



#088-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #088-21**

DATE: April 2, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **2020-2021 Length of School Term Waiver Application**

The Virginia Department of Education (VDOE) has opened the length of school term waiver application for the 2020-2021 school year. For the 2020-2021 school year only, any school or local school division unable to offer 180 teaching days or 990 teaching hours to each student in a brick-and-mortar setting will be able to meet the length of school term requirement by demonstrating and certifying “completion” as set out in [Superintendent's Memo #230-20](#). The division must also affirm that it will submit a final periodic report for the 2020-2021 school year, information for which is forthcoming. The final periodic report will require divisions to report on their use of the Virginia Remote Student Progress Tests.

Length of school term waiver applications may be submitted online (linked below) and will be received on a rolling basis through **May 28, 2021**. Please wait to submit your application until there are no further anticipated changes in school calendars or instructional modalities so that you may provide accurate instructional time counts. Divisions submitting their application after May 28, 2021 risk being denied a waiver and consequently, a reduction in funding proportionate to the deficit in teaching time.

Statutory Authority for Length of School Term Waiver

[Section 22.1-98](#) of the Code of Virginia states that 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. This requirement is reaffirmed in Board of Education regulations ([8VAC20-131-5](#) and [8VAC20-521](#)). If the length of the term falls below 180 teaching days or 990 teaching hours in any school year and the school or school division is unable to recover time according to the statutory makeup schedule, the amount paid by the Commonwealth from the Basic School Aid Fund shall be reduced by an amount proportionate to the deficit of teaching time. Section 22.1-98 allows schools and/or school divisions meeting certain conditions the option to request a length of school term waiver from the Board of Education if lost teaching time is a result of severe weather conditions, other emergency situations, or a declared state of emergency.

To maintain the health and safety of school communities during COVID-19, Virginia's local school divisions have employed combinations of in-person and remote instructional models according to adapted 2020-2021 school year calendars; as such, there has been no comparable measure for calculating or ensuring instructional time minimums statewide. Consequently, and pursuant to Governor Northam's [Executive Order Fifty-One](#) (2020) and [Item 143.1](#) in Chapter 1289 of the Acts of Assembly (i.e. the 2020 Appropriation Act), the Superintendent of Public Instruction has authorized revised eligibility and process for the length of school term waiver, the criteria for which is provided in [Superintendent's Memo #230-20](#).

Directions for the 2020-2021 Length of School Term Waiver Submission

Please review the following directions prior to submitting the length of school term waiver [using the online form](#):

- Applications may be submitted on a rolling basis but must be completed no later than May 28, 2021. Please wait to submit your application until there are no further anticipated changes in school calendars or instructional modalities so that you may provide accurate teaching time counts.

- Divisions may submit ONE length of school term waiver application on behalf of all schools in its division in need of a waiver.
- While a designee may help complete the waiver request application, please note that both the division superintendent and local school board chair will need to provide wet ink signatures to certify the accuracy of the submission.
- Please use the template provided to submit the number of in-person teaching hours completed per school and/or grade level as well as the number of hours requested for waivers. This count DOES NOT include any remote instruction, synchronous or asynchronous and to account for the variability of the school day, will be provided in HOURS. Additional directions for calculating and reporting hours are provided with the application and in the attached template (Attachment A).
- Divisions must use the letter content provided for submitting their certifications but may reformat on their own letterhead or stationary (Attachment B).
- Please note the required naming conventions for all uploaded files.
- Attachment C includes a copy of all of the questions included on the application for reference only. Please complete and submit the application using the online link provided.

For more information

If you have questions regarding length of school term waivers, please contact the Office of Policy at Policy@doe.virginia.gov or (804) 225-2092.

JFL/LMS/rsa

- A. Attachment: [Template for Hour Count Submission](#) (XLSX)
- B. Attachment: [Sample Certification Letter Template](#) (DOCX)
- C. Attachment: [Copy of 2020-2021 Length of School Term Waiver Application Questions](#) (PDF)