



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: M

Date: November 17, 2022

Title: First Review of Fast-Track Action to Update 8VAC20-490-30's Length of School Day Requirement

Presenter: Jim Chapman, Regulatory and Legal Coordinator

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Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:

Chapter [582](#) of the 2020 Acts of the Assembly ("Chapter [582](#)") amended § 22.1-79.1 to standardize the minimum instructional time requirement across grades K–12. Whereas kindergarten previously required a minimum of 540 hours of instructional time, Chapter 552 requires a minimum of 990 hours of instructional time. Chapter [582](#) included a delayed enactment clause such that the amendments would become effective on July 1, 2022.

In order to comply with Chapter [582](#), the Board will need to make minor changes to 8VAC20-490-30 in order to change the length of school day requirements for local school boards.

The Board has not exercised any discretion in making the required changes.

This item was previously presented to the Board and approved as an exempt action at its meeting on June 16, 2022. However, the action was not certified in time by the Office of the Attorney General and so is no longer eligible as an exempt action. The item is being represented here as a fast-track regulatory action in the same form as it was presented at the June 2022 meeting.

Action Requested:

Other: Specify below:

The Board is requested to waive first review and approved.

Superintendent’s Recommendation

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve this fast-track regulatory action.

Rationale for Action:

Board action is required to make this regulatory change to comply with state law.

Previous Review or Action:

Date: June 16, 2022

Action: Approved as an Exempt Action.

Background Information and Statutory Authority:

Chapter [582](#) of the 2020 Acts of the Assembly (“Chapter [582](#)”) amended § 22.1-79.1 to standardize the minimum instructional time requirement across grades K–12. Whereas kindergarten previously required a minimum of 540 hours of instructional time, Chapter [582](#) requires a minimum of 990 hours of instructional time. Chapter [582](#) included a delayed enactment clause such that the amendments would become effective on July 1, 2022.

In order to comply with Chapter [582](#), the Board will need to make minor changes to 8VAC20-490-30 in order to change the length of school day requirements for local school boards.

The Board has not exercised any discretion in making the required changes.

Timetable for Further Review/Action:

Following Board approval, this action will be submitted to Town Hall, pursuant to the requirements of the Administrative Process Act.

Impact on Fiscal and Human Resources:

This action is the result of a legislative change and so will not on its own affect fiscal or human resources for the VDOE or local school boards.

Project 7207 - Final

State Board Of Education

Exempt action to update 8VAC20-490-30's length of school day requirement

8VAC20-490-30. Length of the school day.

The time for opening and closing schools shall be prescribed by the local school board upon recommendation of the division superintendent, provided that the daily program for students in grades 4 kindergarten through 12 shall average at least 5 ½ hours, not including meal intermissions. If the required program length is maintained, the local school board may approve occasional shortened days for staff development, conferences, planning, and other activities designed to improve the instructional program, provided that no more than one day in each five-day week may be shortened to no less than four hours. ~~The daily program for kindergarten shall be at least three hours, not including meal intermissions.~~ The student day here described shall be considered a minimum day rather than an optimum day; a longer student day is encouraged to accommodate the instructional program and student needs.

When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts, and scheduling or other unusual situations, the local board shall request approval by the Superintendent of Public Instruction of the exceptions by August 1 preceding the school year for which they are applicable. The affected programs must be in compliance with such other regulations as may apply to them.

The length of the work day for employees shall be determined by the local school board. It shall be of sufficient length to allow for the daily program for students and additional time as may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions, or other contractual obligations.