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HOUSE BILL NO. 2140

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 14, 2019)

(Patron Prior to Substitute—Delegate Thomas)

A *BILL to amend and reenact § 22.1-79.1 of the Code of Virginia, relating to school calendar; opening of the school year; good cause waiver.*

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-79.1 of the Code of Virginia is amended and reenacted as follows:

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

A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day. 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 *or school divisions that each have* 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~~ *any such* 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.

2. That the provisions of the first enactment of this act shall not become effective if Senate Bill No. 1005 or House Bill No. 1652 of the 2019 Regular Session of the General Assembly becomes law.

3. That the school board of any school division that was not granted a good cause waiver pursuant to 22.1-79.1 for the 2018-2019 school year but would qualify for such a waiver pursuant to § 22.1-79.1 as it was in effect prior to July 1, 2019 for the 2019-2020 school year may set the school calendar so that the first day students are required to attend is earlier than 14 days before Labor Day. Additionally, the school board of any school division that is entirely surrounded by two school divisions that either were granted a waiver pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I or would qualify for a good cause waiver pursuant to § 22.1-79.1 as it was in effect prior to July 1, 2019 for the 2019-2020 school year may open schools on the same opening date as either such surrounding school division.

4. That the provisions of the third enactment of this act shall not become effective unless Senate Bill No. 1005 or House Bill No. 1652 of the 2019 Regular Session of the General Assembly becomes law.