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HOUSE BILL NO. 349

Offered January 11, 2006

Prefiled January 6, 2006

A BILL to amend and reenact § 22.1-98 of the Code of Virginia, relating to reduction of state aid when the length of the school term is below 180 days or 990 hours.

Patron—Hamilton

Referred to Committee on Education

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.

A. For the purposes of this section ~~and the Board of Education's implementing regulations,~~*: 1. "Declared state of emergency" means 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.*

2. "~~severe~~*Severe* weather conditions or other emergency situations" means those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures.

B. Except as provided in this section ~~and the implementing regulations of the Board of Education~~:

1. The length of every school's term in every school division shall be *at least* 180 teaching days or 990 teaching hours in any school year; and

2. If the length of the term of any school or the schools in a school division shall be less than 180 teaching days or 990 teaching hours in any school year, the amount paid by the Commonwealth from the Basic School Aid Fund shall, except as otherwise hereinafter provided or as otherwise provided by law, be reduced in the same proportion as the length of the school term has been reduced in any school or the schools in the school division from 180 teaching days or 990 teaching hours.

C. Notwithstanding the requirements of subsection B, in any case in which severe weather conditions or other emergency situations, as defined in this section, result in the closing of a school or the schools in a school division, the amount paid by the Commonwealth from the Basic School Aid Fund shall not be reduced if the following schedule of make-up days ~~shall be~~ *is* followed:

1. When severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for ~~less than~~ five *or fewer* days, the school or the schools in the school division shall make up ~~such~~ *all missed* days ~~as may be required by the Board's regulations; however, the required make-up days shall not exceed the missed teaching days~~ *by adding teaching days to the school calendar or extending the length of the school day*;

2. When severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for ~~five days, but no more than 15 days~~ *six days or more*, the school or the schools in the school division shall make up the first five days plus one day for each two days missed in excess of the first five ~~, up to a maximum of nine make-up days~~ *by adding teaching days to the school calendar or extending the length of the school day*; *or*

~~3. When severe weather conditions or other emergency situations have resulted in the closing of a school or the schools in a school division for more than 15 days, the school or the schools in the school division shall make up at least 10 days; or~~

~~4~~*3*. When severe weather conditions or other emergency situations have resulted in the closing of any school in a school division and such school has been unable to meet the 180 teaching day ~~or 990 teaching hour~~ requirement, the school division may make up the missed teaching days by providing its students with instructional hours equivalent to such missed teaching days *to meet the minimum 990 teaching hour requirement.*

D. The local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall also not be proportionally reduced by any local governing body because of any reduction in the length of the term of any school or the schools in a school division authorized by subsection C.

E. The foregoing provisions of this section notwithstanding, the Board of Education 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. *If the local school board desires a waiver, it shall submit a request to the Board of Education. The request shall include evidence of efforts that*

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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 this section.

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. Further, the local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to any reduction in the length of the term of any school or the schools in a school division permitted by such waiver.

F. If the professional personnel of any such school division actually render service for less than the contracted period for such school year and 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 the term for any school or for the schools in the school division is reduced as provided in this section ~~and the Board's implementing regulations~~ may pay its professional personnel such salary as they would have received if the term had not been so reduced.

G. ~~The Board of Education shall approve for each school division the closing date for the school year beyond which days shall not be required to be made up.~~ *In developing the school calendar as provided for in § 22.1-79.1, each local school board shall establish such calendars and teaching contracts in accordance with applicable regulations of the Board of Education to include contingencies for making up teaching days and teaching hours missed for emergency situations described in this section. Historical data shall be used to determine the needs of the locality including scheduled holidays and breaks and work days.*

H. The Board of Education ~~shall promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to implement this section. The Board's regulations~~ may authorize the Superintendent of Public Instruction to approve, in compliance with this section, reductions in the school term for a school or the schools in a school division without a proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund.

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

J. As part of the annual report required by § 22.1-81, the division superintendent and local school board chairman shall certify the total number of teaching days and teaching hours each year.