

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

House Bill 4167

FISCAL
NOTE

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[Introduced January 20, 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 permitting county boards of education to accumulate instructional days and use them
 3 when needed in a later instructional term when inclement weather and emergencies
 4 prevent the otherwise full instructional term from being completed.

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 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
 10 the state board.

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 separate instructional days.

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

17 (1) An employment term that excludes Saturdays and Sundays and consists of at least

18 two hundred days, which need not be successive. The beginning and closing dates of the
19 employment term may not exceed forty-eight weeks;

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

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

26 (A) Seven paid holidays;

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

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

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

33 (i) Curriculum development;

34 (ii) Preparation for opening and closing school;

35 (iii) Professional development;

36 (iv) Teacher-pupil-parent conferences;

37 (v) Professional meetings;

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

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

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

43 (d) A county board of education shall develop a policy that requires additional minutes of

44 instruction in the school day or additional days of instruction to recover time lost due to late arrivals
45 and early dismissals.

46 (e) A county board may develop a policy that permits it to accrue instructional days during
47 years of good weather and use those excess accrued instructional days in later school years
48 when inclement weather and emergencies would otherwise prevent a full instructional term from
49 being completed.

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

55 (A) Holidays;

56 (B) Election day;

57 (C) Saturdays and Sundays.

58 ~~(f)~~ (g) The instructional term shall commence and terminate on a date selected by the
59 county board.

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

63 ~~(h)~~ (i) The following applies to cocurricular activities:

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

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

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

69 ~~(i)~~ (j) Extracurricular activities may not be used for instructional time.

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

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

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

81 ~~(m)~~ (n) The county board may contract with all or part of the personnel for a longer term
82 of employment.

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

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

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

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

96 for school years beginning prior to July 1, 2014.

NOTE: The purpose of this bill is to permit county boards of education to accumulate instructional days and use them when needed in a later instructional term when inclement weather and emergencies prevent the otherwise full instructional term from being completed.

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