



#290-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #290-21**

DATE: October 15, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Accounting for Unscheduled Remote Learning Days**

During its 2021 Session, the General Assembly passed [House Bill 1790](#) and [Senate Bill 1132](#) (HB1790/SB1132) which, under certain circumstances, allow schools to apply up to ten unscheduled remote learning days towards their 180-day or 990-hour teaching time requirement. Unscheduled remote learning days may be employed during the 2021-2022 school year if a school is closed consistent with the circumstances outlined in Section 3 of [SB1303](#), in cases severe weather, or in other emergency situations and provided that instruction and other student services are delivered in alignment with the Virginia Department of Education's [Guidance for Unscheduled Remote Learning Days](#).

The 180-day or 990-hour teaching time requirement, as set out in § [22.1-98](#), is applied at the school-level. Therefore, unscheduled remote learning days are also applied and accounted for at the school-level. For example, if one school closes for COVID-19 or another emergency situation and uses an unscheduled remote learning day, this does not impact the balance of available days for the remainder of schools in the division. **Divisions should be tracking closures and unscheduled remote learning days by school.**

Requesting an Extension for Unscheduled Remote Learning Days

If a school exceeds ten unscheduled remote learning days, due to COVID-19 related closures or other necessitating emergencies, the division will need approval from the Superintendent of Public Instruction to apply those additional days towards the 180-day or 990-hour requirement. The Superintendent will consider extensions on a case-by-case basis for requests that meet the following criteria:

- Severe weather and other emergency situations necessitated the need for more than ten unscheduled remote learning days; and
- The local school board can certify, on behalf of the school(s) applying for the extension, that it provided instruction and services consistent with the Guidance for Unscheduled Remote Learning Days for each of the unscheduled remote learning days.

Extension requests should be submitted by the division superintendent on behalf of any eligible school(s) to the Superintendent of Public Instruction at superintendent@doe.virginia.gov as soon as practicable, but no later than 30 days following the unscheduled learning days to be considered for extension.

In Cases of Classroom Closures or Quarantine

If a classroom or subset of a school is closed consistent with the circumstances outlined in Section 3 of SB1303, any remote learning should still be delivered in alignment with VDOE's Guidance for Unscheduled Remote Learning Days. However, the school would not need to count these closures towards the allowed ten unscheduled remote learning days but schools should seek to recover any in-person instructional time lost due to the closure.

In cases of quarantine, a student who is not ill and is able to participate in remote instruction should be offered meaningful opportunities to do so. Students should be counted as present or absent per that division's policy on attendance tracking and monitoring for any remote learning day. If a division does not offer remote learning to a quarantined student, the student should be counted as absent. This circumstance should be extremely rare, as divisions should be prepared to support students who are healthy enough to participate in remote learning during quarantine. It should be noted that school divisions must ensure that students

with disabilities are offered a free and appropriate public education in accordance with federal and state regulations and guidance.

When offering a remote option, a school division's attendance policy should articulate what constitutes "in attendance" for remote instruction days. Students should be counted as present or absent, in accordance with that policy, for any remote learning day.

Superintendent's Memo #[188-20](#) provides attendance policy guidance for divisions, and strongly recommends tracking meaningful interactions on a daily basis with all students.

For more information

For more information on SB1303 and managing learning disruptions, see Superintendent's Memo #[230-21](#).

For more information on the 180-day/990-hour teaching time requirement or the use of unscheduled remote learning days for meeting time requirements, please contact Leslie Sale, Director of the Office of Policy at Leslie.Sale@doe.virginia.gov or (804) 225-2092.

JFL/LMS