# Superintendent’s Memo #141-19

[](http://www.doe.virginia.gov/administrators/index.shtml)  
**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: June 21, 2019

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Pre-Labor Day Legislation

The purpose of this memorandum is to notify school divisions of new provisions in the *Code of Virginia* regarding the setting of school calendars and the first day that students may be required to attend school.

### 2019 Legislative Changes

The 2019 General Assembly passed [HB 1652](http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=hb1652) (Robinson), [SB 1005](http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=sb1005) (Chase), and [HB 2140](http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=hb2140) (Thomas) which amend provisions in the *Code* regarding the setting of school calendars and the first day that students may be required to attend school. Accordingly, effective July 1, 2019, it will no longer be necessary for school divisions to seek waivers to begin the school year prior to Labor Day, except for certain divisions providing year-round instructional programs.

* [HB 1652](http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=hb1652) / [SB 1005](http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=sb1005) permits all school divisions to begin school up to 14 days before Labor Day, and requires those divisions opening prior to Labor Day to be closed the Friday immediately preceding Labor Day through Labor Day. The legislation provides the following exceptions:
  + Divisions granted a waiver to open prior to Labor Day for the 2018-2019 school year may begin school earlier than 14 days before Labor Day, but must close the Friday immediately preceding Labor Day through Labor Day.
  + Divisions granted a waiver to open prior to Labor Day for the 2011-2012 school year may begin school earlier than 14 days before Labor Day, and are not required to close the Friday immediately preceding Labor Day.
* [HB 2140](http://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=hb2140) permits any school division in Planning District 16 that was not granted a waiver for the 2018-2019 school year, but would have qualified for one for 2019-2020 (Stafford County) to begin school more than 14 days prior to Labor Day. The bill also permits any school division in Planning District 16 that is entirely surrounded by two school divisions that were either granted a waiver in 2011-2012 or would have qualified for a waiver for 2019-2020 (Fredericksburg City), to open schools on the same opening date as either such surrounding school division.

Please see the [Pre-Labor Day Openings](http://www.doe.virginia.gov/boe/pre-labor-day_waiver/index.shtml) webpage for a list that reflects the Virginia Department of Education’s record of school division waivers to open prior to Labor Day for the 2011-2012 and 2018-2019 school years.

### Year-Round School

For divisions providing year-round instructional programs, the Board of Education may waive the requirements in § [22.1-79.1](https://law.lis.virginia.gov/vacode/22.1-79.1/) of the *Code* for the year-round school(s). In accordance with § 22.1-79.1(B) of the *Code*, the local school board must certify that the school division is providing its students, in the school year for which the waiver is sought, with instructional programs that are offered on a year-round basis in one or more of its schools. This waiver applies only to the school calendar for those schools where such year-round instructional programs are offered.

This certification is submitted as part of the annual Standards of Quality (SOQ) Compliance Certification for the upcoming school year.  Please see the [SOQ Compliance Certification and Other Required Reporting](http://www.doe.virginia.gov/info_management/data_collection/soq_compliance/index.shtml) webpage for additional information on this process.

### Questions

Please direct questions regarding this information to the Policy Office at (804) 225-2092 or [policy@doe.virginia.gov](mailto:policy@doe.virginia.gov).

JFL/EMM

### Resources

* [Pre-Labor Day Openings](http://www.doe.virginia.gov/boe/pre-labor-day_waiver/index.shtml) webpage – includes a list that reflects the Virginia Department of Education’s record of school division waivers to open prior to Labor Day for the 2011-2012 and 2018-2019 school years