



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **126-073**
RULE NAME **School Calendar (Policy 3234)**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Tuesday, October 10, 2017 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**Teresa Hammond, Assistant Director
WVDE Office of Early Learning
Capitol Building 6, Room 603
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-073



Rule Id: 16641



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **126-073**
RULE NAME **School Calendar (Policy 3234)**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

A repeal and replace of the current policy provides a new language to establish parameters around the approval of appropriate alternatives for instructional time. Flexibility for school districts to maximize learning time through the school calendar provides more control for districts and schools to best determine the various ways they will meet necessary requirements for instructional time. An emphasis on the use of time during the school day to provide opportunities for personalized learning, as well as collaborative and individual teacher planning, is proposed to elevate student achievement.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY	Education		
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	School Calendar (Policy 3234)	TITLE-SERIES	126-073

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

PRIMARY CONTACT

Office of Early Learning
West Virginia Department of Education
1900 Kanawha Blvd., East, Capitol Building 6
Charleston, West Virginia 25305

SECONDARY CONTACT

Virginia Harris
West Virginia Board of Education
1900 Kanawha Blvd., East, Capitol Building 6
Charleston, West Virginia 25305

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Education**

RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**

RULE NAME **School Calendar (Policy 3234) 073**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

No costs or revenue will be impacted by the proposed amendment of 126CSR73 (Policy 3234).

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-073



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **126-073**
RULE NAME **School Calendar (Policy 3234)**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-073



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Education**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**

RULE NAME **School Calendar (Policy 3234)** **073**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

No costs or revenue will be impacted by the proposed amendment of 126CSR73 (Policy 3234).

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-073



Rule Id: 16641



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Education**

RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**

RULE NAME **School Calendar (Policy 3234) 073**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

No costs or revenue will be impacted by the proposed amendment of 126CSR73 (Policy 3234).

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-073



Rule Id: 16641



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY	Education		
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	School Calendar (Policy 3234)	TITLE-SERIES	126-073

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

To increase student achievement and provide more local and school control for scheduling and school calendar development, the West Virginia Board of Educations Committee on Reimagining Time and stakeholders have identified key components to support this work. As a result, a repeal and replacement of 126-73 (Policy 3234) is recommended to allow county boards more flexibility in the development of the school calendar with regard to reimagining time. This will provide opportunities to utilize alternatives to meet the requirements for instructional time. Consideration of learning time as that which is not limited to students seat time in a desk will provide teachers flexibility to maximize learning opportunities and personalize learning for all students.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-073



Rule Id: 16641



Document: 49865

EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: Policy 3234, School Calendar

Background: To increase student achievement and provide more local and school control for scheduling and school calendar development, the West Virginia Board of Education's Committee on Reimagining Time and stakeholders have identified key components to support this work. As a result, a repeal and replace school calendar policy revision is provided at this time.

Proposals: A repeal and replace of the current policy provides a new language to establish parameters around the approval of appropriate alternatives for instructional time. Flexibility for school districts to maximize learning time through the school calendar provides more control for districts and schools to best determine the various ways they will meet necessary requirements for instructional time. An emphasis on the use of time during the school day to provide opportunities for personalized learning, as well as collaborative and individual teacher planning, is proposed to elevate student achievement.

Impact: Districts will have more flexibility in the development of their school calendar with regard to reimagining time. This will provide opportunities to utilize alternatives to meet the requirements for instructional time. Consideration of learning time as that which is not limited to students' seat time in a desk will provide teachers flexibility to maximize learning opportunities and personalize learning for all students.

Response to Comments:

W. Va. 126CSR73, Policy 3234: School Calendar

External Stakeholders

- Mark Milam, Kanawha County
- Paula Potter, Kanawha County
- Dave Mohr, House of Delegate Staff

Internal Stakeholders

- W. Clayton Burch, Associate State Superintendent
- Betty Jo Jordan, Office of Superintendent
- Amy Willard, Office of School Finance
- Teresa Hammond, Office of Early Learning
- Lou Maynus, Division of Teaching and Learning
- Monica DellaMea, Office of Early Learning

126CSR73

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 73
SCHOOL CALENDAR (3234)

§126-73-1. General.

1.1. Scope. -- This legislative rule sets forth general regulations related to the adoption of the annual school calendar by the county boards of education (county boards).

1.2. Authority. -- W. Va. Constitution, Article XII, §2 and W. Va. Code §§18-1-2, 18-2-5, 18-5A-5, 18-5-45, 18A-5-2.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

1.5. Revision of Former Rule. -- The legislative rule repeals and replaces W. Va. 126CSR73, West Virginia Board of Education (WVBE) Policy 3234, School Calendar, filed February 12, 2016, and effective July 1, 2016.

§126-73-2. Purpose.

2.1. The purpose of this rule is to set forth general criteria for adoption of the annual school calendar to provide county boards and multi-county vocational centers as much flexibility as possible to develop a calendar that meets student and local school needs.

§126-73-3. Application.

3.1. These regulations apply to the adoption of the school calendars for the 2017-2018 school year and all subsequent years.

§126-73-4. Definitions.

4.1. Co-curricular activity: An activity that is closely related to identifiable academic programs or areas of study that serve to complement the academic and technical curricula for students.

4.2. County boards: The governing body charged with the supervision and control of a county school system, which is composed of five members, nominated and elected by the voters of the respective county.

4.3. Equivalent instructional time: Minutes added to the minimum instructional day during which instruction is occurring. Equivalent instructional time is further defined as follows (see also §5.4 et seq. for application):

Chart 1: Equivalent Instructional Time

Equivalent Time <i>W. Va. Code §18-5-45(c)(2)(A)</i>	Adding 1-29 minutes to the minimum instructional day (Required)	Adding 30+ minutes to the minimum instructional day (Optional)
<p>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 on instructional days.</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"> • Equivalent time for late arrivals and early dismissals. • Equivalent time for faculty senate meetings held on instructional days. 	<ul style="list-style-type: none"> • 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. • 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. • Equivalent time for late arrivals and early dismissals. • Equivalent time for faculty senate meetings held on instructional days.

4.4. Extracurricular activity: An activity that is not part of the required instructional day or curricular offerings but that is under the supervision of the school. Examples include athletics, non-instructional assemblies, social programs, entertainment and other similar activities.

4.5. Instructional day: Pursuant to W. Va. Code §18-5-45, instruction is offered to students for at least the minimum number of minutes as follows:

4.5.a. grade Pre-K: 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 a Quality Early Education System.

4.5.b. grades K-5: Minimum of 315 minutes per day.

4.5.c. grades 6-8: Minimum of 330 minutes per day.

4.5.d. grades 9-12: Minimum of 345 minutes per day.

4.5.e. The instructional day is used for instruction and/or co-curricular activities.

4.5.f. The instructional day may be used for educator collaboration and professional learning teams as specified by W. Va. 126CSR149, WVBE Policy 5500, Professional Learning for West Virginia Educators (Policy 5500), while students are provided instruction through alternative methods without requiring early

dismissal or late arrival of students.

4.5.g. The instruction provided to students is aligned to the state approved content standards.

4.6. Non-traditional instructional day (NTID): A period of instructional time or day when instruction is delivered to students through alternative methods. A county board may choose to develop a plan subject to approval by the state board for teachers to assign and grade work to be completed by students on days when students are away from the classroom or schools are closed due to inclement weather or other unforeseen circumstances. Educators may accomplish this with the utilization of technology or other methods to provide instruction remotely when students are away from the school facility.

4.7. Minimum employment term: An employment term for regular, full-time county board employees of at least 200 days, exclusive of Saturdays and Sundays, which do not need to be successive. Pursuant to W. Va. Code §18-5-45(c)(1), the minimum employment term shall be no less than ten months with each month defined as 20 employment days.

4.8. Non-instructional day: A day within the minimum 200 day employment term, excluding holidays, during which no instruction to students is provided, (e.g. (P) Preparation Day, (C) Continuing Education Day, (CD) Curriculum Development Day, etc.).

4.9. Out-of-calendar day: A nonpaid day that is not included as a part of the minimum 200 day employment term.

4.10. School year: Pursuant to W. Va. Code §18-1-2, the school year begins on the first day of July and ends on the thirtieth day of June.

§126-73-5. School Calendar.

5.1. Each county board must develop a school calendar each year and submit the proposed calendar to the State Superintendent of Schools (State Superintendent), or designee, by the established deadline. Multi-county vocational centers may either develop a school calendar or adopt the calendar of a partnering county.

5.2. 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 by a minimum of 30 minutes above the required number of instructional minutes per programmatic level in the instructional day, and b) a minimum employment term for employees of no less than 200 days.

5.3. A county board may provide for a longer instructional term for students, but must increase the employment term by a comparable number of days.

5.4. 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.

5.4.a. The policy must provide for the addition of equivalent instructional time to each school in the district of 1-29 minutes per instructional day or the county board may choose to provide for equivalent instructional time of a minimum of 30 minutes or greater per 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.

5.4.b. When the equivalent instructional time added to the instructional day, beyond the state required minimum, is thirty minutes or greater per day (i.e. grades k-5: $315 + 30 = 345$ minutes, grades 6-8: $330 + 30 = 360$ minutes, grades 9-12: $345 + 30 = 375$ minutes), a school has achieved sufficient equivalent instructional time to:

5.4.b.1. Avoid rescheduling or adding instructional days to make-up for five instructional days missed due to necessary school closures. 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;

5.4.b.2. 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

5.4.b.3. Use any remaining equivalent instructional time to recover time lost due to late arrivals and early dismissals.

§126-73-6. Approval of Appropriate Alternatives

6.1 County boards may develop a plan for non-traditional instruction when instruction is delivered to students through alternative methods, and submit it to the WVBE as an attachment to the school calendar. The NTID must be in accordance with a plan developed by the county board and approved by the state board. An NTID 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.

6.3. The limitation on the delivery and application of NTID 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.

6.2. Pursuant to W. Va. Code §18-5-45(o), the WVBE may grant a waiver to a county board for noncompliance with the provisions of W. Va. Code Chapters 18, 18A, 18B, and 18C to maintain compliance in reaching the mandatory 180 separate days of instruction.

§126-73-7. Employment Term.

7.1. The school calendar shall provide for an employment term that meets the following criteria:

7.1.a. An employment term of at least 200 days, excluding Saturdays and Sundays, for all regular, full-time employees, which need not be successive,.

7.1.b. The length of the employment term (from the beginning to closing dates) cannot exceed 48 weeks, pursuant to W. Va. Code §18-5-45(c)(1).

7.1.c. The minimum employment term shall consist of no less than 180 separate days or equivalent

days of instruction, and 20 non instructional days, comprised of the following:

7.1.c.1. Seven paid holidays (any combination of the school holidays included in W. Va. Code §18A-5-2, which are: Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King's birthday, Memorial Day, or West Virginia Day). The remaining school holidays are to be scheduled as nonpaid, out-of-calendar days, and are to be considered as such for all 200-day employment contracts;

7.1.c.2. An election day, as specified in W. Va. Code §18A-5-2;

7.1.c.3. Six days to be designated as outside the school environment, at least four of which must be scheduled after the 130th day of instruction of the school calendar;

7.1.c.4. 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.

7.1.c.4. The remaining days to be designated by the county board for purposes to include, but not be limited to:

7.1.c.4.A. curriculum development;

7.1.c.4.B. professional learning opportunities;

7.1.c.4.C. teacher-pupil-parent conferences;

7.1.c.4.D. professional meetings;

7.1.c.4.E. making up days when instruction was scheduled but not conducted;

7.1.c.4.F. scheduled out-of-calendar days that are to be used for instructional days in the event school is canceled for any reason.

7.1.c.5. County boards are also required to designate time sufficient to meet the requirements of Policy 5500 and W. Va. 126CSR150A, WVBE Policy 5500.02, County Service Personnel Staff Development Councils, during the minimum 200-day employment term. All professional and service personnel are required to complete professional learning hours and/or processes as specified in the respective policies.

§126-73-8. Instructional Term.

8.1. The school calendar shall provide an instructional term for students of no less than 180 separate days of instruction or the equivalent of such time.

8.2. 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 where the event causing the declaration is substantially related to a reduction of instructional days.

8.3. Equivalent instructional time may be only used for the purposes specified in this policy and may not be used for any other purposes or applied in any other manner to avoid one hundred eighty separate days of instruction.

8.4. If it is not possible to provide 180 separate or equivalent instructional days within the school calendar as originally scheduled, the county board must schedule instruction on any available non-instructional day (other than holidays, election day, or Saturdays and Sundays), regardless of the purpose for which the day was originally scheduled, or use a day that was scheduled as an out-of-calendar day. County boards have the ability to apply for a waiver in accordance with the provisions of W. Va. Code §18-5-45(o) to assist with meeting the mandatory 180 days of instruction.

8.5. If an out-of-calendar day is used as a make-up instructional day, the originally scheduled instructional day that was canceled becomes the out-of-calendar day (unpaid day). In accordance with W. Va. Code §18A-5-2, an employee's pay is not to be adjusted during a pay period because of this revision in the school calendar.

8.6. Pursuant to W. Va. 126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs, co-curricular activities may, by their nature, be scheduled without regard to the use of equivalent instructional time.

8.7. Extracurricular activities do not count towards meeting the minimum instructional time for an instructional day. Equivalent instructional time may not be used to accommodate the scheduling of extracurricular activities during instructional days.

§126-73-9. Faculty Senate Meetings.

9.1. 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 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. 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.

9.2. Faculty senates may 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.

9.4. A faculty senate may 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.

9.5. 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.

9.6. If a non-instructional day that is originally scheduled for faculty senates to meet is canceled due

to inclement weather, the county board may, but is not required, to reschedule the non-instructional day in order for the faculty senates to meet.

§126-73-10. Public Hearings.

10.1. Prior to voting on a final school calendar, each county board must hold at least two public hearings that allow all interested parties to discuss the school calendar.

10.2. Pursuant to W. Va. Code §18-5-45, public notices of the hearings must be published as a Class II legal advertisement in accordance with the provisions of W. Va. Code §59-3-1 et seq. This means the legal advertisement must be published once a week for two successive weeks in a qualified newspaper published in the publication area. Notices for both hearings can be published in one advertisement. The first notice must be published at least ten days prior to the first meeting to provide sufficient time for interested parties to plan on attending the hearing.

§126-73-11. Submission of School Calendar to WVBE for Approval.

11.1. Pursuant to W. Va. Code §18-5-45(k), prior to implementing the school calendar, county boards shall secure approval of its proposed calendar from the WVBE.

11.2. Unless the WVBE requests otherwise, the authority to approve the school calendars is delegated to the State Superintendent. This does not include the approval of waiver requests.

11.3. The school calendar, and any additional requested information, must be submitted in accordance with the annual instructions issued by the State Superintendent.

§126-73-12. Severability.

12.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

POLICY 3234: SCHOOL CALENDAR

COMMENT PERIOD ENDS: October 10, 2017

COMMENT RESPONSE FORM

NOTICE: Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.

The following form is provided to assist those who choose to comment on Policy 3234: School Calendar. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS
§126-73-1. General.
§126-73-2. Purpose.
§126-73-3. Application.

126CSR73

§126-73-4. Definitions.
§126-73-5. School Calendar.
§126-73-6. Employment Term.
§126-73-7. Instructional Term.
§126-73-8. Faculty Senate Meetings.
§126-73-9. Public Hearings.
§126-73-10. Submission of School Calendar to WVBE for Approval.
§126-73-11. Severability.

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