



**COMMONWEALTH of VIRGINIA**  
**Department of Education**

DATE: September 14, 2018

TO: Division Superintendents

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

**SUBJECT: School Calendars and Make up Days**

This memorandum is a reminder for division superintendents of the requirements for making up missed instructional time.

Section [22.1-98](#) of the *Code of Virginia*, the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) at [8VAC20-131-150](#), and the *Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours* at [8VAC20-521-10 et seq.](#) require school divisions to provide instruction for a minimum of 180 days or 990 hours each school year.

Instructional days missed due to bad weather or other emergencies must be made up in accordance with the formula in § 22.1-98 of the *Code*, which requires that the school division make up the first five days, and then make up one day for every two days missed in excess of the first five days. School divisions may use instructional time built into the school calendar that exceeds the 990 instructional hour minimum, add teaching days to the school calendar, or extend the length of the school day to offset the days missed.

Section 22.1-98 also states that 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. In order to receive such a waiver, a school division must submit a waiver request to the Board of Education. The waiver request must include evidence of efforts that have been made by the school division to reschedule as many days as possible and certification that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting the waiver. If the waiver is denied, the school division must make up the missed instructional time in accordance with the provisions of § 22.1-98.

Please direct questions regarding instructional time requirements or make up time to the Office of Policy at [policy@doe.virginia.gov](mailto:policy@doe.virginia.gov) or (804) 225-2092.

JFL/emm