



COMMONWEALTH of VIRGINIA
Department of Education

April 5, 2013

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: Amendments to the *Guidelines for Considering and Approving Requests for Pre-Labor Day Openings*

At its meeting on March 28, 2013, the Board of Education adopted revisions to the *Guidelines for Considering and Approving Requests for Pre-Labor Day Openings*.

Section [22.1-79.1](#) of the *Code of Virginia* prohibits local school boards from adopting school calendars that require schools to open prior to Labor Day unless a waiver is granted by the Board for "good cause." The conditions under which the Board may grant such waivers are outlined in the *Code*.

Revisions to the guidelines include:

- Language was added to define innovative and experimental programs. An *experimental program* is defined, for purposes of a waiver, as a program which is operated under controlled circumstances and which is designed to test and to establish, by objective measures, the positive cognitive effect of an educational theory. The experimental program must be offered generally to the student body of the school. An *innovative program* is defined, for purposes of a waiver, as an educational program that implements creative, original, or new ideas or methods and are likely to result in better outcomes for student participants. The innovative program must be offered generally to the student body of the school.
- An experimental or innovative program must ensure parental and community involvement.
- A provision was added to require the waiver to be submitted at least 180 days prior to the expected implementation date to give the Board adequate time to consider the waiver and for the local school board to make any recommended changes that might be necessary. As most local school boards set their calendars well in advance of the beginning of the school year, this should not pose a hardship on school divisions.
- Language was added to clarify that the Department is available throughout the application process to provide technical assistance to the applicant.
- Language was added to give local school boards additional guidance in providing a comprehensive description of the program in the waiver request. It would require the local school boards to describe how the school meets the definition of experimental or innovative or year-round school and its goals and objectives, including the title of the program or activity, a program description, the rationale for the program, the number and names of all schools involved, the names of any other organizations, including colleges, universities, and other postsecondary organizations and community organizations that are

involved in the program, the grades served, the names of any other school divisions involved in the program, and other relevant information.

- The waiver request needs to include an explanation of the necessity for opening prior to Labor Day, including the proposed school year calendar's opening and closing dates as well as a general description of the school calendar and duration of the waiver. This explanation must show that this request meets the "good cause" requirements of § [22.1-79.1](#). B.3, *Code of Virginia*.
- The guidelines require the local school board to include additional information about anticipated outcomes, including how the program will result in increased student achievement and a reduction in the achievement gap.

You will find the *Guidelines for Considering and Approving Requests for Pre-Labor Day Openings* in the attachment below and posted on the Department's Web site at: www.doe.virginia.gov/info_management/data_collection/pre_labor_day_opening. Please contact the Office of Policy at (804) 225-2092 or by e-mail at policy@doe.virginia.gov, if you have any questions regarding these issues.

PIW/MLL/kfg

Attachment:

- a. [Guidelines for Considering and Approving Requests for Pre-Labor Day Openings](#) (PDF)