

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-79.1 of the Code of Virginia, relating to the opening of the school*  
3 *year in certain school divisions.*

4 [H 1483]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-79.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 22.1-79.1. Opening of the school year; approvals for certain alternative schedules.

9 A. Each local school board shall set the school calendar so that the first day students are required to  
10 attend school shall be after Labor Day. The Board of Education may waive this requirement based on a  
11 school board certifying that it meets one of the good cause requirements of subsection B.

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

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

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

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

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

35 C. Individual schools may propose, and local school boards may approve, pursuant to guidelines  
36 developed by the Board of Education, alternative school schedule plans providing for the operation of  
37 schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is  
38 provided for grades one through twelve and 540 hours for kindergarten. No alternative plan that reduces  
39 the instructional time in the core academics of English, mathematics, social studies, and science shall be  
40 approved.

ENROLLED

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