# Superintendent’s Memo #072-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: March 20, 2020

TO: Division Superintendents

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

## SUBJECT: Procedures to Comply with Updated Guidance on Constitutionally Protected Prayer in Public Schools

[Superintendent’s Memorandum #023-20](http://www.doe.virginia.gov/administrators/superintendents_memos/2020/023-20.docx) provided information about 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) released by the U.S. Department of Education (USED) in January 2020. The USED guidance addressed state and division requirements under Section 8524 of the *Every Student Succeeds Act of 2015* (ESSA). The purpose of this memorandum is to outline procedural changes that will be implemented in response to the updated guidance.

Section 8524 of ESSA requires each school division that receives federal ESSA funds to certify in writing that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools. Under the Department’s current procedures, compliance with this requirement is included in the general assurances that division superintendents and local board chairs agree to implement when applying for ESSA funds. Beginning with the 2020-2021 ESSA program applications, divisions will submit a PDF of the signed cover page of the Title I, Part A, application (or the consolidated program application that includes the Title I, Part A, program) to the Office of ESEA Programs at ESSA@doe.virginia.gov. Specific instructions for the cover page submission will be included in the *Guidelines, Instructions, and Assurances* document that will accompany the 2020-2021 program applications to be released in April 2020.

The updated guidance indicated that states should 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. The Department’s process is provided on the [ESSA webpage](http://www.doe.virginia.gov/federal_programs/esea/index.shtml).

Questions related to the information provided in this memorandum should be directed to ESSA@doe.virginia.gov.

JFL/ls