

DUTY-FREE LUNCH AND DAILY PLANNING PERIOD

Every teacher who is employed for a period of time more than one-half the class periods of the regular school day, and every service personnel whose employment is for a period of more than three and one-half hours per day shall be provided a daily lunch period of not less than thirty consecutive minutes, and such employee shall not be assigned any responsibilities during this time. This designated lunch period shall be included in the total number of hours worked, as defined by West Virginia Code 18A-4-14.

Every teacher who is regularly employed for a period of time more than one-half the class periods of the regular school day shall be provided one planning period within each regular school day, to be used to complete necessary preparation for instruction of students, to meet with parents, and/or to attend meetings. The duration of the planning period shall be determined as follows:

1. For grades where the majority of the student instruction is delivered by only one teacher, the planning period shall be no less than forty (40) minutes.
2. For grades where students take separate courses during at least four (4) separate periods of instruction, most usually delivered by different teachers for each subject, the planning period shall be the length of the usual class period taught by the teacher, but no less than forty (40) minutes.

Any substitute teacher who is employed to teach a minimum of two consecutive days in the same position shall be granted a planning period. Otherwise, the Principal may assign the substitute during the regular teacher's planning period to other duties, such as lunch supervision or to teach another class.

Classroom aides are not entitled to a daily planning period. The Principal may assign the aides to other school-wide duties, such as breakfast, lunch or bus supervision or assisting students in Specialists' classes.

Teachers or service personnel may exchange their duty-free lunch or the teacher's planning period for any compensation or benefit mutually agreed upon by the employee, the immediate supervisor, and the superintendent: Provided, That they may not agree to terms which are different from those available to any other teacher, or service personnel within the same classification at that worksite, or to terms which in any way discriminate among such teachers or service personnel within the individual school.

REFERENCE: West Virginia Code 18A-4-14

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