# Superintendent’s Memo #092-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: April 10, 2020

TO: Division Superintendents

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

## SUBJECT: Length of School Term Waiver Process and Application

On March 23, 2020, Governor Northam issued the order for all K-12 schools to remain closed through the end of the 2019-2020 academic year. Understanding this closure was critical for the health of students and staff, the Virginia Department of Education (VDOE) recognizes the Governor’s order also impeded each school’s ability to reach the required 180 teaching days or 990 teaching hours for the 2019-2020 school year. The Superintendent of Public Instruction has guaranteed that any deficits in teaching time that are the direct result of the Governor’s mandatory school closures will be waived and accordingly, no state basic aid fund allocations will be reduced. To be eligible for this flexibility, local school boards (via the school division’s administrative offices) will still need to submit a waiver request to the Board of Education.

Section [22.1-98 (E)](https://law.lis.virginia.gov/vacode/title22.1/chapter8/section22.1-98/) of the *Code of Virginia* provides contingencies for closures related to severe weather, emergency situations, and a declared state of emergency. It states, in part:

E. … 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 or severe weather conditions or other emergency situations. If the local school board desires a waiver, it shall submit a request to the Board of Education …

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. Further, 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 any reduction in the length of the term of any school or the schools in a school division permitted by such waiver.

Per its *Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours* at [8VAC20-521-40 (E)](https://law.lis.virginia.gov/admincode/title8/agency20/chapter521/section40/), the Board has delegated its authority to review and approve length of school term waivers to the Superintendent of Public Instruction.

VDOE has created an [online form](https://forms.gle/RJdxFSuykvFEssCP7) to streamline the waiver request process for local school boards. The form can be completed and submitted electronically. Please note, the form does not allow you to save your progress, so you will need certain information and documents readily available in order to finalize your application, including:

* An itemized list of schools in your division in need of a waiver, the number of teaching days or teaching hours completed at the time of closure, and the number of teaching days or teaching hours to be waived. This can all be provided in one document;
* A certification letter with signatures from the division superintendent and the chair of your local school board. See attachment A for an example.

You will receive an automated confirmation that your request was submitted.

For your convenience, attached is an example of a certification letter as well as a copy of the online form for reference only.

To avoid any reduction in basic state aid, please submit your waiver request as soon as possible but no later than April 30, 2020 to avoid administrative delays. Upon receipt, the Superintendent of Public Instruction intends to review and reply to waiver applications within 7 business days.

If you have any additional questions, please do not hesitate to contact the Office of Policy, at policy@doe.virginia.gov or (804) 225-2092.

JFL/lms

**Attachment**

1. [Example Certification Letter](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/092-20a.docx)
2. [Copy of Online Waiver Request Form](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/092-20b.pdf) (this is for reference only; not for submission)