalent of one hundred eighty ~~separate~~ instructional days, which includes an inclement weather
13 and emergencies plan designed to guarantee an instructional term for students of no less than the
14 equivalent of one hundred eighty ~~separate~~ instructional days based upon the minimum amount of
15 hours of instruction offered to students provided by state board rules and converted to minutes as
16 follows:

17 (A) For kindergarten to grade 5, fifty-six thousand seven hundred minutes shall be the
18 equivalent of one hundred eighty days;

19 (B) For grades 6 to 8, fifty-nine thousand four hundred minutes shall be the equivalent of one
20 hundred eighty days; and

21 (C) For grades 9 to 12, sixty-two thousand one hundred minutes shall be the equivalent of
22 one hundred eighty days;

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

25 (A) Seven paid holidays;

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

27 (C) Six days to be designated by the county board to be used by the employees outside the

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1 school environment, with at least four outside the school environment days scheduled to occur after
2 the one hundred thirtieth instructional day of the school calendar; and

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

5 (i) Curriculum development;

6 (ii) Preparation for opening and closing school;

7 (iii) Professional development;

8 (iv) Teacher-pupil-parent conferences;

9 (v) Professional meetings;

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

11 (vii) At least four two-hour blocks of time for faculty senate meetings with each two-hour
12 block of time scheduled once at least every forty-five instructional days; and

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

15 (d) A county board of education shall develop a policy that requires additional minutes of
16 instruction in the school day or additional days of instruction to recover time lost due to late arrivals
17 and early dismissals.

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

23 (A) Holidays;

24 (B) Election day;

25 (C) Saturdays and Sundays.

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

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

4 (h) The following applies to cocurricular activities:

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

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

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

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

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

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

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

22 (m) The county board may contract with all or part of the personnel for a longer term of
23 employment.

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

27 (o) Notwithstanding any provision of this code to the contrary, the state board may grant a

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1 waiver to a county board for its noncompliance with provisions of this chapter eighteen and chapters
2 eighteen-a, eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory
3 one hundred eighty separate instructional days established in this section.

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

7 (q) The amendments to this section during the 2013 regular session of the Legislature shall
8 be effective for school years beginning on or after July 1, 2014, and the provisions of this section
9 existing immediately prior to the 2013 regular session of the Legislature remain in effect for school
10 years beginning prior to July 1, 2014.

(NOTE: The purpose of this bill is to change the mandatory school instructional days from one hundred eighty days to the equivalent minutes in order to provide flexibility to counties in meeting school board instructional day rules.

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