



**Virginia Department of Education  
Final Guidance for Unscheduled Remote Learning Days**

**Pursuant to HB 1790 and SB 1132 (2021)  
September 2021**

## Introduction

During the 2021 legislative session, the General Assembly passed [House Bill 1790](#) and [Senate Bill 1132](#) allowing the use of up to 10 unscheduled remote learning days (part or full) to apply to the 180-day or 990-hour teaching time requirement when the closure is due to severe weather conditions or other emergency situations.

The bills state that a “school division may declare an unscheduled remote learning day whereby the school provides instruction and student services, consistent with guidelines established by the Department of Education to ensure the equitable provision of such services, without a reduction in the amount paid by the Commonwealth from the Basic School Aid Fund.” It is the intent of the bills to ensure that a division exercising this option will only do so when appropriate and reasonable infrastructure, services, and supports are provided equitably to all students, understanding routine interruptions with limited impact.

For purposes of this guidance, an unscheduled remote learning day is defined as an instructional day that was originally scheduled to be in-person but, due to inclement weather or other emergency situations, a conversion into a remote learning day becomes necessary. Other emergency situations refer to those circumstances presenting a threat to the health or safety of students including, but not limited to, natural and man-made disasters, energy shortages, or power failures.

This document provides guidelines to support the equitable provision of instruction and student services.

## Considerations

Each year, school divisions are expected to meet the length of school term (also known as the 180-day or 990-hour requirement), core instruction minimums, and requirements for food service, among other standards. Additionally, divisions are expected to meet state and federal requirements to serve students with disabilities in compliance with the Individuals with Disabilities Education Act and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*.

Local school divisions considering the provision of a virtual or remote learning day should consult the [VDOE guidance and resources around virtual learning](#). Divisions interested in exercising the ability to declare an unscheduled remote learning day due to severe weather conditions or other emergency situations must have a plan to ensure that:

- power and other required utilities necessary for the provision of instruction and services are still available for students and staff throughout the division;
- students receiving supports under an Individualized Education Program (IEP) or 504 Plan will be able to access services, as applicable and appropriate;
- the division will provide student support services (e.g. counseling, consultation, assessment, skill instruction) to students, as appropriate;
- the division maintains school meal services for students:

- Divisions will need to consider their current service delivery model used for remote learners.
- When severe weather conditions or other emergency situations are anticipated, divisions should activate local plans to provide meals in advance of or during the severe weather conditions or other emergency situations.
- When a state of emergency occurs, localities should refer to their local emergency response system through the Virginia Emergency Support Team to assist in determining the necessary provision of resources including meals through the Commonwealth of Virginia Disaster Feeding Support Plan.
- all teachers and staff have been provided expectations for provision of instruction and services to all students;
- student services personnel been provided expectations for provision of services to all students;
- all students have computing devices, Internet connection, and/or other supplemental supplies necessary for successful engagement in instruction; and
- any student that may be unable to access remote instruction and/or assignments will be provided sufficient opportunity to complete instruction and/or assignments without penalty.

Prior to declaring an unscheduled remote learning day due to severe weather conditions or other emergency situations (health, safety, infrastructure issues), school divisions should ensure that the questions below have been addressed.

- Do the specific conditions at hand affect the division's ability to create or replicate an appropriate learning environment in a virtual or remote setting?
  - Are school staff able to successfully engage in virtual teaching under the specific conditions? (consider utility and internet access, road conditions, child care availability, etc.)

Ensuring that a division has addressed each question above through written policy or standard operating procedures is essential to provide required remote instruction and services in an equitable manner that is comparable to a regular learning day. If school divisions are able to provide instruction and services to each student on these days, instruction can be counted towards "completion" for the length of school term and core instruction hour requirements for this school year.

### **Requesting an Extension**

In accordance with [House Bill 1790](#) and [Senate Bill 1132](#) from the 2021 General Assembly session, the Superintendent of Public Instruction is able to grant an extension for the number of unscheduled remote learning days that can be applied to a school's or division's 180-day or 990-hour teaching time requirement. The Superintendent will consider extensions on a case-by-case basis for requests that meet the following criteria:

- Severe weather and other emergency situations necessitated the need for more than 10 unscheduled remote learning days; and

- The local school board can certify it provided instruction and services consistent with these guidelines for each of the unscheduled remote learning days.

Any extension granted per this provision is only effective for the school year in which it is requested.

Extension requests should be submitted to the Superintendent of Public Instruction at [superintendent@doe.virginia.gov](mailto:superintendent@doe.virginia.gov) as soon as practicable, but no later than 30 days following the unscheduled learning days to be considered for extension.

### **Relevant Regulatory Language**

Divisions may want to consider the following regulatory citations in developing their plans for unscheduled remote learning days.

[8VAC20-131-150](#). Standard school year and school day.

[8VAC20-131-80](#). Instructional Program in Elementary Schools.

[8VAC20-131-90](#). Instructional Program in Middle Schools.

[8VAC20-131-110](#). Standard and Verified Units of Credit.

[8VAC20-580-60](#). Food service standards.

[8VAC20-81](#). Regulations Governing Special Education Programs for Children with Disabilities in Virginia.