



COMMONWEALTH of VIRGINIA
Department of Education

February 27, 2015
(Revised March 11, 2015)

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: School Calendars and Make-up Days

As a result of numerous inquiries we have received due to this winter's weather, we are reminding you of the requirements for instructional time in the school year. Section [22.1-98](#) of the *Code of Virginia*, the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA), at [8 VAC 20-131-5 et seq.](#) and the *Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours*, at [8 VAC 20-521-10 et. seq.](#), require school divisions to provide instruction for a minimum of 180 days or 990 hours each school year. If the school division cannot meet the requirement for 180 days or 990 hours of instruction because of bad weather or other emergencies, days missed must be made up in accordance with the formula outlined in the *Code*, which requires that the school division must make up the first five days, and then make up one day for every two days missed in excess of the first five days missed by adding teaching days to the school calendar or extending the length of the school day. School divisions may use instructional time built into the school calendar that exceeds the 990 instructional hour minimum or add time to the remaining days to offset the days missed.

However, § [22.1-98](#) of the *Code* goes on to say: "...the Board of Education (Board) 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." On February 16, 2015, Governor Terry McAuliffe declared a [state of emergency](#) due to the major winter storm event based on weather forecasts. Section [22.1-98](#) of the *Code of Virginia* defines a declared state of emergency to mean "the declaration of an emergency before or after an event, by the Governor or by officials in a locality, that requires the closure of any or all schools within a school division." If the local school board desires a waiver, it must submit a request to the Board. The request shall include evidence of efforts that have been made by the school division to reschedule as many days as possible and certification by the division superintendent and chairman of the local school board that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of this requirement. If the waiver is denied, the school division shall make up the missed instructional time in accordance with the requirements referenced here.

The instructional time requirements for elementary, middle, and high schools are found in [8 VAC 20-131-80](#), [8 VAC 20-131-90](#), and [8 VAC 20-131-110](#) of the SOA. Should you find that you are unable to meet those requirements for a school, you may seek a waiver from the Board as provided for in the standards.

Another type of waiver, not related to emergencies, is the case-by-case waiver of sitting for 140 clock hours to earn a standard credit for individual students who have demonstrated mastery of course content and objectives. This decision is made at the local level upon the recommendation of the division superintendent. ([8 VAC 20-131-110.B.2](#))

A number of school divisions have also asked if the spring 2015 *Standards of Learning* (SOL) test dates will be revised. At this time, there are no plans to change the statewide testing windows for the SOL tests. However, school divisions who wish to change their previously selected local testing windows should contact the student assessment staff at student_assessment@doe.virginia.gov or by phone at (804) 225-2102.

If you have questions regarding instructional time requirements or make-up time, please contact the Office of Policy at Policy@doe.virginia.gov or by phone at (804) 225-2092.

SRS/SGP/kfg