WEST virginia legislature

2021 regular session

Introduced

Senate Bill 56

By Senators Sypolt and Maroney

[Introduced February 10, 2021; referred  
to the Committee on Education; and then to the Committee on the Judiciary]

A BILL to amend and reenact §18A-5-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement that schools be closed on election days.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-2. Holidays; closing of schools; time lost because of such; special Saturday classes.

(a) Schools shall be closed on Saturdays and on the following days which are designated as legal school holidays: Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther ~~King's Birthday~~ King Jr. Day, Memorial Day and West Virginia Day. Schools also shall be closed on ~~any day on which a primary election, general election or special election is held throughout the state or school district and on~~ any day appointed and set apart by the President or the Governor as a holiday of special observance by the people of the state.

(b) When any of the above designated holidays, ~~except a special election~~ falls on Saturday, the schools shall be closed on the preceding Friday. When any designated holiday falls on Sunday, the schools shall be closed on the following Monday.

(c) Special classes may be conducted on Saturdays for pupils and by teachers and service personnel. Saturday classes shall be conducted on a voluntary basis and teachers and service personnel shall be remunerated in ratio to the regularly contracted pay.

(d) Any school or schools may be closed by proper authorities on account of the prevalence of contagious disease, conditions of weather, or any other calamitous cause over which the board has no control.

(1) Under any or all of the above provisions, the time lost by the school closings may not be counted as days of employment and may not be counted as meeting a part of the requirements of the minimum term of 180 days of instruction. A school employee’s pay per pay period may not change as a result of a school closing not being counted as a day of employment, and the employee shall be paid the same amount during any pay period in which a school closing occurs that the employee would have been paid during the pay period if a school closing had not occurred.

(2) On the day or days when a school or schools are closed, county boards may provide appropriate alternate work schedules for professional and service personnel affected by the closing of any school or schools under any or all of the provisions of this subsection. Professional and service personnel shall receive pay the same as if school were in session.

(3) Insofar as funds are available or can be made available during the school year, the board may extend the employment term for the purpose of making up time that might affect the instructional term.

(e) In addition to any other provisions of this chapter, the board further is authorized to provide in its annual budget for meetings, workshops, vacation time, or other holidays through extended employment of personnel at the same rate of pay.

NOTE: The purpose of this bill is to eliminate the requirement that schools be closed on election days.

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