



**Summary of Major Elements:** The proposed regulation incorporates the changes required by the amendments to the Code of Virginia and clarifies certain other requirements. The changes include definitions of “severe weather conditions or other emergency situations” and “declared state of emergency.” The proposed regulation also includes authorization for school divisions to make up missed teaching days by providing equivalent teaching hours, specific requirements for the number of teaching days or teaching hours that must be made up based on the number of days a school has been closed, and a provision for the Board of Education to waive the requirement that school divisions provide additional teaching days or hours to compensate for school closings resulting from a declared state of emergency. Further, the proposed regulation authorizes the Superintendent of Public Instruction to approve reductions in the school term without a proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund.

The proposed regulation requires local school divisions to include in requests for waivers evidence of efforts that have been made by the school division to reschedule as many days as possible and to certify that every effort has been made to make up lost teaching days or hours exhausted before requesting a waiver of this requirement.

The proposed emergency regulation was approved by the Board of Education at its June 23, 2004 meeting for final review. At the request of the Office of the Secretary of Education and others, the regulation that was approved by the Board at the June meeting would be revised in the following manner:

- The language at 8VAC20-520-30 has been changed to clarify that a school division may make up missed teaching days by providing students with additional teaching hours equivalent to such missed teaching days. This language coincides with the language in § 22.1-98 of the Code of Virginia. Additionally, language was removed that required that extensions to teaching days be of sufficient length to permit the provision of meaningful instructional services.
- The language at 8VAC20-520-40 has been changed to state that the Board authorizes the Superintendent of Public Instruction to approve reductions in the school term for a school or the schools in a school division.
- A section regarding administration was added at 8VAC20-520-60. It requires the Virginia Department of Education to notify local school divisions annually of the provisions of the regulation and the Virginia Code regarding reductions in the length of the school term. It requires local school division superintendents to certify by April 15 of each school year whether their school term is expected to be less than 180 teaching days or 990 teaching hours and, if so, that the school division has read and complied with the provisions of the regulation and is implementing a plan for making up any missed time that has not been waived in accordance with the regulation.

**Superintendent's Recommendation:** The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the attached Emergency Regulation Governing Reduction of State Aid When the Length of the School Term Is Below 180 Teaching Days or 990 Teaching Hours for final review.

**Impact on Resources:** The promulgation of the regulation as proposed is expected to have a minimal fiscal and administrative impact on the local school divisions or on the Department of Education.

**Timetable for Further Review/Action:** Following the Board's final approval of the proposed emergency regulation, the next steps in the regulatory process, as set forth in the Administrative Process Act and Executive Order 21 (2002), will be initiated.

## Board of Education

### EMERGENCY REGULATIONS GOVERNING REDUCTION OF STATE AID WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990 TEACHING HOURS

#### ~~REGULATIONS GOVERNING REDUCTION OF STATE AID WHEN LENGTH OF SCHOOL TERM BELOW 180 SCHOOL DAYS~~

#### **8VAC20-520-5. Definitions.**

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“Declared state of emergency” means the declaration of an emergency before or after an event, by the Governor or by officials in a locality, that requires the closure of any or all schools within a school division.

“Instructional time” means the period that students are in school on a daily or annual basis as defined in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131.

“Severe weather conditions or other emergency situations” means those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures.

“Teaching days” means days when instruction is provided.

“Teaching hours” means hours when instruction is provided.

#### **8VAC20-520-10. Length of school term.**

~~School divisions which are forced to close more than 15 days during the school term because of severe weather, energy shortages, or power failure may be eligible for a waiver of the 180 day requirement.~~

~~Waiver of days lost beyond the first 15 is not automatic. A request must be made and evidence must be presented to indicate that every reasonable effort has been made to reschedule as many days as possible. Before approving a waiver, the state Board of Education must be satisfied that the lost time cannot be made up.~~

~~The state Board of Education will expect school divisions to exhaust every possibility for making up lost days before requesting a waiver of the 180 day requirement.~~

~~The request for waiver shall be forwarded to the Superintendent of Public Instruction after it has been approved by the local school board.~~

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### EMERGENCY REGULATIONS GOVERNING REDUCTION OF STATE AID WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990 TEACHING HOURS

~~Make-up days should be the regular length, except as provided in the regulations on the length of the school day. (One day a week may be shortened to no less than four hours, exclusive of lunch, if the total number of days average at least 5 ½ hours in length.)~~

~~The first 15 days lost cannot be made up by extending the length of the school day.~~

~~Applications for waiver to be considered by the state Board of Education at its May meeting must be received by April 30 of the school year for which the waiver is requested.~~

#### **8VAC20-520-20. Length of school term.**

- A. The length of every school's term in every school division shall be a minimum of 180 teaching days or 990 teaching hours in any school year.
- B. Nothing in these regulations shall prohibit a school division from exceeding the 180 teaching day or 990 teaching hour requirement in any of its schools.

#### **8VAC20-520-30. Completion of teaching hours**

- A. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for fewer than five days, the school or schools shall make up all missed days by adding teaching days to the school calendar or extending the length of the teaching day.
- B. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for five or more days, the school or schools shall make up the missed days in accordance with § 22.1-98 of the Code of Virginia by adding teaching days to the school calendar or extending the length of the teaching day.
- C. Nothing in these regulations shall preclude a school division from making up missed teaching days by providing students with additional teaching hours equivalent to such missed teaching days.

#### **8VAC20-520-40. Waivers for a Declared State of Emergency.**

- A. The Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for closings resulting from a declared state of emergency.

## **Board of Education**

### **EMERGENCY REGULATIONS GOVERNING REDUCTION OF STATE AID WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990 TEACHING HOURS**

- B. If the local school board desires a waiver for days missed as the result of a declared state of emergency, it shall submit a request for a waiver to the Board of Education. The request shall include evidence of efforts that have been made by the school division to reschedule as many days as possible.
- C. The division superintendent and the chair of the local school board shall certify that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of the requirement.
- D. The Board of Education authorizes the Superintendent of Public Instruction to approve, in compliance with these regulations, reductions in the school term for a school or the schools in a school division.
- E. If the waiver is denied, the school division shall make up the missed instructional time in accordance with 8VAC 20-520-30 of these regulations and § 22.1-98 of the Code of Virginia.

#### **8VAC20-520-50. Funding.**

- A. There shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund if a local school division:
  - 1. Completes instructional time in accordance with 8VAC 20-520-30 and § 22.1-98 of the Code of Virginia; or
  - 2. Obtains a waiver for closings resulting from a declared state of emergency in accordance with 8VAC20-520-40.
- B. The local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to a reduction in the length of the term of any school, if the missed days are made up in accordance with 8VAC 20-520-30, or the schools in a school division have been granted a waiver in accordance with 8VAC 20-520-40.

#### **8VAC20-520-60. Administration.**

- A. The Virginia Department of Education shall annually notify local school divisions of the provisions of these regulations and the Virginia Code regarding reductions in the length of the school term.
- B. Local school division superintendents shall certify by April 15 of each school year that they have read and complied with these provisions and are implementing a

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**EMERGENCY REGULATIONS GOVERNING REDUCTION OF STATE AID  
WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990  
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plan for making up missed time that has not been waived in accordance with these regulations.