

Board of Education Agenda Item

Item: _____ J. _____

Date: _____ March 18, 2010 _____

Topic: First Review of a Request for Approval of a Request from Fairfax County Public Schools for a Waiver of One Day for a Declared State of Emergency

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications
Mr. Kevin North, Assistant Superintendent, Fairfax County Public Schools

Telephone Number: (804) 225-2403 **E-Mail Address:** Anne.Wescott@doe.virginia.gov

Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting Action requested at future meeting: _____

Previous Review/Action:

No previous board review/action
 Previous review/action
date _____
action _____

Background Information: Section [22.1-98](#) of the *Code of Virginia* requires local school boards to set a school term of at least 180 teaching days or 990 teaching hours in any school year. If the school term is for fewer than 180 teaching days or 990 teaching hours, the school division would be subject to the loss of a proportional amount of Basic Aid. However, if the school division is closed because of severe weather conditions or other emergencies, it would not be subject to the loss of Basic Aid if it makes up the days in accordance with the provisions of the *Code*, and makes up the first five days, and one of every two days missed after the first five days. Furthermore, if there is a declared state of emergency by the Governor or another official that requires the closure of schools, the Board of Education may grant a waiver to the school division.

§ 22.1-98. Reduction of state aid when length of school term below 180 days or 990 hours.

A. For the purposes of this section:

1. "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.

2. "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.

B. Except as provided in this section:

1. The length of every school's term in every school division shall be at least 180 teaching days or 990 teaching hours in any school year; and

2. If the length of the term of any school or the schools in a school division shall be less than 180 teaching days or 990 teaching hours in any school year, the amount paid by the Commonwealth from the Basic School Aid Fund shall, except as otherwise hereinafter provided or as otherwise provided by law, be reduced in the same proportion as the length of the school term has been reduced in any school or the schools in the school division from 180 teaching days or 990 teaching hours.

C. Notwithstanding the requirements of subsection B, in any case in which severe weather conditions or other emergency situations, as defined in this section, result in the closing of a school or the schools in a school division, the amount paid by the Commonwealth from the Basic School Aid Fund shall not be reduced if the following schedule of make-up days is followed:

1. When severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for five or fewer days, the school or the schools in the school division shall make up all missed days by adding teaching days to the school calendar or extending the length of the school day;

2. When severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for six days or more, the school or the schools in the school division shall make up the first five days plus one day for each two days missed in excess of the first five by adding teaching days to the school calendar or extending the length of the school day; or

3. When severe weather conditions or other emergency situations have resulted in the closing of any school in a school division and such school has been unable to meet the 180 teaching day requirement, the school division may make up the missed teaching days by providing its students with instructional hours equivalent to such missed teaching days to meet the minimum 990 teaching hour requirement.

...

E. The foregoing provisions of this section notwithstanding, the Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency. If the local school board desires a waiver, it shall submit a request 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 and certification by the division superintendent and chairman of the local school board that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of this requirement. If the waiver is denied, the school division shall make up the missed instructional time in accordance with this section.

If the Board grants such a waiver, there shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund....

The Board's *Regulations Governing Reduction of State Aid when Length of School Term Below 180 Teaching Days or 990 Teaching Hours* (8 VAC 20-521-10 et seq.) mirror the provisions in the *Code*.

Summary of Major Elements: Fairfax County Public Schools have missed ten days of school because of severe weather conditions and heavy snows this winter. The school calendar originally included 183 instructional days. Three of those days can be counted toward meeting the requirement of making up days that are missed because of weather conditions. Three additional make-up days are scheduled: April 12, originally planned to be a teacher workday, and June 23 and 24, which would be added to the end of the school year.

Therefore, Fairfax County Public Schools plans to make up the first five days that were missed because of weather conditions, and one day to make up the sixth and seventh days that were missed. It is requesting a waiver of one day to make up the eighth and ninth days that were missed. Fairfax County Public Schools are eligible for consideration of a waiver because both Governor Kaine and Governor McDonnell issued declarations of a state of emergency because of the heavy snows in December, January, and February.

The school board considered making up the missed days by scheduling school on Saturdays, on Memorial Day, and during spring break, but the feedback from the community was to extend the school year and request a waiver from the Board.

A copy of the waiver request submitted by the Fairfax County School Board is attached.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve Fairfax County Public Schools' request for waiver of one of the required make-up days, due to a declared state of emergency because of this winter's heavy snows.

Impact on Resources: The impact on resources is expected to be minimal.

Timetable for Further Review/Action: Upon approval by the Board of Education, Department of Education staff will notify the Superintendent of Fairfax County Public Schools that its waiver request was granted.



FAIRFAX COUNTY
PUBLIC SCHOOLS

Jack D. Dale, Superintendent

8115 Gatehouse Road
Falls Church, Virginia 22042

March 10, 2010

Mrs. Eleanor B. Saslaw, President
Virginia Department of Education
Board of Education
PO Box 2120
Richmond, VA 23218

Dear Mrs. Saslaw:

Fairfax County Public Schools (FCPS) is seeking a waiver from the Board of Education for one makeup day and any additional days missed for the remainder of the 2009-2010 school year. As reflected in Governor McDonnell's declaration of a state of emergency, the recent unprecedented snow storms have created major problems for local school systems. In Fairfax, 10 days of school were missed due to weather. To address this, the Fairfax County School Board has approved the following:

- Scheduled a makeup day on February 15 (President's Day). Due to additional snow, we were unable to use this makeup day.
- Scheduled a makeup day on April 12, the only remaining teacher workday.
- Added three makeup days to the end of the school year—June 23, 24, and 25
- Directed the Superintendent to request a waiver of one of the required makeup days and any additional days missed for the remainder of the year.

Similar changes will also apply to the seven modified calendar schools. See attachment 1 for the School Board agenda item, and attachment 2 for the detailed 2009-2010 school calendars.

Other proposals that were considered included using Saturday school, Memorial Day, and Spring Break as possible makeup days, and adding time to the school day. After receiving a great amount of feedback from our community, the results were overwhelmingly in favor of adding days to the end of the school year. The feedback also indicated strong community support to request a waiver for the days extended at the end of the year. The cyclical nature of the school calendar and our inability to start school before Labor Day result in school ending very late in June this year. This was a major factor in community concern regarding extending the school year.

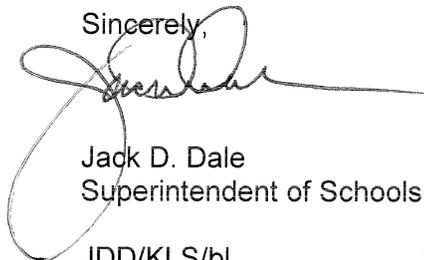
Mrs. Eleanor B. Saslaw, President

Page 2

March 10, 2010

In summary, based on the concerns of acceptable makeup solutions in our community, every reasonable effort for making up lost teaching days and instructional time for students has been exhausted, and a waiver of one makeup day and any additional days missed for the remainder of the year is respectfully requested. Granting this one-day waiver will allow FCPS to adhere to the makeup days published in the school calendar and will help ease community concerns about further extending the school year. Your consideration of this request is very much appreciated as we strive to achieve a solution to problems created by this unprecedented weather.

Sincerely,



Jack D. Dale
Superintendent of Schools



Kathy L. Smith
School Board Chairman

JDD/KLS/bl
Attachments

cc: Fairfax County School Board Members

Agenda Item

5.01 Snow Makeup Days - 1) Re-affirm the approved 2009-2010 school calendars; 2) designate June 25, 2010, as the last day of school for standard calendar schools, with subsequent makeup days, if needed, on June 28, June 29, and June 30; and 3) designate April 13, 2010, as a makeup day for modified calendar schools, with subsequent makeup days, if needed, on April 12, April 9, and April 8. Direct the Superintendent to request a waiver for three of the required makeup days and any additional days missed for the remainder of the year. (HR; presented as new business 2/17/10)

Meeting: 03/04/2010 Regular Meeting No. 15
Category: 5. Action Items - 9:15 p.m.
Agenda Action
Type:

Agenda Item Content



5.01 Snow Makeup Days.mp3

Staff Contact: Kevin L. North, assistant superintendent, Department of Human Resources

Meeting Category: March 4, 2010 - Regular Meeting No. 15

Subject: Snow Makeup Days

School Board Action Required: Decision

Related To: Legal Requirement

Key Points:

On February 17, 2010, three snow makeup day options were presented to the School Board:

Option 1: Add 30 minutes to each school day for the period of March 8, 2010, through June 21, 2010, and make April 12, 2010, a student day;

Option 2: Add 45 minutes to each school day for the period of March 8, 2010, through June 21, 2010, and make April 12, 2010, a student day;

Option 3: Follow the School Board-approved 2009-2010 calendars, with April 12, 2010, a student day (April 16, 2010, for modified calendar schools) as the first makeup day, and add the remaining three makeup days to the end of the year on June 23, 24, and 25.

After obtaining extensive community and staff feedback, the recommendation

is to follow the current School Board approved 2009-2010 calendar (Option 3) with the addition of June 25 as the last day of school for standard calendar schools and June 21 for modified calendar schools. The chart below illustrates the revised makeup schedule under the current calendar provisions. If additional makeup days are required, they will be added to the end of the school year and would begin on June 28 for standard calendar schools, and will be added to the intersession days for modified calendar schools. Since February 15 could not be used as a makeup day due to inclement weather, the first makeup day will be April 12 for standard calendars, and all makeup days have been shifted accordingly.

In addition, the Superintendent is recommending seeking a waiver from the Virginia Department of Education for three makeup days and any other future days that would be missed.

STANDARD CALENDAR		MODIFIED CALENDAR	
Days Missed	Makeup Days	Days Missed	Makeup Days
1-3	No makeup required	1-3	No makeup required
4	February 15 April 12	4	February 15 April 16*
5	April 12 June 23	5	April 16 April 15*
6	No makeup required	6	No makeup required
7	June 23 June 24	7	April 15 April 14*
8	No makeup required	8	No makeup required
9	June 24 June 25 (extended last day of school)	9	April 14 April 13*
10	No makeup required	10	No makeup required
11	June 28	11	April 12*
12	No makeup required	12	No makeup required
13	June 29	13	April 9*
14	No makeup required	14	No makeup required
15	June 30	15	April 8*

*Intersession day
June 21 last day of school

Recommendations (two separate motions):

That the School Board 1) re-affirm the approved 2009-2010 school calendars; 2) designate June 25, 2010, as the last day of school for standard calendar

schools, with subsequent makeup days, if needed, on June 28, June 29, and June 30; and 3) designate April 13, 2010, as a makeup day for modified calendar schools, with subsequent makeup days, if needed, on April 12, April 9, and April 8.

That the School Board direct the Superintendent to request a waiver for three of the required makeup days and any additional days missed for the remainder of the year.

Board Member Proposed Amendment:

Strike the word "three" and insert the word "one." (**Gibson**)

Option:

Direct the Superintendent to request a waiver for one of the required makeup days and any additional days missed for the remainder of the year.

Additional Administrative Content

Action Agenda Details

Motion:

Motion: 1) Re-affirm the approved 2009-2010 school calendars; 2) designate June 25, 2010, as the last day of school for standard calendar schools, with subsequent makeup days, if needed, on June 28, June 29, and June 30; and 3) designate April 13, 2010, as a makeup day for modified calendar schools, with subsequent makeup days, if needed, on April 12, April 9, and April 8.

Moved by Mrs. Wilson, seconded by Mrs. Bradsher. Vote: passed 11-0-1 with Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Dr. Raney, Mrs. Reed, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voting "aye" and Ms. Evans abstaining.

Motion: Direct the Superintendent to request a waiver for one of the required makeup days and any additional days missed for the remainder of the year.

Moved by Mr. Gibson, seconded by Mr. Center. Vote: passed 11-1 with Ms. Bradsher, Mr. Center, Ms. Evans, Mr. Gibson, Ms. Hone, Mr. Moon, Mrs. Reed, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voting "aye" and Dr. Raney voting "nay."

Motion By:

Judith (Tessie) Wilson Vice
Chairman

Second:

Elizabeth T Bradsher

Action:

Pass

Standard Calendar for School Year 2009-10
Fairfax County Public Schools

July 2009

S	M	T	W	T	F	S
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2009

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	NT	NT	NT	NT	NT
		TW				

September 2009

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

7 Labor Day; 8 First Day of School

October 2009

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
						Q

12 Columbus Day

November 2009

S	M	T	W	T	F	S
1	2	3	4	5	6	7
		TW				
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30		2E	H	H	

26-27 Thanksgiving Break

December 2009

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	2E	H
		H	H	H	H	

24-25, 28-31 Winter Break

January 2010

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31					Q	TW

1 Winter Break; 18 MLK Jr. Day

February 2010

S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

15 Presidents' Day

March 2010

S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	H	H	H

29-31 Spring Break

April 2010

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

1-2 Spring Break

May 2010

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	H			2E	

31 Memorial Day

June 2010

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30		LE	

25 Last Day of School

Days Missed **Makeup Days**

1-3	No makeup required	
4	February 15	April 12
5	April 12	June 23
6	No makeup required	
7	No makeup required	June 24
8	No makeup required	
9	June 24	June 25
10	No makeup required	(extended last day of school)
11	June 28	
12	No makeup required	
13	June 29	
14	No makeup required	
15	June 30	

Standard Calendar 2009-10

Yellow	= Student school days
F	First day of school
Q	End of the quarter
2E	2 hour early student release
G	Graduation on or after this date (180)
LE	Last day for regular classes + early release (183)
NT	New teacher training
TW	Workday for teachers/Student Holiday
SD	Staff development day/Student Holiday
H	Student Holiday

NOTE: Date for the last day of school may be earlier or later depending on unanticipated events.

Last Update: 03/08/10

Fairfax County Public Schools
Modified Elementary Calendar for School Year 2009-10

July 2009						
S	M	T	W	T	F	S
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
TWSDSDSDTW						

August 2009						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
3 First Day of School						

September 2009						
S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
7 Labor Day						

October 2009						
S	M	T	W	T	F	S
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
12 Columbus Day						

November 2009						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30			2E	H	H
26-27 Thanksgiving Break						

December 2009						
S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
H H H H H						
24-25, 28-31 Winter Break						

January 2010						
S	M	T	W	T	F	S
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
1 Winter Break; 18 MLK Jr. Day						

February 2010						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						
15 Presidents' Day						

March 2010						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
H H H						
29-31 Spring Break						

April 2010						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
1-2 Spring Break						

May 2010						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31				2E	
H 31 Memorial Day						

June 2010						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
LE						
21 Last Day of School						

Days Missed		Makeup Days	
1-3	No makeup required		
4	February 15	April 16	
5	April 16	April 15	
6	No makeup required		
7	April 15	April 14	
8	No makeup required		
9	April 14	April 13	
10	No makeup required		
11	April 12		
12	No makeup required		
13	April 9		
14	No makeup required		
15	April 8		

Modified Elementary 2009-10	
Yellow	= Student school days
F	First day of school
Q	End of the quarter
2E	2 hour early student release
LE	Last day for regular classes + early release (183)
NT	New teacher training
TW	Workday for teachers/ Student Holiday
SD	Staff development day/ Student Holiday
H	Holiday
I	Optional intersession

NOTE: Date for the last day of school may be earlier or later depending on unanticipated events.

Last Update: 03/08/10