

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3468

By Delegate Statler

[Introduced February 14, 2023; 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 to
 2 modifying the school calendar; setting the school year to 175 days of instruction;
 3 establishing limits on the start and end of the school year; and modifying the number and
 4 purposes of noninstructional days.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-45. School calendar.

1 (a) As used in this section:

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

4 ~~(A)~~ (1) Instruction is offered to students for at least the minimum number of minutes as
 5 follows:

6 ~~(i)~~ (A) For early childhood programs as provided in ~~subsection §18-5-44(d)~~ ~~section forty-~~
 7 ~~four~~ of this article code;

8 ~~(ii)~~ (B) For schools with grade levels kindergarten through and including grade five, 315
 9 minutes of instructional time per day;

10 ~~(iii)~~ (C) For schools with grade levels six through and including grade eight, 330 minutes of
 11 instructional time per day; and

12 ~~(iv)~~ (D) For schools with grade levels nine through and including grade ~~12~~ twelve, 345
 13 minutes of instructional time per day.

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

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

16 ~~(2)~~ "Cocurricular activities" are activities that are closely related to identifiable academic
 17 programs or areas of study that serve to complement academic curricula as further defined by the
 18 state board; and

19 ~~(3)~~ "Instruction delivered through alternative methods" means a plan developed by a

20 county board and approved by the state board for teachers to assign and grade work to be
21 completed by students on days when schools are closed due to inclement weather or other
22 unforeseen circumstances.

23 (b) *Findings.* –

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

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

27 (3) The school calendar shall provide for ~~one hundred eighty~~ 175 separate instructional
28 days or an equivalent amount of instructional time as provided in this section.

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

30 ~~(1) An employment term that excludes Saturdays and Sundays and consists of at least 200~~
31 ~~days, which need not be successive. The beginning and closing dates of the employment term~~
32 ~~may not exceed 48 weeks;~~

33 ~~(2) (1)~~ Within the employment term, an instructional term for students of no less than ~~one~~
34 ~~hundred eighty~~ 175 separate instructional days, which includes an inclement weather and
35 emergencies plan designed to guarantee an instructional term for students of no less than ~~one~~
36 ~~hundred eighty~~ 175 separate instructional days, subject to the following:

37 (A) A county board may increase the length of the instructional day as defined in this
38 section by at least 30 minutes per day to ensure that it achieves at least an amount of instructional
39 time equivalent to ~~one hundred and eighty~~ 175 separate instructional days within its school
40 calendar and:

41 (i) Apply up to five days of this equivalent time to cancel days lost due to necessary school
42 closures;

43 (ii) Plan within its school calendar and not subject to cancellation and rescheduling as
44 instructional days up to a minimum of an additional ~~five~~ 15 days or equivalent portions of days,
45 without students present to be used as determined by the county board exclusively for activities by

46 educators at the school level designed to improve instruction; and

47 (iii) Apply any additional equivalent time to recover time lost due to late arrivals and early
48 dismissals;

49 (B) Subject to approval of its plan by the state board, a county board may deliver instruction
50 through alternative methods on up to five days when schools are closed due to inclement weather
51 or other unforeseen circumstances and these days are instructional days notwithstanding the
52 closure of schools; and

53 (C) The use of equivalent time gained by lengthening the school day to cancel days lost,
54 and the delivery of instruction through alternative methods, both as defined in this section, shall be
55 considered instructional days for the purpose of meeting the ~~480~~ 175 separate day requirement
56 and as employment days for the purpose of meeting the 200 day employment term. ~~and~~

57 ~~(D) The instructional term for students shall begin no earlier than September 1 and end no~~
58 ~~later than May 31 each school year. *Provided*, That nothing in this subdivision may apply to any~~
59 ~~school operating on a balanced calendar as defined by state board policy~~

60 ~~(3)~~ (2) Within the employment term, noninstructional days shall total twenty 30 and shall be
61 comprised of the following:

62 A. (A) Seven paid holidays;

63 B. (B) Election day as specified in ~~section two, article five, chapter eighteen a~~ §18A-5-2 of
64 this code;

65 C. (C) Six days to be designated by the county board to be used by the employees outside
66 the school environment, with at least four outside the school environment days scheduled to occur
67 after the ~~130th instructional day of the school calendar~~ end of the first semester.

68 (D) Three consecutive days to be designated by the county board to be used by the
69 employees for professional development in specific regard to any new curriculum, assessments,
70 or intervention methods that will be utilized in the classroom.

71 (E) Two additional nonconsecutive professional development days designed by the county

72 board providing additional support for teachers in any new assessments, curriculum, or
73 intervention methods used in the classroom. The attendance to these five professional days shall
74 be mandatory. No personal days shall be used. Any sick day taken shall be supported with a
75 doctor's note.

76 (F) Three days for professionals to prepare for opening school and one day two days to be
77 designated by the county board to be used by the employees for preparation for closing school:
78 Provided, That the school preparation days may be used for the purposes set forth in paragraph
79 (F) of this subdivision at the teacher's discretion; and

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

- 82 (i) Curriculum development;
- 83 (ii) Professional development;
- 84 (iii) Teacher-pupil-parent conferences;
- 85 (iv) Professional meetings and collaboration;
- 86 (v) Record keeping;
- 87 ~~(vi)~~ (vi) Making up days when instruction was scheduled but not conducted; and
- 88 ~~(vii)~~ (vii) At least six two-hour blocks of time for faculty senate meetings with at least one
89 two-hour block of time scheduled in the first month of the employment term, at least one two-hour
90 block of time scheduled in the last month of the employment term and at least one two-hour block
91 of time scheduled in each of the months of October, December, February, and April; and

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

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

97 (e) If it is not possible to complete ~~one hundred eighty~~ 175 separate instructional days with

98 the current school calendar and the additional five days of instructional time gained by increasing
99 the length of the instructional day as provided in subsection (c) of this section are insufficient to
100 offset the loss of separate instructional days, the county board shall schedule instruction on any
101 available noninstructional day, regardless of the purpose for which the day originally was
102 scheduled, or an out-of-calendar day and the day will be used for instruction of students: *Provided,*
103 That the provisions of this subsection do not apply to:

104 (1) Holidays;

105 (2) Election day;

106 (3) Saturdays and Sundays; and

107 (4) The ~~five~~ 15 days or equivalent portions of days planned within the school calendar
108 exclusively for activities by educators at the school level to improve instruction that are gained by
109 increasing the length of the instructional day as provided in subsection (c) of this section.

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

112 (g) The state board may not schedule the primary statewide assessment program more
113 than ~~thirty~~ 30 days prior to the end of the instructional year unless the state board determines that
114 the nature of the test mandates an earlier testing date.

115 (h) The following applies to co_curricular activities:

116 (1) The state board shall determine what activities may be considered co_curricular;

117 (2) The state board shall determine the amount of instructional time that may be consumed
118 by co_curricular activities; and

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

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

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

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

127 (l) In formulation of a school's calendar, a county school board shall hold at least two public
128 meetings that allow parents, teachers, teacher organizations, businesses, and other interested
129 parties within the county to discuss the school calendar. ~~The public notice of the date, time, and~~
130 ~~place of the public hearing must be published in a local newspaper of general circulation in the~~
131 ~~area as a Class II legal advertisement, in accordance with the provisions of article three, chapter~~
132 ~~fifty-nine §59-3-1 et seq. of this code~~

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

135 (n) The minimum instructional term may be decreased by order of the state superintendent
136 in any county declared a federal disaster area and, in any county, subject to an emergency or
137 disaster declaration by the Governor when the event causing the declaration is substantially
138 related to the loss of instructional days in the county.

139 (o) Notwithstanding any provision of this code to the contrary, the state board may grant a
140 waiver to a county board for its noncompliance with provisions of ~~chapter eighteen, eighteen-a,~~
141 ~~eighteen-b chapters 18, 18A, 18B,~~ and ~~eighteen-c~~ 18C of this code to maintain compliance in
142 reaching the mandatory ~~one hundred eighty~~ 175 separate instructional days established in this
143 section.

144 (p) The state board shall promulgate a rule in accordance with the provisions of ~~article~~
145 ~~three-b, chapter twenty-nine-a~~ §29A-3B-1 et seq. of this code for the purpose of implementing the
146 provisions of this section.

147 (q) This shall be a pilot for statewide support to address upcoming changes in addressing
148 numeracy and literacy professional development.

NOTE: The purpose of this bill is to set the school calendar to 175 days of instruction to provide for 5 days of professional development. Three consecutive and two days after assessments are given providing teachers the days to collaborate to reach the student individually and modify their instruction to improve academic achievement in core subjects.

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