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**WEST VIRGINIA EDUCATION
EMPLOYEES GRIEVANCE BOARD**

ARCH A. MOORE, JR.
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JUNE RICHARDS, et al.

v.

DOCKET NO. 15-86-170-2

HANCOCK COUNTY BOARD OF EDUCATION

DECISION

The grievants are employed by the Hancock County Board of Education and assigned as teachers at Weir High School. They allege that a change in scheduling prior to the 1985-1986 school term which resulted in a twenty minute increase in the length of the work day was unnecessary and request that their schedule be returned to that of the 1984-1985 term.

By letter dated March 7, 1985, Superintendent E. Russell Slack notified all teachers that the 1985-1986 schedule would be changed in order to meet the minimum instructional time required by the State Department of Education.

The grievants, represented by June Richards, allege the minimum instructional time of 345 minutes was exceeded by the 1984-1985 schedule and that an increase in the length of the school day was unnecessary for that purpose. The board asserts that during the 1984-1985 term students received only 330 minutes of instructional time as defined by State Board of Education Policy Number 2510.

The determining factor in each party's argument is whether a study hall may be included in the calculation of instructional time. The record indicates that during study hall students work on assignments with a supervising teacher present to offer assistance. Classroom instruction of a specific subject area does not occur.

In addition to the foregoing it is appropriate to make the following findings of fact and conclusions of law.

Findings of Fact

1. Grievants are professional employees of the Hancock County Board of Education assigned to Weir High School.

2. The grievants' work day for the 1984-1985 school term was from 7:30 a.m. to 2:30 p.m. or 420 minutes.

3. Prior to the 1985-1986 school term, the grievants' work day was extended to 450 minutes, or 7½ hours, due to an increase in the length of the instructional periods.

4. The grievants contend that a study hall should be considered instructional time.

5. The record indicates that during study hall students may complete individual assignments and that the supervising teacher does not engage in academic instruction.

6. The board of education does not include study hall in the calculation of instructional time.

Conclusions of Law

1. W. Va. State Board of Education Policy Number 2510 requires that secondary students receive a minimum of 345 minutes of instructional time per day.

2. It is incumbent upon a grievant seeking relief pursuant to W. Va. Code, 18-29-1, et seq., to prove the allegations constituting the grievance by a preponderance of the evidence.

3. Grievants have failed to prove the allegations constituting the grievance by a preponderance of the evidence as a matter of law.

Accordingly, it is ORDERED that the grievance is DENIED.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Hancock County and such appeal must be filed within thirty (30) days of receipt of this decision. (W. Va. Code, 18-29-7). Please advise this office of your intent to do so in order that the record can be prepared and transmitted to the Court.

DATE December 31, 1986

Sue Keller

SUE KELLER
Hearing Examiner