

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 839

An Act to amend and reenact § 22.1-98 of the Code of Virginia, relating to reduction of aid for loss of school days; emergency.

[H 575]

Approved April 14, 2004

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-98 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-98. Reduction of state aid when length of school term below 180 days or 990 hours.

If the length of the term of any school in a school division is less than 180 teaching days or 990 hours in any school year, the amount paid by the Commonwealth from the Basic School Aid Fund shall, except as hereinafter provided or as otherwise provided by law, be reduced in the same proportion as the length of the term has been reduced from 180 teaching days or 990 hours. The Board of Education may authorize, in regulations promulgated pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), any school in a school division which is operated on a year-round basis on a 45/15-day schedule and which is unable to meet the 180-day or 990-hour requirement because severe weather conditions, and other emergency situations presenting a threat to the health or safety of the students, including, but not limited to, energy shortages or power failures have required the closing of such school to make up the teaching days lost by making up the number of instructional hours equivalent to such teaching days without a proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund.

The Superintendent of Public Instruction, with the approval of the Board of Education, shall authorize such reduction as may be necessary in the length of the term for any school or school division without a proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund when severe weather conditions, and other emergency situations presenting a threat to the health or safety of the students, including, but not limited to, energy shortages or power failures have required, as determined in accordance with regulations of the Board of Education, the closing of such school or the schools in such school division for no more than ~~ten~~ 10 days in any school year if at least five teaching days shall be made up. In any case in which severe weather conditions, and other emergency situations presenting a threat to the health or safety of the students, including, but not limited to, energy shortages or power failures have required the closing of such school or the schools in the school division for more than ~~ten~~ 10 days, but less than ~~fifteen~~ 15 days, five days plus each day in excess of ~~ten~~ 10 days up to ~~fifteen~~ 15 days shall be made up. In any case in which severe weather conditions, and other emergency situations presenting a threat to the health or safety of the students, including, but not limited to, energy shortages or power failures have required the closing of such school or the schools in the school division for more than ~~fifteen~~ 15 days, at least ~~ten~~ 10 days shall be made up. The local appropriations for educational purposes necessary to fund 180 teaching days shall not be proportionally reduced by any local governing body because of authorization by the Superintendent of Public Instruction of any reduction in the length of the term of any school or school division.

The foregoing provisions of this section notwithstanding, the Board of Education may waive the requirement that school divisions provide additional teaching days to compensate for school closings resulting from a declared state of emergency. If the Board grants such a waiver, there shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. However, the local appropriations for educational purposes necessary to fund 180 teaching days shall not be proportionally reduced by any local governing body due to any reduction in the length of the term of any school or school division permitted by such waiver.

If the professional personnel of any such school division actually render service for less than the contracted period for such school year and if their compensation is reduced because of insufficient funds or other reason, the proportionate amount paid by the Commonwealth for the personnel component of the Basic School Aid Fund for such school year shall be reduced pro rata. Notwithstanding any provision of law to the contrary, the school board of any school division in which the length of term for any school or for the school division is reduced as provided in this section may pay its professional personnel such salary as they would have received if the term had not been so reduced. The Board of Education shall approve for each school division the closing date for the school year beyond which days would not be required to be made up.

With the exception of the Basic School Aid Fund as provided for above, the Commonwealth may not distribute funds to a locality for costs not incurred when the school term is reduced below 180 days or 990 hours.

2. That an emergency exists and this act is in force from its passage.