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SENATE BILL NO. 1005

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 31, 2019)

(Patrons Prior to Substitute—Senators Chase, Howell [SB 1074], and Favola [SB 1113])

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

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-79.1 and 22.1-296 of the Code of Virginia are 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 no earlier than 14 days before~~ Labor Day. *In each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through 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. Any waiver provided pursuant to this subsection shall only apply to the opening date for those schools where such year-round instructional programs are offered

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~~ 12 and 540 hours for kindergarten.

§ 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~~ *semimonthly*, 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

60 employees with debilitating or life-threatening illness or injury, without regard to the employee's length
61 of service with the school board.
62 **2. That any school board of a school division that was granted a waiver for the 2018-2019 school**
63 **year under one of the good cause requirements then in effect pursuant to § 22.1-79.1 of the Code**
64 **of Virginia or pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I, may**
65 **continue to set the school calendar so that the first day students are required to attend is earlier**
66 **than 14 days before Labor Day. Additionally, any school board of a school division that was**
67 **granted a waiver pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I, shall**
68 **not be required to close the Friday immediately preceding Labor Day.**