

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

House Bill 4028

FISCAL
NOTE

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[Introduced January 15, 2016; referred to the
Committee on Education.]

1 A BILL to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended relating
 2 to providing that school instructional terms for students may begin no earlier than
 3 September 1 and must terminate on or before June 5; decreasing the number of
 4 instructional days for students by five days; requiring five days for professional
 5 development or continuing education; permitting county boards of education to contract
 6 with school personnel for employment terms in excess of two hundred days per year; and
 7 making stylistic changes.

Be it enacted by the Legislature of West Virginia:

1 That §18-5-45 of the Code of West Virginia, 1931, as amended, be amended and
 2 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~~ number of hours
 5 provided by 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~~ means activities that are closely related to identifiable
 9 academic programs or areas of study that serve to complement academic curricula as further
 10 defined by ~~the~~ state board rule.

11 (b) *Findings.* –

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

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

15 (3) The school calendar shall provide for one hundred ~~eighty~~ seventy-five separate
16 instructional days.

17 (c) ~~The~~ A county board shall provide a school term for its schools that contains the
18 following:

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

22 (2) Within the employment term, an instructional term for students of ~~no~~ not less than one
23 hundred ~~eighty~~ seventy-five separate instructional days, which includes an inclement weather and
24 emergencies plan designed to guarantee an instructional term for students of ~~no~~ not less than
25 one hundred ~~eighty~~ seventy-five separate instructional days;

26 (3) Within the employment term, twenty-five noninstructional days ~~shall total twenty and~~
27 ~~shall be~~ comprised of the following:

28 (A) Seven paid holidays;

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

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

33 (D) Five days to be designated by the county board for professional development or
34 continuing education; and

35 ~~(D)~~ (E) The remaining days to be designated by the county board for purposes to include,
36 but not be limited to:

37 (i) Curriculum development;

38 (ii) Preparation for opening and closing school;

- 39 ~~(iii) Professional development;~~
- 40 ~~(iv)~~ (iii) Teacher-pupil-parent conferences;
- 41 ~~(v)~~ (iv) Professional meetings;
- 42 ~~(vi)~~ (v) Making up days when instruction was scheduled but not conducted; and
- 43 ~~(vii)~~ (vi) At least four two-hour blocks of time for faculty senate meetings with each two-
- 44 hour block of time scheduled once at least every forty-five instructional days; and
- 45 (4) Scheduled out-of-calendar days that are to be used for instructional days in the event
- 46 school is canceled for any reason.
- 47 (d) A county board of education shall develop a policy that requires additional minutes of
- 48 instruction in the school day or additional days of instruction to recover time lost due to late arrivals
- 49 and early dismissals.
- 50 (e) If it is not possible to complete one hundred ~~eighty~~ seventy-five separate instructional
- 51 days with ~~the~~ a current school calendar, the county board shall schedule and use for student
- 52 instruction on any available noninstructional day, regardless of the purpose for which the day
- 53 originally was scheduled, or ~~an~~ any out-of-calendar day. ~~and the day will be used for instruction~~
- 54 ~~of students: *Provided, That the provisions of this*~~ This subsection ~~do~~ does not apply to:
- 55 ~~(A)~~ (1) Holidays;
- 56 ~~(B)~~ (2) Election day; and
- 57 ~~(C)~~ (3) Saturdays and Sundays.
- 58 (f) The instructional term shall commence and terminate on ~~a date~~ dates selected by the
- 59 county board but may not commence prior to September 1 and shall terminate on or before June
- 60 5.
- 61 (g) The state board may not schedule the primary statewide assessment program more
- 62 than ~~thirty~~ eight days prior to the end of the instructional year ~~unless the state board determines~~

63 ~~that the nature of the test mandates an earlier testing date~~ term.

64 (h) The following ~~applies~~ apply to cocurricular activities:

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

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

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

70 (i) Extracurricular activities may not be ~~used for~~ conducted during instructional time.

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

73 (k) Prior to implementing ~~the~~ a school calendar, the county board shall secure approval of
74 its proposed calendar from the state board or, if so designated by the state board, from the state
75 superintendent.

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

82 (m) ~~The~~ A county board may contract with all or part of the personnel for ~~a longer term of~~
83 an employment term that exceeds two hundred days.

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

87 (o) Notwithstanding any provision of this code to the contrary, the state board may grant
88 a waiver to a county board for its noncompliance with ~~provisions of chapter~~ chapters eighteen,
89 eighteen-a, eighteen-b and eighteen-c of this code to maintain compliance in reaching the
90 mandatory one hundred ~~eighty~~ seventy-five separate instructional days established in this section.

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

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

NOTE: The purpose of this bill is to provide that school instructional terms for students may begin no earlier than September 1 and must terminate on or before June 5. The bill decreases the number of instructional days for students by five days. The bill requires five days for professional development or continuing education. The bill permits county boards of education to contract with school personnel for employment terms in excess of two hundred days per year. The bill makes stylistic changes.

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