



COMMONWEALTH of VIRGINIA  
Department of Education

February 18, 2014

TO: Division Superintendents

FROM: Patricia I. Wright, 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 11, 2014, 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.

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

A number of school divisions have also asked if the spring 2014 *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.

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

PIW/SGP/kfg