# Superintendent’s Memo #023-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: February 7, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Updated Guidance on Constitutionally Protected Prayer in Public Schools Released by the U.S. Department of Education

On Thursday, January 16, 2020, the U.S. Department of Education released updated [*Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools*.](https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html) The updated guidance provides information about state and division requirements under Section 8524 of the *Every Student Succeeds Act of 2015* (ESSA).

Section 8524 of ESSA requires that each school division that receives federal ESSA funds certify in writing that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools. States are responsible for establishing a process by which divisions may provide this certification, and should also provide a process for filing a complaint against a division that allegedly denies a person, including a student or employee, the right to participate in constitutionally protected prayer.

Under the Department’s current procedures, compliance with Section 8524 is included in the general assurances that division superintendents and local board chairs agree to implement when applying for ESSA funds. Should procedural changes be made to this certification process, they will be communicated in a subsequent Superintendent’s Memo. Information about complaint procedures will be provided in the near future.

Questions related to the updated guidance may be directed to ESSA@doe.virginia.gov.

JFL/ls