

H. B. 2451

(By Delegates Campbell, Perry, Butler, Ambler, Rodighiero,
Reynolds, Eldridge, Householder, Marcum, Ashley and Ellington)

[Introduced January 28, 2015; referred to the
Committee on Education.]

A BILL to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to county boards of education and school calendars; and providing that recess periods or other such time allocated for student physical activity during the regular class day may not be reduced when a county school board is attempting to make up lost instructional days because of snow or other emergency situations.

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.

(a) As used in this section:

(1) “Instructional day” means a day within the instructional term which meets the following criteria:

(A) Instruction is offered to students for at least the minimum amount of hours provided by

1 state board rule;

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

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

4 (2) “Cocurricular activities” are activities that are closely related to identifiable academic
5 programs or areas of study that serve to complement academic curricula as further defined by the
6 state board.

7 (b) *Findings.* –

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

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

11 (3) The school calendar shall provide for one hundred eighty separate instructional days.

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

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

16 (2) Within the employment term, an instructional term for students of no less than one
17 hundred eighty separate instructional days, which includes an inclement weather and emergencies
18 plan designed to guarantee an instructional term for students of no less than one hundred eighty
19 separate instructional days;

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

22 (A) Seven paid holidays;

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

2 (C) Six days to be designated by the county board to be used by the employees outside the
3 school environment, with at least four outside the school environment days scheduled to occur after
4 the one hundred and thirtieth instructional day of the school calendar; and

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

7 (i) Curriculum development;

8 (ii) Preparation for opening and closing school;

9 (iii) Professional development;

10 (iv) Teacher-pupil-parent conferences;

11 (v) Professional meetings;

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

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

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

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

20 (e) If it is not possible to complete one hundred eighty separate instructional days with the
21 current school calendar, the county board shall schedule instruction on any available noninstructional
22 day, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day

1 and the day will be used for instruction of students: *Provided*, That the provisions of this subsection
2 do not apply to:

3 (A) Holidays;

4 (B) Election day;

5 (C) Saturdays and Sundays.

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

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

11 (h) The following applies to cocurricular activities:

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

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

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

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

18 (j) Noninstructional interruptions to the instructional day shall be minimized to allow the
19 classroom teacher to teach: *Provided, That recess periods or other such time allocated for student*
20 *physical activity during the regular class day may not be reduced when a school board is attempting*
21 *to make up lost instructional days.*

22 (k) Prior to implementing the school calendar, the county board shall secure approval of its

1 proposed calendar from the state board or, if so designated by the state board, from the state
2 superintendent.

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

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

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

14 (o) Notwithstanding any provision of this code to the contrary, the state board may grant a
15 waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen-a,
16 eighteen-b and eighteen-c of this code to maintain compliance in reaching the mandatory one
17 hundred eighty separate instructional days established in this section.

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

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

- 1 years beginning prior to July 1, 2014. The amendments to this section during the 2015 regular
- 2 session of the Legislature shall be effective for school years beginning on or after July 1, 2015.

NOTE: The purpose of this bill is to provide that recess periods or other such time allocated for student physical activity during the regular class day may not be reduced when a county school board is attempting to make up lost instructional days because of snow or other emergency situations.

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