

SB 176 -- Redline

Introduced to Committee Substitute -- Increasing non-traditional instruction days for WV teachers

Deletions ~~struck~~ · Insertions underlined

CS for SB 176 WEST VIRGINIA LEGISLATURE REGULAR SESSION ~~Introduced~~Committee Substitute for Senate Bill 176 By Senator Fuller ~~[Introduced]~~[Reported JanuaryFebruary 14, 4, 2026;2026, from the Committee on Education] CS for SB 176 A BILL to amend and reenact Sec.18-5-45 of the Code of West Virginia, 1931, as amended, relating to increasing from five to 10 the number of days, commonly referred to as non-traditional instruction days, a county board can deliver instruction through alternative methods when schools are closed due to inclement weather or other unforeseen circumstances and those days be considered instructional days, subject to approval of its plan by the state board;

~~referred~~defining to terms; the Committee on Education;

~~and making then technical to corrections; the Committee on Finance]~~ ~~Intr SB 176 2026R2122 A BILL to amend and reenact Sec.18-5-45 of the Code of West Virginia, 1931, as amended, relating to extending non-traditional instruction days for instructors from five days to 10 days to count toward the 180 required days of school instruction.~~

and prohibiting out-of-calendar days from being used to offset the loss of separate instructional days.

1 CS for SB 176 (2) "Cocurricular activities" are activities that are closely related to identifiable academic programs or areas of study that serve to complement academic curricula as further defined by the state board;

and (3) "Instruction delivered through alternative methods" means a plan developed by a county board and approved by the state board for teachers to assign and grade work to be completed by students on days when schools are closed due to inclement weather or other ~~Intr SB 176 2026R2122~~ unforeseen circumstances.

"Co-curricular activities" are activities that are closely related to identifiable academic programs or areas of study that serve to complement academic curricula as further defined by the state board;

"Instruction delivered through alternative methods" means a plan developed by a county board and approved by the state board for teachers to assign and grade work to be completed by students on days when schools are closed due to inclement weather or other unforeseen circumstances;

"Instructional day" means a day within the instructional term which meets the following criteria:

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

(i) For early childhood programs as provided in Sec.18-5-44(d) of this code;

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

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

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

(B) Instructional time is used for instruction and co-curricular activities;

and (C) Other criteria as the state board determines appropriate.

2 CS for SB 176 "Out-of-calendar day" means a nonpaid day that is not included as a part of the minimum employment term.

(3) The school calendar shall provide for ~~one180-hundred-eighty~~ separate instructional days or an equivalent amount of instructional time as provided in this section.

(1) An employment term that excludes Saturdays and Sundays and consists of at least ~~two200-hundred~~ days, which need not be successive.

The beginning and closing dates of the employment term may not exceed ~~forty-eight~~48 weeks;

(2) Within the employment term, an instructional term for students of no less than ~~one180 hundred-eighty~~ separate instructional days, which includes an inclement weather and emergencies plan designed to guarantee an instructional term for students of no less than ~~one180-hundred-eighty~~ separate instructional days, subject to the following:

(A) A county board may increase the length of the instructional day as defined in this section by at least ~~thirty~~30 minutes per day to ensure that it achieves at least an amount of instructional time equivalent to ~~one180 hundred and eighty~~ separate instructional days within its school calendar and:

and 3 CS for SB 176 (iii) Apply any additional equivalent time to recover time lost due to late arrivals and early~~Intr SB 176 2026R2122~~ dismissals;

(B) Subject to approval of its plan by the state board, a county board may deliver instruction through alternative methods on up to five 10 days when schools are closed due to inclement weather or other unforeseen circumstances and these days are instructional days notwithstanding the closure of schools;

and (C) The use of equivalent time gained by lengthening the school day to cancel days lost, and the delivery of instruction through alternative methods, both as defined in this section, shall be considered instructional days for the purpose of meeting the 180 separate day requirement and as employment days for the purpose of meeting the ~~200~~200-day day-employment ~~term~~term; and (3) Within the employment term, noninstructional days shall total ~~twenty~~20 and shall be comprised of the following:

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

(C) Six days to be designated by the county board to be used by the employees outside the school environment, with at least four outside the school environment days scheduled to occur after the ~~one~~130th~~hundred and thirtieth~~ instructional day of the school calendar;

4 CS for SB 176 (iii) Teacher-pupil-parent conferences;

~~Intr SB 176 2026R2122~~ (v) Making up days when instruction was scheduled but not conducted;

and (vi) At least six two-hour blocks of time for faculty senate meetings with at least one two-hour block of time scheduled in the first month of the employment term, at least one two-hour block of time scheduled in the last month of the employment term and at least one two-hour block of time scheduled in each of the months of October, December, ~~February~~February, and April;

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

and (4) Scheduled out-of-calendar days that are to be used for which may not be rescheduled as instructional days in the event school is canceled for any reason.

(e) If it is not possible to complete ~~one~~180~~hundred eighty~~ separate instructional days with the current school calendar and the additional five days of instructional time gained by increasing the length of the instructional day as provided in subsection (c) of this section are insufficient to offset the loss of separate instructional days, the county board shall schedule instruction on any available noninstructional day, regardless of the purpose for which the day originally was scheduled, or an out-of-calendar day and the day will be used for instruction of students:

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

~~(f) and (4) (5) The instructional five term days shall or commence equivalent and portions terminate of on days a planned date within selected the school calendar exclusively for activities by educators at the county school board level to improve instruction that are gained by increasing the length of the instructional day as provided in subsection (c) of this section.~~

~~(g) 5 The CS state for board may not schedule the primary statewide assessment program more than~~ Intr SB 176 2026R2122 (f) than The thirty days prior to the end of the instructional year term unless shall the commence state and board terminate determines on that a the date nature selected of by the test county mandates board. an earlier testing date.

~~(h) (g) The following state applies board may not schedule the primary statewide assessment program more than 30 days prior to co-curricular the activities; end of the instructional year unless the state board determines that the nature of the test mandates an earlier testing date.~~

~~(1) (h) The state following board applies shall to determine co-curricular what activities; activities may be considered co-curricular;~~

~~(2) (1) The state board shall determine the what amount activities of instructional time that may be consumed considered by co-curricular; co-curricular activities;~~

(2) The state board shall determine the amount of instructional time that may be consumed by co-curricular activities;

(l) In formulation of a school's calendar, a county school board shall hold at least two public meetings that allow parents, teachers, teacher organizations, ~~businesses~~businesses, and other interested parties within the county to discuss the school calendar.

The public notice of the date, ~~time~~time, and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class II legal advertisement, in accordance with the provisions of ~~article~~Sec.59-3-1 three, et chapter seq. fifty-nine of this code of this code.

6 CS for SB 176 (n) The minimum instructional term may be decreased by order of the state superintendent in any county declared a federal disaster area and in any county subject to an emergency or disaster declaration by the Governor when the event causing the declaration is substantially related to the loss of instructional days in the county.

~~Intr SB 176 2026R2122~~ (o) Notwithstanding any provision of this code to the contrary, the state board may grant a waiver to a county board for its noncompliance with provisions of ~~chapter~~chapters ~~eighteen, 18, eighteen-a, 18A, eighteen-b~~18B, and ~~eighteen-c~~18C of this code to maintain compliance in reaching the mandatory ~~one~~180~~hundred eighty~~ separate instructional days established in this section.

(p) ~~Non-traditional~~The instruction~~state days~~board (NTD) shall ~~be~~promulgate an ~~allotted~~rule amount ~~in~~of ~~accordance~~ten ~~with~~days, to count towards the ~~180~~provisions ~~required days~~of school ~~Sec.29A-3B-1~~instruction, et seq.

~~(p) (q) The state board shall promulgate a rule in accordance with the provisions of Sec.29A- 3B-1 et seq.~~

NOTE:

~~The purpose of this bill is to clarify the amount of non-traditional instruction days for teachers.
Strike-throughs indicate language that would be stricken from a heading or the present law and
underscoring indicates new language that would be added.~~