



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: E

Date: June 15, 2022

Title: Final Review of Exempt 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.

Action Requested:

Final review: Action requested at this meeting.

Superintendent’s Recommendation

The Superintendent of Public Instruction recommends that the Board of Education approve this exempt action.

Rationale for Action:

The Board is required to make this regulatory change in order to comply with state law.

Previous Review or Action:

No previous review or 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.

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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.



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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-490-30
VAC Chapter title(s)	Regulations Governing School Boards Local
Action title	Exempt action to align the Regulations Governing School Boards Local with Chapter 552 of the 2020 Acts of the Assembly
Final agency action date	June 16, 2022
Date this document prepared	May 11, 2022

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Chapter [582](#) of the 2020 Acts of the Assembly (“Chapter 552”) 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.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This regulatory change is the result of a legislative mandate (Chapter [582](#)).

Chapter [582](#) amended § [22.1-79.1](#) to standardize the minimum instructional time requirement across grades K–12. According to Chapter [582](#), "[i]ndividual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternate school schedule plans providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades kindergarten through 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.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Board approved this action to amend the Regulations Governing School Boards Local on June 15, 2022 (anticipated).