

**INSTRUCTIONS  
FOR PREPARING THE SCHOOL CALENDAR  
FOR THE 2011-12 SCHOOL YEAR**

1. **General:** Pursuant to the provisions of West Virginia Code §18-5-45, each county board is required to prepare a school calendar for the upcoming year and submit it to the State Board for approval. The calendar must provide for minimum employment and instructional terms, as specified in these instructions. The proposed calendar is to be submitted to the Office of School Finance for review.

**School boards have the authority to make revisions to their approved school calendars during the school year, but prior approval must be obtained before any revisions are made.** This requirement applies to the change of scheduled dates; it does not apply to the rescheduling of noninstructional days to instructional days to make-up canceled instructional days.

2. **Forms:** A copy of the calendar form (WVDE 11-20-35) and several completed sample calendars are attached with these instructions as Excel spreadsheets for use in completing the proposed calendar for the upcoming year. In addition, for your convenience, the instructions and forms are also available on the Department's website: <http://wvde.state.wv.us/finance/forms/>.
3. **Sample Calendars:** Three sample calendars are provided to illustrate some of the options county boards now have in developing their school calendars, but these options are not to be considered as recommendations of the Department of Education. The three sample calendars provided are: traditional; first semester ending prior to the Christmas break; and year round. Note that in all three sample calendars, a fourth continuing education (CE) day is scheduled, rather than a teacher-pupil-parent conference (TP) day. This is to maximum the amount of time that is scheduled for professional development. The teacher parent conferences can be scheduled during the Instructional Support and Enhancements (IS) days, and they can be scheduled in the evenings for parent convenience, by adjusting the work hours for these days. Also note, that in the sample with the first semester ending by Christmas, eighty-nine (89) instructional days are scheduled during the first semester and ninety (90) during the second, with the first semester ending on December 23. The fifth month of the employment term, however, does not end until January 4, 2012.
4. **Statutory References:** 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 period in which the minimum 200 day employment term for service personnel must be completed; and WVC §18A-5-2 identifies the official school holidays.
5. **Due Date:** The school calendar for the 2011-12 year is to be submitted to the State Department of Education, Office of School Finance, on or before **Monday, May 2, 2011**, using the calendar form discussed in the preceding paragraph. **To expedite the submittal and review process, and to enable this office to place each district's approved calendar on the Department's website, the completed calendar form MUST be submitted to this office as an Excel spreadsheet. See Paragraph 22 for the email addresses of where the completed forms are to be submitted.**
6. **New Issues For The Year:** The Legislature has not made any changes to WVC §18-5-45 since HB4040 was passed during the 2010 legislative session, however, the following new issues need to be considered in preparing the school calendar for the upcoming year:
  - a. **Special Election:** A special election has been scheduled for October 4, 2011 to fill the unexpired term of former Governor Joe Manchin III. Since WVC §18A-5-2 specifies that any day on which a primary, general, or special election is held throughout the State or school district is to be considered a school holiday, October 4 is an additional school holiday that must be included in the 2011-12 school calendar. And since WVC §18-5-45 already designates 20 days of the minimum 200 days employment term as being noninstructional days, school districts will be able to schedule only 179 days of instruction during the 2011-12 school year, unless the minimum employment term of all employees is extended.

- b. **Professional Development:** State Board Policy 5500 requires county boards to schedule at least three (3) noninstructional days for staff development for professional staff and State Board Policy 5500.02 requires school districts to schedule annually at least eighteen (18) hours of staff development for service personnel. Although WVC §18-5-45 specifies that only two (2) days are to be scheduled for professional development, **to meet the requirements of these two State Board policies, all county boards will be required to schedule a minimum of three (3) continuing education (CE) days in their 2011-12 school calendar.**
- c. **Beginning and Ending Dates:** Although the beginning and ending dates for the instructional term were removed from WVC §18-5-45 during the 2010 legislative session, certain other statutory restrictions still exist that restrict how the minimum 200 day employment term can be scheduled. WVC §18-5-45 specifies that the employment term must consist of seven school holidays, as defined in WVC §18A-5-2. To include seven school holidays, the employment term must include Memorial Day, which falls on May 28, 2012 during the upcoming school year. In addition, WVC §18A-4-8 specifies that the beginning and ending dates of the minimum 200 employment term for service personnel may not exceed forty-three weeks.

**Therefore, the beginning date of the employment term for the 2011-12 school year cannot be any earlier than TUESDAY, AUGUST 2, 2011, and the ending date of the employment term cannot be any earlier than MONDAY, MAY 28, 2012.**

Although county boards are normally required to schedule the preparation (P) day for the closing of school as the last day of the minimum 200 day employment term, the county boards whose employment term ends on May 28, 2012 this upcoming school year will be permitted to schedule the preparation (P) for the closing of school on Friday, May 25, 2012.

- d. **WESTEST II Testing Windows:** To provide county boards with maximum flexibility in preparing their school calendars for the upcoming year, the testing window for WESTEST II has been expanded to a three week period, beginning on May 7, 2012. But the county boards that are considering adopting a school calendar in which the first semester ends before the Christmas break may need an even earlier window. Arrangements are being made to allow this, but those boards need to contact the Office of Assessment and Accountability to obtain approval. Additional information will be provided by that office as soon as it becomes available.
- e. **Icy conditions and emergencies plan:** According to WVC §18-5-45, every county board is required to develop an icy conditions and emergencies plan designed to guarantee an instructional term for students of no less than one hundred eighty separate instructional days (one seventy-nine for the upcoming year).

**County boards will NOT be required to submit a copy of the plan to this office with their proposed school calendars for approval, but must maintain a copy on file. This office will consider the completed calendars with the minimum number of noninstructional days scheduled as indicated in the attached schedule as sufficient to demonstrate the implementation of such a plan.**

- f. **Legislative Session:** Keep in mind while preparing the school calendar for the 2011-12 year that the Legislature is still in session and bills could be adopted that make additional changes to the statutes affecting the school calendar. All boards will be notified as soon as possible should this occur.
7. **Scheduled Test Dates:** The proposed test windows for the Statewide Assessment Program for the 2011-12 year can be found on the WVDE's website. As discussed above, the WESTEST II testing window for the 2011-12 school year will be May 7-25, 2012, but arrangements can be made for an even earlier testing period by contacting the Office of Assessment and Accountability.

8. **Employment Term:** According to WVC §18-5-45, each county board must provide for an employment term for teachers of no less than two hundred days (200), exclusive of Saturdays and Sundays.

In addition, WVC §18A-4-8 specifies that the employment term for service personnel may not be less than ten months with a month being defined as twenty employment days. **Furthermore, the beginning and closing dates of the minimum ten month employment term for service personnel may not exceed forty-three weeks.**

Consequently the minimum employment term of professional and service personnel may not be less than two hundred days, divided into ten, twenty-day months. The school calendar must reflect the ten twenty day months with each month entered on a separate line in the school calendar form.

The employment term shall consist of an instructional term for pupils of no less than **one hundred seventy nine (179)** separate instructional days for the 2011-12 year and twenty-one (21) noninstructional days. The 21 noninstructional days shall be comprised of the following:

- Seven legal school holidays;
- A Primary Election day (PE);
- A Special Election day (SE);
- Six days to be designated as outside the school environment (OS);
- Three continuing professional development days (CE);
- Two preparation days (P), one for the opening of school and one for the closing of school; and,
- One other noninstructional day, which can be: a curriculum development (CD) day; a third preparation day for the opening or closing of schools (P); a fourth continuing professional development (CE) day; or a teacher-pupil-parent conference (TP) day.

WVC §18-5-45(g) states that “**THREE**” of the six noninstructional days designated as other must be scheduled prior to the commencement of the instructional term for the purpose of preparing for the opening of school (P) and staff development (CE), consequently this does not allow for discretion in the number of noninstructional days that may be scheduled prior to the beginning of the instructional term.

**Therefore, three, and only three, noninstructional days must be scheduled prior to the beginning of the instructional term.**

Also, according to WVC §18-5A-5(b)(12), a two hour block of time must be set aside on the preparation (P) day scheduled for the opening of school for a faculty senate meeting.

A second preparation day must be scheduled for the closing of school after the termination of the instructional term, pursuant to the provisions of WVC §18-5-45(h). This day must be scheduled as the last day of the employment term, except in the case where the last day is the Memorial Day holiday. In this case, the preparation (P) for the closing of school may be scheduled for Friday, May 25, 2012.

9. **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, but again for the 2011-12 year, only 179 instructional days are available, unless the employment term is extended.

An instructional day is defined as a day which meets the following criteria and other criteria as the State Board may determine is appropriate: instruction is offered to students for the minimum amount of time provided by State Board Policy 2510; and instructional time is used for instruction, co-curricular activities, and approved extra-curricular activities.

Note that county boards have the authority to provide for more than one hundred eighty (180) separate days of instruction (179 for the 2011-12 year), 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 noninstructional days (twenty-one for the 2011-12 school year). An option for obtaining the necessary funding to accommodate this is to include the provision in an excess levy call.

10. **Minimum Length of the Instructional Day:** According to State Board Policy 2510, §26-42-5.1, and the supplemental information provided for the pre-kindergarten program, the minimum length of the instructional day shall be:

Pre-kindergarten	300 minutes
Kindergarten through Grade 4	315 minutes
Grades 5 through 8	330 minutes
Grades 9 through 12	345 minutes

11. **Instructional Support and Enhancement Days:** According to WVC §18-5-45, five Instructional Support and Enhancement (IS) days must be scheduled during the instructional term, with one of the days scheduled in each of the following months: **October, December, February, April, and June.**

Note however, that with the flexibility that is now permitted by WVC §18-5-45, school calendars may be constructed in such a manner that the employment term ends prior to June 1. **To provide county boards with the flexibility that was intended with the revisions that were made to the Code section during the 2010 legislative session, the county boards whose employment term ends prior to June 1 will be permitted to schedule the last instructional support and enhancement (ISE) day of the school year in May as near to the end of the instructional term as practical.**

The Instructional Support and Enhancement (IS) days are to be scheduled by the board to include both instructional activities for students and professional activities for teachers to improve student instruction. They are considered an instructional day for reporting purposes.

According to WVC §18-5-45, the required activities for the instructional support and enhancement days (IS) do not need to be scheduled in any particular sequence. The statute simply requires that: two hours of each ISE day be used for instructional activities for students that require the direct supervision or involvement of teachers; a two-hour block of time be scheduled for professional activities for teachers during which faculty senates shall have the opportunity to meet; and all remaining time in the school day, exclusive of the duty free lunch period, shall be used for other professional activities for teachers to improve student instruction. These activities may include professional staff development, curriculum team meetings, individualized education plan meetings and other meetings between teachers, principals, aides and paraprofessionals to improve student instruction, as determined and scheduled at the local school level.

As discussed in a preceding section of these instructions, the work hours of the Instructional Support and Enhancement (IS) days can be adjusted to allow teachers to hold teacher-pupil-parent conferences in the evenings of those days.

Instructional Support and Enhancement (IS) days are scheduled workdays for teachers and the days must be used for the activities authorized in WVC §18-5-45. Instructional support and enhancement days are also scheduled workdays for service personnel and the days must be used for training, or other tasks related to their job classification, if they are not required to perform their normal duties.

12. **Accrued Instructional Time:** According to West Virginia Code §18-5-45, accrued instructional time may be used by schools and county boards to provide additional time for professional staff development and continuing education as may be needed to improve student performance and meet the requirement of the federal mandates affecting elementary and secondary education. The amount of accrued instructional time used for this purpose, however, may not exceed a total of three instructional days, and the time may NOT be used to avoid 180 separate days of instruction.

**Therefore, accrued instructional time may NOT be used to provide three full days off for students.**

Also, accrued instructional time may not be used to lengthen the time provided in law (WVC §18-5A-5(b)(12)) for faculty senate meetings and the use of accrued instructional time for extracurricular activities is limited by State Board guidance.

Do not list the accumulation or use of accrued instructional time on the school calendar submitted to the State Board for approval.

13. **Faculty Senate Meetings:** WVC §18-5A-5(b)(12) states that a local board shall provide to each faculty senate a two-hour block of time for a faculty senate meeting on the day scheduled for the opening of school prior to the beginning of the instructional term, and a two-hour block of time on each of the five ISE days scheduled during the months of October, December, February, April, and June. As discussed in the preceding section, the two-hour block of time for faculty senate meetings may be scheduled at any time during the five IS days.

The entire day on which the faculty senate meeting is scheduled on the opening day for school is to be considered a noninstructional day and the entire five days on which the faculty senate meetings are scheduled on IS days are to be considered instructional days.

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 at least seven school holidays.

The seven legal school holidays that normally occur within the span of the minimum employment term are: **Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King Jr.'s Birthday, and Memorial Day.**

Note however, that **Independence Day (July 4) and West Virginia Day (June 20)** are also identified in WVC §18A-5-2 as legal school holidays, therefore, if an employee's employment term includes these holidays, employees are entitled to be paid for these holidays without having to report to work.

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.

The dates of observation of the seven legal holidays that generally fall within the minimum employment term, and the dates of the elections for the 2011-12 year are:

September 5, 2011	-	Labor Day
October 4, 2011	-	Special Election Day
November 11, 2011	-	Veteran's Day
November 24, 2011	-	Thanksgiving Day
December 26, 2011	-	Christmas Day
January 2, 2012	-	New Year's Day
January 16, 2012	-	Martin Luther King Jr.'s Birthday
May 8, 2012	-	Primary Election Day
May 28, 2012	-	Memorial Day

Also for informational purposes, although Good Friday and Easter are not school or State holidays, this year, Good Friday falls on April 6, 2012 and Easter falls on Sunday, April 8, 2012.

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.

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. During the 2011-12 school year, in addition to the Special Election that is scheduled for Tuesday, October 4, 2011, a Primary Election is scheduled for Tuesday, May 8, 2012. **Therefore two election dates must be scheduled during the 2011-12 school year.**
16. **Noninstructional Days:** According to WVC §18-5-45 and State Board Policy 5500, county boards must normally schedule twenty (20) noninstructional days each year during the minimum 200 day employment term, but for the 2011-12 school year, county boards must schedule twenty-one noninstructional days.

Besides the seven holidays and two election days, the remaining noninstructional days shall consist of six outside of school environment (OS) days; three continuing professional development (CE) days, two preparation (P) days, and one remaining day to be designated by the county board as either a teacher-pupil-parent conference day, curriculum development day, or an additional continuing professional development or preparation day.

As discussed in a preceding section, three noninstructional days must be scheduled prior to the beginning of the instructional term for the purpose of preparing for the opening of school and staff development and one noninstructional day must be scheduled after the end of the instructional term for the preparation of the closing of school.

WVC §18-5-45 specifies that at least four of the outside of school environment days must be scheduled after March 1<sup>st</sup>, however, in order to maximize the number of noninstructional days that are available for the rescheduling of canceled instructional days, county boards may be required to schedule up to eight noninstructional days after March 1, based on the average number of instructional days that the board has had to cancel in the past three years. The eight noninstructional days consist of the six outside school environment (OS) days, the third continuing professional development (CE) day, and the remaining noninstructional day designated at the discretion of the county board.

**Therefore, in an effort to maximize number of noninstructional days that are available for the rescheduling of canceled instructional days, all county boards must schedule at least the number of noninstructional days indicated in the attached schedule after March 1, 2012.**

17. **Outside School Environment Days (OS):** According to WVC §18-5-45, six noninstructional days are to be designated by the county board to be used by the employees outside the school environment. As discussed in a preceding paragraph, according to the statute, at least four of the OS days must be scheduled after March 1<sup>st</sup>, but depending on the number of instructional days that have been canceled in past years, a county board may be required to schedule all six outside school environment days, as well as two additional noninstructional days, after March 1. The minimum instructional days that each county board is required to schedule are reflected in the attached schedule.
18. **Continuing Education Days (CE):** According to State Board Policy 5500, county boards are required to schedule three noninstructional days of staff development for professional staff, two of which must be scheduled prior to January 1. In addition, State Board Policy 5500.02 requires county boards to schedule eighteen hours of staff development annually for service personnel, twelve (12) hours of which must be scheduled prior to January 1. These days are to be designated as Continuing Education (CE) days on the school calendar.
19. **Canceled Instructional Days:** If, on or after the first day of March, a county board determines that it is not possible to complete 180 separate days of instruction, **the board must schedule instruction on any available noninstructional day scheduled prior to the termination of the instructional term, except for holidays or election days, regardless of the purpose for which the day was originally scheduled.**

This can include the six outside school environment days (OS), the third continuing education (CE) day

and the remaining noninstructional day scheduled at the board's discretion, whether it was scheduled as a fourth continuing education (CE) day, a teacher-pupil-parent (TP) day, or a curriculum development (CD) day. In creating their school calendars, boards should keep the following in mind:

- The county boards that allow employees to attend professional development activities on their own time and are scheduling continuing education (CE) days as compensatory days off should have a policy requiring prior approval before such arrangements are made, and the policy should specifically state that the day will be provided as a compensatory day only if it is still available as a noninstructional day on the date that it is scheduled.
- These same requirements also apply to any teacher-pupil-parent (TP) days that are scheduled as a compensatory day off.
- Days scheduled for professional continuing education (CE) are to be the last days used for the rescheduling of canceled instructional days.
- If it becomes necessary to cancel an Instructional Support and Enhancement (IS) day due to inclement weather, this day is to be the last instructional day to be rescheduled, in order to maximize the number of instructional days in which students are required to be in attendance.
- If a continuing education (CE) day is canceled due to inclement weather, the day must be scheduled using any remaining noninstructional days after all canceled instructional days have been rescheduled.
- County boards may avoid the requirement of rescheduling the third continuing education day as an instructional day by adding additional minutes to the instructional day. To exercise this option, the minutes must be specifically ADDED to the instructional minutes already included in the instructional day and they must be added to the instructional days scheduled on or after March 1.
- County boards also have the statutory authority to require that additional minutes of instruction be added to the school day to make up for lost instructional days in excess of the days available through rescheduling.
- County boards may, but are not statutorily required to, use the noninstructional days scheduled prior to March 1 to reschedule canceled instructional days.
- If a county board determines that it will not have sufficient noninstructional days to reschedule all canceled instructional days during the year, it is recommended, but not required, that the board convert all remaining instructional support and enhancement (IS) days to days where students are required to be in attendance. The county board must still provide, however, the two-hour block of time for faculty senate meeting. Although this does not increase the number of instructional days being provided to students, since these instructional support and enhancement (IS) days are already considered instructional days, converting the days to required attendance does provide more instructional time for students.

20. **Symbols:** The following symbols are to be used in completing the school calendar form:

**Instructional Days** - For the 174 instructional days during the 2011-12 year when students are required to be in attendance, list the date in the bottom portion of each cell on the School Calendar (Form WVDE 11-20-35) and do not enter a symbol in the top portion of the cell.

**Instructional Support and Enhancement Days** - For the five instructional support and enhancement

days, enter the following symbol in the top portion of the cell in the school calendar on which the date is scheduled:

IS - Instructional Support and Enhancement Days

**Noninstructional Days** - For the 20 noninstructional days, enter one of the following symbols in the top portion of the cell in the school calendar on which each of the noninstructional days is scheduled:

CD - Curriculum Development  
P - Preparation for Opening/Closing Schools  
CE - Continuing Professional Development  
TP - Teachers-Pupil-Parent Conference  
OS - Outside School Environment  
SE - Special or Bond Levy Election  
E - Primary or General Election  
H - Holidays

Note: For consistency among all county boards, use ONLY the symbols listed above.

21. **Out-of-Calendar Days:** For the days that fall within the employment term but are not used as employment days, enter a double asterisk (\*\*) in the top portion of the cell in the school calendar on which these days are scheduled.
22. **Graduation Dates:** County boards are required to provide a list of the graduation dates for every high school in the county for the 2011-12 year at the same time that the calendar is submitted. A supplementary schedule has been provided for this purpose. 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. Since the instructional support and enhancement day is considered an instructional day, this day must be counted as one of the days.
23. **Submission:** Please submit the completed Excel forms attached to an email to the following individuals:
  - For the county boards Barbour through McDowell, send the forms to Amy Willard, Coordinator, whose email address is: [awillard@access.k12.wv.us](mailto:awillard@access.k12.wv.us);
  - For the county boards Mercer through Wyoming, send the forms to Susan Smith, Executive Director, whose email address is: [susmith@access.k12.wv.us](mailto:susmith@access.k12.wv.us)

**Signed copies of the forms do not need to be mailed.** The Excel file must be submitted no later than **Monday, May 2, 2011**. Each calendar will be reviewed and approved as quickly as possible after this due date. If there are any questions, please do not hesitate to contact the Office of School Finance at 304-558-6300.