



# West Virginia School Calendar **Guidance Booklet**

2018-2019



**West Virginia Board of Education  
2017-2018**

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# **WEST VIRGINIA DEPARTMENT OF EDUCATION GUIDANCE FOR PREPARING THE 2018-19 SCHOOL CALENDAR**

## **1. General:**

Pursuant to the provisions of West Virginia Code (WVC) §18-5-45, and West Virginia Board of Education (WVBE) Policy 3234, School Calendar, county boards must develop a school calendar each year and submit the proposed calendar to the State Superintendent of Schools, or designee, by the established deadline. Multi-county vocational centers may develop a school calendar or adopt the calendar of a partnering county. The school calendar shall provide: (A) An instructional term for students of no less than 180 separate instructional days or equivalent instructional time gained by increasing the number of minutes in the instructional day, and (B) a minimum employment term for employees of no less than 200 days. A county board may provide for a longer instructional term for students, but must increase the employment term by a comparable number of days. Each county board must develop an inclement weather and emergency policy designed to guarantee that 180 separate days or equivalent instructional time are provided to students. The policy must provide for the addition of equivalent instructional time added to the instructional day, beyond the state required minimum, or that entire additional days of instruction be added, to recover time lost due to late arrivals and early dismissals.

When the equivalent instructional time added to the instructional day, beyond the state required minimum, is thirty minutes or greater per day (i.e. Elementary school:  $315 + 30 = 345$  minutes, Middle School:  $330 + 30 = 360$  minutes, High School,  $345 + 30 = 375$  minutes), a school has achieved sufficient equivalent instructional time to: (A) Avoid rescheduling or adding instructional days to make-up for five instructional days missed due to school closures for inclement weather or other emergencies. The county may credit the equivalent instructional time for any instructional days cancelled, up to five, during the instructional term with notice to the state board; (B) Schedule up to five days or equivalent portions of days within the instructional term as professional learning days for educators, in lieu of instructional days for students. These days or equivalent portions of days are not subject to cancellation or being rescheduled to make-up for instructional days lost. They must be used as determined by the county board exclusively for activities by educators at the school level without students present which are designed to improve instruction; and (C) Use any remaining equivalent instructional time to recover time lost due to late arrivals and early dismissals.

The policy may include non-traditional instruction on an instructional day or days, up to five, when a school or schools are closed due to inclement weather or other emergency, traditional methods of instruction are not feasible, or to provide non-traditional instruction for other reasons. The non-traditional instruction must be in accordance with a plan developed by the county board and approved by the state board. A non-traditional instruction day is an instructional day notwithstanding the closure of a school or schools and shall be credited as such on the day the instruction is delivered.

The school calendar shall designate one non-instructional day for teachers as a preparation day for opening school and another for teachers as a preparation day for closing school.

The limitation on the delivery and application of non-traditional instruction to days when a school or schools are closed due to inclement weather or other emergency as provided in this policy are not intended and may not be construed to limit the use of non-traditional instruction as an instructional delivery strategy when students may not be in the classroom or school for reasons other than a closure.

## 2. **Forms:**

A copy of the newly automated 2018-2019 school calendar form and several completed sample calendars for use in completing the proposed calendar for the upcoming year are available on the West Virginia Department of Education (WVDE) website:

<https://wvde.state.wv.us/calendar/calendar-development-resources.html>

## 3. **Sample Calendars:**

Several sample calendars are provided to illustrate some of the options county boards have in developing their school calendars under the provisions provided by House Bill 2711, but none of the options should be considered as recommendations of the WVDE. Included are sample calendars that illustrate options for a traditional calendar, one where the first semester ends prior to the Christmas break, and a balanced calendar. We are also including a traditional calendar to assist you as you complete the calendar form (WVDE 11-20-35).

## 4. **Balanced Calendar:**

To reduce the amount of learning loss that occurs during the long summer break in a traditional calendar, county boards may want to consider and actively explore the feasibility of adopting a school calendar that minimizes such learning loss. An advantage of a balanced calendar with breaks scheduled between each nine-week period is that intersessions can be scheduled during breaks for the students that need extended learning opportunities. Be aware, however, that according to West Virginia Code (WVC) §18-5-45, the beginning and ending dates of the employment term cannot exceed 48 weeks.

## 5. **Statutory References:**

WVC §18-1-2 defines the school year as starting on the first day of July and ending on the 30th day of June; WVC §18-5-45 contains the statutory requirements regarding the school calendar; WVC §18-5A-5 contains the requirements for faculty senate meetings; WVC §18-9B-7 specifies that county boards must budget sufficient funds to assure that the specified minimum employment and instructional terms are provided; WVC §18A-4-8 specifies the structure of the minimum 200 day employment term for service personnel; and WVC §18A-5-2 identifies the official school holidays.

## 6. **Due Date:**

The due date for submitting the school calendar for the 2018-2019 year to the Department of Education, Division of Teaching and Learning, is **Friday, May 4, 2018**. All calendars will be approved within two weeks of receipt and approval notices provided individually as soon as possible after approval.

To expedite the submittal and review process, and to enable this office to place each district's approved calendar on the WVDE's website, the completed calendar form **MUST** be submitted to this office as an Excel spreadsheet. This year the WVDE will provide an automated Excel sheet to use for your convenience. Guidance for the use of the new calendar tool is provided at the Calendar of Events website. <https://wvde.state.wv.us/calendar/calendar-development-resources.html>

## 7. Submission:

Calendar submission can begin as soon as county boards have conducted two public hearings and the county board has voted to approve the adopted school calendar. Please submit the completed Excel forms attached to an email to Teresa Hammond at [thammond@k12.wv.us](mailto:thammond@k12.wv.us). **Signed copies of the forms do not need to be mailed.** The Excel file must be submitted via email no later than **Friday, May 4, 2018**. Each calendar will be reviewed and approved as quickly as possible. If there are any questions, please do not hesitate to contact the Division of Teaching and Learning at 304-558-9994.

## Planning the Calendar

### 8. Scheduled Test Dates:

The proposed test window for the West Virginia General Summative Assessment, once established, can be viewed on the WVDE's website. WVC §18-5-45 states that the State Board may not schedule the primary statewide assessment program more than thirty (30) days prior to the end of the instructional year, unless the state board determines that the nature of the test mandates an earlier testing date. The 30 day maximum is to be determined from the last scheduled instructional day of the original school calendar as submitted to the State Board for approval.

County boards that are required to cancel instructional days during the 2018-2019 school year due to inclement weather, however, may be able to revise their testing window in order to maximize the number of instructional days provided prior to the test; to make arrangements for this, contact the Office of Assessment and Research at 304-558-2546.

### 9. Public Hearings:

County boards are required to hold at least two (2) public hearings that allow all interested parties to discuss the school calendar, but boards may hold more than two public hearings, if they desire. Public notices of the hearings must be published as a Class II legal advertisement, which according to WVC §59-3-2, means that the legal advertisement must be published once a week for two successive weeks in a qualified newspaper published in the publication area. Notices for all hearings can be published in one advertisement. The first notice must be published at least 10 days prior to the first hearing to provide sufficient time for interested parties to plan on attending the hearing.

At least a quorum of the county board members must be present during each public hearing. Each hearing should be scheduled to last a reasonable amount of time, but for convenience, should not be scheduled to begin before 9:00 a.m., nor continue beyond 11:00 p.m. In the interest of time and efficiency, oral statements may be limited in duration to a period of not less than three minutes each and may be supplemented with written comments, timely submitted, in accordance with the deadlines included in the notice.

## 10. Graduation Dates:

County boards are required to provide a list of the graduation dates for every high school in the county for the 2018-2019 school year in the area provided on the calendar worksheet. According to various state superintendents' opinions, county boards may not hold graduation ceremonies and release seniors earlier than five instructional days prior to the end of the regularly scheduled instructional term for all students. This is to be determined from the last scheduled instructional day of the original calendar as submitted to the State Board for approval.

## 11. Symbols:

The following symbols are to be used in completing the school calendar form:

**Instructional Days** - For each of the 180 instructional days, list the date in the bottom portion of each cell on the School Calendar (Form WVDE 11-20-35); do not enter a symbol in the top portion of the cell. A pull-down menu to the right in the top portion of the cell in the automated spreadsheet will place the correct symbol and color the cell when the appropriate symbol is clicked by the user.

**Non-instructional Days** - For the 20 non-instructional days, use the pull down menu in the top portion of the cell in the school calendar on which each of the non-instructional days is scheduled:

- CD - Curriculum Development
- P - Preparation for Opening/Closing Schools
- PL - Professional Learning
- TP - Teachers-Pupil-Parent Conference
- PM - Professional Meeting
- OS - Outside School Environment
- E - Primary or General Election
- H - Holiday

**Note: For consistency among all county boards, use ONLY the symbols listed above located in the pull-down menu.**

## 12. Employment Term:

According to WVC §18-5-45, each county board must provide for a minimum employment term for regular, full-time employees of at least two hundred (200) days, exclusive of Saturdays and Sundays, which need not be successive. The beginning and closing dates of the employment term may not exceed forty-eight (48) weeks. The employment term is to be divided into ten twenty-day months and each employment month must be shown on a separate line on the school calendar form. The employment term shall consist of an instructional term for pupils of no less than one hundred eighty (180) separate instructional days and twenty (20) non-instructional days. The twenty non-instructional days shall be comprised of the following:

- Two Preparation Days (P); One at the beginning of the school year before instruction begins, and one at the end of the school year, after instruction ends.
- Seven legal school holidays;
- An Election Day (E);
- Six days to be designated as outside the school environment (OS), four of which must be scheduled after the 130th instructional day;
- Other non-instructional days, which can be for the following purposes: curriculum development (CD); teacher-pupil-parent conference (TP); professional meetings (PM).

### 13. Out-of-Calendar Days (O):

County boards may schedule up to a maximum of forty (40) out-of-calendar days during the school year and remain within the forty-eight (48) week maximum limit for scheduling the minimum 200-day employment term.

County boards that adopt a balanced calendar are required to list all 61 out-of-calendar (O) days on the calendar form to make it easy for users to see when the breaks and the intersessions are scheduled.

### 14. Legal School Holidays (H):

According to WVC §18-5-45, county boards are to provide for seven school holidays, as specified in WVC §18A-5-2, within the minimum 200 employment term. Consequently, the calendar that is developed by each county board MUST include seven school holidays. If an employee's minimum 200 day employment term includes more than seven school holidays within the period, the additional days are to be scheduled as nonpaid out of calendar days. This should be clearly specified in both the employment contract for personnel and the school calendar. The seven holidays can be a combination of the following: Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King Jr.'s Birthday, Memorial Day and West Virginia Day. Other legal school holidays that may need to be added to the school calendar for a particular county would be any day (except Saturday) on which a special election is held throughout the State or school district, and any day appointed and set apart by the President or Governor as a holiday or special day of observance by public schools. For reference, WVC §18A-5-2 specifies the days that are considered legal school holidays and WVC §2-2-1 specifies the dates that are State holidays, and both code sections specify the usual date of observance, if a holiday happens to fall on a Saturday or Sunday.

#### **The dates of observation of the seven legal holidays that might fall within the minimum employment term, and the dates of the elections for the 2018-2019 year are:**

- July 4, 2018 - Independence Day
- September 3, 2018 - Labor Day
- November 12, 2018 - Veteran's Day
- November 22, 2018 - Thanksgiving Day
- December 25, 2018 - Christmas Day
- January 1, 2019 - New Year's Day
- January 21, 2019 - Martin Luther King Jr.'s Birthday
- May 27, 2019 - Memorial Day
- June 20, 2019 - West Virginia Day

Although Good Friday and Easter are not school or State holidays, for informational purposes, Good Friday falls on April 19, 2019 and Easter falls on Sunday, April 21, 2019 during the upcoming year.

### 15. Election Days (E):

Although elections other than special elections in the State are held every two years, one of the regular election dates occurs every school year, either a primary or general election. **November 6, 2018 is the General Election Day.**

## **16. Professional Learning (PL):**

Professional educators must adhere to the requirements of WVBE Policy 5500, Professional Learning for West Virginia Educators. The school calendar must be developed in such a manner that the tenants of WVBE Policy 5500, Professional Learning for West Virginia Educators can be met during the minimum 200 day employment term. Full days scheduled for this purpose are to be designated as Professional Learning (PL) days on the school calendar. When planning the school calendar, be aware that all service personnel are required to complete the number of hours of professional development provided each year by their respective county boards according to WVBE Policy 5500.02, County Service Personnel Staff Development Councils.

## **17. Outside the School Environment Days (OS Days):**

WVC §18-5-45 requires six OS days, four of which must be scheduled after the 130th instructional day. These days may be used as make-up days when a full instructional day is missed; however, if utilizing non-traditional instruction days, county boards should be aware they may use the non-traditional instruction days prior to OS days.

## **18. Faculty Senate Meetings:**

Pursuant to W. Va. Code §18-5A-5, the school calendar must provide to each faculty senate a two-hour block of time for a faculty senate meeting on a day scheduled for the opening of school prior to the beginning of the instructional term and on a day scheduled for the closing of school before the end of the employment term. In addition to the opening and closing of school, faculty senate meetings are to be held during the months of October, December, February, and April, for a total of six two-hour meetings. Faculty senate meetings can be held on days set aside for late arrivals and early dismissals, or part of a non-instructional day, e.g. Preparation (P), Professional Learning (PL), Curriculum Development (CD), etc. The portion of the non-instructional day scheduled for the faculty senate meeting shall be considered as part of the purpose for which the non-instructional day is scheduled.

Faculty senates may also schedule a meeting during an instructional day if sufficient equivalent instructional time has been set aside by a school; however, every school in the district must have set aside sufficient time for all faculty senates in the district to meet in this manner.

A faculty senate may also meet for an unlimited block of time during a non-instructional day to discuss and plan strategies to improve student instruction and to conduct other faculty senate business.

A faculty senate may elect to schedule a meeting on an instructional day outside of the instructional time for students, and take compensatory time off on the non-instructional day that is provided by the county board for its meeting, as long as the meeting takes place prior to the day that is scheduled in the school calendar.

If a non-instructional day that is originally scheduled for faculty senates to meet is canceled due to inclement weather, the county board may elect, but is not required, to reschedule the non-instructional day in order for the faculty senates to meet.

## 19. Instructional Term:

According to WVC §18-5-45, each county board must provide, within the employment term, an instructional term for students of no less than 180 separate instructional days or the equivalent. County boards of education are required to provide, not just schedule, 180 separate days of instruction.

An instructional day is defined as a day which meets the following criteria:

- Instructional day is used for instruction and/or co-curricular activities.
- Instructional time is used for instruction and/or co-curricular activities.
- Instruction provided meets the currently adopted West Virginia Standards prescribed by the West Virginia State Board.

**PreK:** Minimum of 1500 minutes per week/48,000 minutes per year.

- Instruction is offered to students for at least the minimum amount of hours specified by W. Va. 126CSR28, WVBE Policy 2525, West Virginia's Universal Access to Early Education System (Policy 2525) for pre-kindergarten.

**Grades K-5:** minimum of 315 minutes per day,

**Grades 6-8:** minimum of 330 minutes per day,

**Grades 9-12:** minimum of 345 minutes per day.

WVC §18-5-45 specifies that if it is determined that a county board cannot complete 180 days of instruction or the equivalent with the current school calendar, the county board must schedule instruction on any available non-instructional day or use an out-of-calendar day.

Note that county boards have the authority to provide for more than one hundred eighty (180) separate days of instruction, but must extend the employment term the same number of days that the instructional term is extended, since WVC §18-5-45 requires that the minimum 200 day employment term include twenty non-instructional days. The employment term may also be extended to provide additional days for professional development. One way for a county board to obtain the necessary funding to increase the employment term is to include this provision in an excess levy call.

## 20. Equivalent Time:

All county boards must add minutes to the minimum instructional day in order to compensate for early dismissals, late arrivals and faculty senate meetings. School boards who add 1-29 minutes to the minimum instructional day are able to dismiss students early, have late arrivals, or use instructional minutes to conduct faculty senate meetings. Minutes added to the minimum instructional day ensure that over the course of the instructional term students will receive instruction for the amount of time equivalent to 180 separate instructional days. County boards may add a minimum of 30 minutes to each school's instructional day in the district to ensure all students receive 180 separate days of instruction or the equivalent. County boards choosing to add a minimum of 30 minutes to the instructional day of every school in the district will be able to use the equivalent time to:

- Plan within 180 instructional days for up to five days or the equivalent of **up to five days** of professional learning when students are not present.
- Utilize **up to five days** for the loss of instructional days due to inclement weather or other emergencies.
- Use the **balance of time** for late arrivals, early dismissals, and/or faculty senate meetings, and school assemblies.

County boards opting to add an additional 30 minutes or more to the minimum instructional day will have instructional days with the following instructional minutes:

- Elementary School:  $315 + 30 = 345$  minutes,
- Middle School:  $330 + 30 = 360$  minutes,
- High School:  $345 + 30 = 375$  minutes.

If county boards plan to utilize equivalent time, please check the box in the upper left hand of the automated Excel worksheet to enable equivalent time options.

<b>Equivalent Time</b>	
<p>WV Code 18-5A-5 (12): County boards must provide a policy for the addition of 1-29 minutes of equivalent time beyond the state required minimum for the purpose of recovering time for late arrivals, early dismissals, and faculty senate meetings held during instructional time.</p>	<p>County boards may choose to apply 30+ minutes of equivalent time to each school in the county for additional instructional benefits that guarantee that 180 separate days of instruction are met.</p>
<ul style="list-style-type: none"> <li>• Equivalent time for late arrivals and early dismissals.</li> <li>• Equivalent time for faculty senate meetings held on instructional days</li> </ul>	<ul style="list-style-type: none"> <li>• Equivalent time for late arrivals and early dismissals.</li> <li>• Equivalent time for faculty senate meetings held on instructional days.</li> <li>• Equivalent time to avoid having to reschedule or add instructional days to make-up for five instructional days missed due to school closures for inclement weather or other emergencies.</li> <li>• Equivalent time to schedule in advance up to five days or equivalent portions of days within the instructional term as professional learning days for educators, in lieu of instructional days for students</li> <li>• The remaining balance for other co-curricular activities.</li> </ul>

## 21. Non-Traditional Instruction Day (NTID):

West Virginia Board of Education Policy 3234 provides flexibility and options for county boards to determine when the use of a Non-Traditional Instruction Day is necessary. On occasion West Virginia school districts may have to cancel school due to an emergency, rethink how instruction will be delivered to students when the traditional methods of instruction are not feasible, or provide instruction in a non-traditional manner for other reasons. In response to this and other concerns of the districts the WVBE promotes the use of Non-Traditional Instruction Days to address days when students are not receiving instruction within the school facility. **School districts may utilize up to five days of non-traditional instruction.** The WVDE has developed an application to give districts the opportunity to submit a plan to meet 180 separate days of instruction while continuing instruction when students are not in the traditional learning setting. In order to take advantage of Non-Traditional Instruction Days, county boards must have an application on file with the WVDE. Applications and directions for submission can be located at the following website: <https://wvde.state.wv.us/calendar/calendar-development-resources.html>. Applications must be submitted annually with the school calendar. The 2018-2019 Application for NTID must be submitted by May 4, 2018. County boards can ensure stakeholder participation by including the application for NTID into the required public hearings prior to the county board voting on the school calendar.

## Summary of Options for County Boards

County boards of education may utilize one of the two options below or elect to utilize both options by indicating the use of equivalent time on the Excel Calendar and/or providing a Non-Traditional Instruction Day application to the WVDE.

Options	Outcomes
Adding 30+ Minutes to the minimum instructional day:	<ul style="list-style-type: none"> <li>• Equivalent time for late arrivals and early dismissals.</li> <li>• Equivalent time for faculty senate meetings held on instructional days.</li> <li>• Equivalent time to avoid having to reschedule or add instructional days to make-up for <b>five instructional days</b> missed due to school closures for inclement weather or other emergencies.</li> <li>• Equivalent time to schedule in advance <b>up to five days or equivalent portions</b> of days within the instructional term as professional learning days for educators, in lieu of instructional days for students</li> <li>• Equivalent time remaining for other co-curricular activities.</li> </ul>
Submitted and approved plan to utilize NTID when schools are closed:	<ul style="list-style-type: none"> <li>• Instructional time for up to <b>five days</b> when the traditional methods of instruction are not feasible, or to provide instruction in a non-traditional manner for other reasons.</li> </ul>
Adding 30+ Minutes to the minimum instructional day:  AND  Submitted and approved plan to utilize NTID when schools are closed:	<ul style="list-style-type: none"> <li>• Up to <b>five days</b>: Inclement weather or other emergency.</li> <li>• Up to <b>five, or the equivalent of five</b>, days for professional learning experiences.</li> <li>• Up to <b>five days</b> of instruction delivered in a non-traditional manner.</li> </ul> <p><i>The balance of time can ONLY be used for:</i></p> <ul style="list-style-type: none"> <li>• late arrivals,</li> <li>• early dismissals,</li> <li>• faculty senate meetings held during instructional time,</li> <li>• and other co-curricular activities</li> </ul>
<p><i>Selecting both options will provide county boards the flexibility of having 15 days, and only 15 days, when schools utilize equivalent time AND have a NTID plan on file with the WVBE.</i></p>	

## Other Considerations

### 22. Reimagining Schedules:

The West Virginia Board of Education through WVBE Policy 2510, Assuring Quality of Education: Regulations for Education Programs gives opportunities to reimagine the way schedules are developed in public school settings in compliance with W.Va. Code §18-2-5, dealing with reimagining the school day. By reimagining schedules individual schools may craft schedules to recreate the school day and provide flexibility for both student and adult learning and certain school/community activities. County boards may create a policy for schools to reimagine schedules. Resources for schools and districts can be located at:

<https://wvde.state.wv.us/calendar/calendar-development-resources.html>

#### **When reimagining the school schedule consider the following:**

- Include a wide variety of stakeholder participation and support.
- Communicate information about reimagining schedules to interested parties, namely staff, student, and parent preparation for the reimagined schedule.
- Recreate the school day to provide flexibility for both student and adult learning and certain school/community activities.
- Support collaborative, grade level school teams combined with accountable, flexible and sufficient planning and preparation time for educators to promote professionalism, decision making, and quality/engaged instructional experiences.
- Provide time to build teacher leadership and collaboration and strengthen instructional practice, deepen content knowledge, and meet school-wide achievement goals.
- Ensure all schedules serve the educational, social and emotional, and diverse needs of all students.
- Use instructional teams to deliver integrated learning.
- Provide for assemblies, clubs/enrichment, etc.

### 23. Compensatory Time:

County boards are permitted to offer compensatory time to employees who are required to work on a canceled instructional day. The Fair Labor Standards Act (FLSA) and West Virginia Code contain various requirements related to compensatory time for non-exempt employees, which for boards of education are generally service personnel. The FLSA requires that an agreement or understanding between the employer and employee exist prior to the performance of work. WVC §21-5C-3(f) (2) further requires that the agreement be in writing and be recorded in the employer's record of hours worked. The statute goes on to state that the written agreement may be modified at the request of either the employer or the employee, but under no circumstances can the changes in the agreement deny an employee compensatory time previously acquired. An employer may use discretion as to when an employee is permitted to use compensatory time earned and may establish limits as to how long compensatory time may be carried. For example, an employer may require that any compensatory time earned be used within 30, 45 or 60 days after being earned, or by the end of the fiscal year. WVC §21-5C-3(f) (5) (B) requires that compensatory time be used within one year from the time it is earned.

To preclude misunderstandings, county boards should establish written procedures as to how compensatory time may be earned and taken. Additional information related to compensatory time can be found in the FLSA Compliance Guide located under Manuals on the Office of School Finance website at the following link: <http://wvde.state.wv.us/finance/> .

**The following section is reference for county boards choosing not to add a minimum of 30 minutes to the instructional day, or include provisions such as non-traditional instruction:**

#### **24. Canceled Instructional Days:**

If county boards choose not to add a minimum of 30 minutes of equivalent time to the instructional day of every school in the district, then canceled instructional days must be rescheduled using either available non-instructional days (other than the seven holidays or the Election Day) or out-of-calendar days (except for Saturdays or Sundays).

As a result of the requirements of WVC §18-5-45 as amended, county board employees are required to report to work providing services to students for 180 separate days of instruction. Whenever a board is required to cancel a scheduled instructional day, for whatever reason, the day must be rescheduled using either a non-instructional day or an out-of-calendar day.

County boards have discretion as to what type of day is used to make up a canceled instructional day; they can use available non-instructional days or use an out-of-calendar day instead of remaining non-instructional days and continue to use the non-instructional days as originally scheduled. In this manner, a county board can protect a particular non-instructional day, such as the preparation day for the closing of school, from being used as a make-up day.

County boards have discretion as to when to start using non-instructional or out-of-calendar days to make-up lost instructional days.

If a county board does not have sufficient non-instructional days remaining to make-up all canceled instructional days, the board must reschedule the canceled instructional days using remaining out-of-calendar days.

When an out-of-calendar day is used to make-up the canceled instructional day, the canceled instructional day becomes the out-of-calendar (non-paid) day.

#### **25. Rescheduled Days:**

If a county reschedules canceled instructional days using either non-instructional days or out-of-calendar days, employees are not entitled to an additional day of compensation, unless an employee is required to report to work on both the canceled instructional day and the day used to make-up the canceled day, thus increasing the number of days the employee is required to work during the school year. Also, an employee's pay is not to be adjusted during a pay period because of the cancelation of an instructional day in accordance with WVC §18A-5-2.

#### **26. Recovery of Lost Instructional Time:**

If county boards choose not to add a minimum of 30 minutes of equivalent time to the instructional day of every school in the district, they must adopt a policy that requires additional minutes of instruction be added to each instructional day, or that entire additional instructional days be added, to recover time lost due to late arrivals and early dismissals caused by inclement weather, the closing of schools as a result of the prevalence of contagious disease, conditions of weather or any other calamitous cause over which the board has no control.

\* County boards will not be required to specifically add additional minutes to the instructional day if all schools have accumulated sufficient accrued instructional time through their regular schedules that can be used to make-up the missed time. The determination of the available minutes should take into consideration any accrued instructional minutes utilized for faculty senate meetings or professional development.

## **27. Waiver Requests:**

According to WVC §18-5-45(o), the State Board may grant a waiver to a county board for its noncompliance with provisions of chapter eighteen, eighteen-a, eighteen-b and eighteen-c of the Code of West Virginia to maintain compliance in reaching the mandatory one hundred eighty (180) separate instructional days. Such waiver requests must be submitted using the calendar waiver request form developed for this purpose. Copies of the form can be found on the WVDE website at the following link: <http://wvde.state.wv.us/policies/> .

## **APPENDIX A: Guidance for Developing a Local Board Policy to Address Inclement Weather Emergencies and the Recovery of Instructional time Lost Due to Late Arrivals and Early Dismissals**

Both WVC §18-5-45 and State Board Policy 3234 regarding school calendars require that county boards develop a county policy that addresses the recovery of instructional time lost due to late arrivals and early dismissals. Both also require that each county board develop an inclement weather and emergencies policy designed to guarantee that 180 separate days of instruction are provided to students. In addition, there are other issues regarding the school calendar that each county should address in a local policy.

To make it more efficient from both a development and administration standpoint, it is recommended that just one policy be developed to address all issues related to the school calendar. It is further recommended that the following other topics be included in the policy:

1. Determining if all schools in the district will be adding an additional 30 minutes to the minimum instructional day to create equivalent time for up to five days of professional learning without students present and up to five days for emergency closures due to inclement weather, and using the balance remaining for late arrivals and early dismissals.
2. Determining if the county school board will submit an application for Non-Traditional Instruction Days providing up to five days for the use of non-traditional instruction when the county has to cancel school due to an emergency, rethink how instruction will be delivered to students when the traditional methods of instruction are not feasible, or provide instruction in a non-traditional manner for other various reasons.
3. Creating a policy that permits individual schools within the district to utilize Reimagining Time to optimize student and adult learning within the school day.
4. The requirement that all professional employees (Pre-K-Grade 12) adhere to the conditions of WVBE Policy 5500, Professional Learning for WV Educators, and and service personnel complete a minimum of 18 hours of continuing education annually.

### **If county boards cannot utilize Equivalent Time and Non-Traditional Instruction Days please consider the following:**

1. Designating certain non-instructional days as unavailable for use as a make-up day.
2. Determining whether the board or the superintendent as a designee of the board has the authority to make decisions at the time instructional days are being rescheduled
3. Whether the board, or the superintendent as designee, has the authority to make those decisions at the time instructional days are being rescheduled. (Caution: It is suggested that the policy not state that “all available non-instructional days will be used before any out-of-calendar days are used as make-up days”. Such a requirement would prevent a county board from protecting any non-instructional day from being used as a make-up day).
4. Clarification that in situations where there are insufficient non-instructional days available to make-up all canceled instructional days in any particular year, all out-of-calendar days through June 30, with the exception of West Virginia Day, which is normally celebrated on June 20th, are considered available for use to ensure that 180 separate days of instruction are provided to students.
5. Clarification that in the situations where it becomes necessary to use an out-of-calendar day as a make-up day for a canceled instructional day, the originally scheduled instructional day becomes the out-of-calendar (non-paid) day and the originally scheduled out-of-calendar day becomes the paid instructional day.

6. Note, however, that in situations where a service employee is required to report to work on both the canceled day and the rescheduled instructional day, such as a custodian who is required to report to work to clear snow on the canceled day, he/she is entitled to compensation for both days. But according to the Fair Labor Standards Act (FLSA), the compensation can be in the form of compensatory time off as long as the employee agrees to such payment in advance.
7. Requirements for the county boards that allow employees to attend professional development activities on their own time and take the scheduled professional learning (PL) days as compensatory days off. Such requirements should include: the obtaining of prior approval before employees attend a professional development activity on their own time; from whom such approval is to be obtained; submission of documentation of attendance, etc.
8. Clarification that any day that is scheduled or being provided in the calendar as a compensatory day off for tasks that are performed earlier in the year on the employees own time, such as professional development, teacher-parent conferences, faculty senate meetings, etc. will be provided only if the day is still available as a non-instructional day and not being used to reschedule a canceled instructional day;
9. Clarification regarding accrued instructional time to include: how it is calculated; what offices are responsible for its calculation; how the time is to be calculated for the schools that have multiple grade configurations, such as a school with grade configurations of Pre-K through 8th grade; and the fact that if accrued instructional time is used county-wide to make up missed instructional time due to late arrivals or early dismissals for all schools, that time must be subtracted from the balance to determine the time that schools have for use at their discretion.

It is also suggested that the policy be worded in such a manner that it grants the superintendent the latitude to make decisions regarding the rescheduling of canceled instructional days as the need arises.

Please do not hesitate to contact Teresa Hammond in the Division of Teaching and Learning at 304-558-9994 if you have questions, or need additional information.

Local Policy Guidance 17 (Rev. 08-17)

# Appendix B:

CHECKLIST FOR REVIEWING SCHOOL CALENDARS FOR THE 2018-2019 SCHOOL YEAR				
County Board:				
Reviewer:			Date of Review:	
	Item	Yes	No	
1	The completed school calendar form is submitted using the automated Excel file.			
2	High school graduation dates are listed in the appropriate area on page 1 of the Excel Sheet.			
3	The minimum 200 day employment term does not exceed 48 weeks (40 out of calendar days max).			
4	A minimum of 180 instructional days are scheduled. The top section of each box is blank.			
5	A total of 20 non-instructional days are scheduled.			
6	Each of the ten school months contains exactly 20 employment days.			
7	Two Preparation Days (P) are scheduled prior to the first instructional day and before the last employment day.			
8	The following seven legal holidays are scheduled on the appropriate dates:			
	Labor Day - September 3, 2018			
	Veteran's Day - November 12, 2018			
	Thanksgiving Day - November 22, 2018			
	Christmas Day - December 25, 2018			
	New Year's Day - January 1, 2019			
	Martin Luther King Jr's Birthday - January 21, 2019			
	Memorial Day - May 27, 2019			
	Election day is indicated on November 6, 2018			
9	A total of six "OS" days are scheduled.			
10	It appears service personelle have the opportunity for at least 18 hours of continuing education.			
11	At least four other non-instructional days are scheduled.			
12	At least 4 OS days are scheduled after the 130th day of instruction.			
13	The total number of out-of-calendar days does not exceed 40.			
14	The summary columns reflect 20 employment days for each month and reflect at least 180 days.			
15	The first and last days of the employment term are listed correctly.			
16	The first and last days of the instructional term are listed correctly.			
17	The last day of the first semester is listed correctly.			
18	The six faculty senate meeting dates are listed correctly			
19	High school graduation dates are not scheduled earlier than five days before the end of the instructional term. Non-instructional days should not be considered.			
20	If using equivalent time, the county has indicated this on their calendar in the appropriate box.			
DTL 08/01/17 Checklist 18				



Steven L. Paine, Ed.D.  
West Virginia Superintendent of Schools