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HOUSE BILL NO. 15

Offered January 11, 2012

Prefiled December 2, 2011

A BILL to amend and reenact §§ 22.1-26, 22.1-79.1, and 22.1-296 of the Code of Virginia, relating to the opening of the school year.

Patrons—Habeeb, Greason, Albo, Anderson, BaCote, Brink, Bulova, Carr, Cline, Comstock, Cox, M.K., Crockett-Stark, Dance, Dudenhefer, Edmunds, Englin, Fariss, Filler-Corn, Garrett, Head, Helsel, Herring, Hodges, Hope, Howell, A.T., Johnson, Keam, Kilgore, Kory, LeMunyon, Lopez, Marshall, D.W., May, McClellan, McQuinn, Merricks, Minchew, Morefield, Morrissey, O'Quinn, Orrock, Plum, Putney, Ramadan, Robinson, Rush, Rust, Scott, J.M., Stolle, Surovell, Tata, Torian, Toscano, Tyler, Ward, Ware, O., Ware, R.L., Webert, Wilt, Wright and Yost

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-26, 22.1-79.1, and 22.1-296 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-26. Joint and regional schools; regional public charter schools.

A. Two or more school boards may, with the consent of the State Board, establish joint or regional schools, including regional public charter schools as defined in § 22.1-212.5, comprehensive schools offering all-day academic programs and career and technical education, and regional residential charter schools for at-risk pupils, for the use of their respective school divisions and may jointly purchase, take, hold, lease, convey and condemn both real and personal property for such joint, regional, or regional public charter schools. The school boards, acting jointly, shall have the same power of condemnation as other school boards except that land so condemned shall not be in excess of 30 acres for the use of any one joint or regional school. The title to all property acquired for such purposes shall vest jointly in the school boards in such respective proportions as the school boards may determine, and the schools shall be managed and controlled by the school boards jointly, in accordance with such regulations as are promulgated by the State Board. With the approval of the participating school boards and the respective local governing bodies, title to property acquired for a joint school shall be vested in the governing body of such school. The school boards operating a regional public charter school shall determine the school division to which any regional public charter school is assigned for the purposes of any restrictions on the number of public charter schools imposed by § 22.1-212.11.

B. Effective July 1, 2008, joint, regional, or regional charter schools in operation prior to the promulgation of new regulations may request a waiver of the new regulation requirements. This waiver request shall be submitted to the Board of Education on a form and in a manner prescribed by the Board. If the Board of Education grants the waiver request, the approved school shall continue to operate under the previous regulations.

C. Consistent with the provisions of this section, two or more school boards may, with the consent of the State Board, establish joint or regional schools, including regional public charter schools, to serve as high schools offering (i) in addition to a comprehensive high school curriculum, specialized training to students desiring to pursue careers in law enforcement, fire fighting, emergency and rescue services, and other occupations addressing public safety and welfare; or (ii) a specialized curriculum leading to a high school diploma and a postsecondary credential, such as industry certification, career certificate, or degree; or (iii) both.

Such schools described in clause (i) may be designed to incorporate the instructional services of retired or disabled emergency, fire, rescue, and law-enforcement personnel and internships with local agencies and organizations providing such emergency, fire, rescue, and law-enforcement services.

The relevant school boards operating schools described in clause (ii) may, by agreement, establish alternative schedules for the delivery of instruction that may include alternatives to standard school day and year requirements, subject to ~~the issuance of any necessary waivers by the Board of Education pursuant to § 22.1-79.1 and relevant~~ Board regulations. Such school boards may contract with an accredited institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education, as the case may be, pursuant to Chapter 16 (§ 22.1-319 et seq.) of this title or Chapter 21.1 (§ 23-276.1 et seq.) of Title 23, to deliver such instruction, which may include specialized instruction and training for students who are eligible to enroll in public high schools, consistent with §§ 22.1-3, 22.1-5, and 22.1-213.

D. Joint or regional schools, such as academic year Governor's Schools, may set the school calendar

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so that the first day students are required to attend school shall comport with the calendar of any of the participating school divisions~~, including those granted a waiver, as prescribed in § 22.1-79.1~~. Such calendar must be approved by the governing board of the joint or regional school.

§ 22.1-79.1. Opening of the school year; approvals for certain alternative schedules.

A. Each local school board shall ~~set~~ *be responsible for setting* the school calendar ~~so that the first day students are required to attend school shall be after Labor Day~~ *and determining the opening date of the school year*. ~~The Board of Education may waive this requirement based on a school board certifying that it meets one of the good cause requirements of subsection B.~~

B. ~~For purposes of this section, "good cause" means:~~

~~1. A school division has been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations;~~

~~2. A school division is providing, in the school year for which the waiver is sought, an instructional program or programs in one or more of its elementary or middle or high schools, excluding Virtual Virginia, which are dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for such waiver. However, any waiver granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for those schools where such dependent programs are provided;~~

~~3. A school division is providing its students, in the school year for which the waiver is sought, with an experimental or innovative program which requires an earlier opening date than that established in subsection A of this section and which has been approved by the Department of Education pursuant to the regulations of the Board of Education establishing standards for accrediting public schools. However, any waiver or extension of the school year granted by the Board of Education pursuant to this subdivision or its standards for accrediting public schools for such an experimental or innovative program shall only apply to the opening date for those schools where such experimental or innovative programs are offered generally to the student body of the school. For the purposes of this subdivision, experimental or innovative programs shall include instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools; or~~

~~4. A school division is entirely surrounded by a school division that has an opening date prior to Labor Day in the school year for which the waiver is sought. Such school division may open schools on the same opening date as the surrounding school division.~~

~~C.~~ Individual schools may propose, and local school boards may approve, pursuant to guidelines developed by the Board of Education, alternative 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 one through twelve and 540 hours for kindergarten. No alternative plan that reduces the instructional time in the core academics of English, mathematics, social studies, and science shall be approved.

§ 22.1-296. Payment of employees; reimbursement for private transportation; certain sick leave policies.

A. Each school board shall provide for the payment of teachers, principals, assistant principals and other employees monthly, semi-monthly or biweekly, as may be determined by the school board.

However, school boards ~~receiving a waiver from the Board of Education pursuant to § 22.1-79.1 and~~ setting the school calendar so that the first day students are required to attend occurs prior to August 15 shall establish a payment schedule to ensure that all contract personnel are compensated for time worked within the first month of employment.

B. All school board employees may be reimbursed for private transportation at a rate not to exceed that which is authorized for persons traveling on state business in accordance with § 2.2-2825. Whatever rate is paid, however, shall be the same for school board members and employees of the board.

C. Each local school board shall adopt policies providing for leave without pay for school board employees with debilitating or life-threatening illness or injury, without regard to the employee's length of service with the school board.