# Superintendent’s Memo #090-20

[](http://www.doe.virginia.gov/administrators/index.shtml)  
**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: April 10, 2020

TO: Division Superintendents

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

## SUBJECT: Opportunity to Comment on Fiscal Waivers under the *Every Student Succeeds Act of 2015* (ESSA) due to COVID-19

The Virginia Department of Education is seeking input on waivers from certain fiscal requirements under the *Every Student Succeeds Act of 2015* (ESSA). The Virginia Department of Education has submitted the [waiver request](http://www.doe.virginia.gov/federal_programs/esea/index.shtml) and is seeking public input on the waivers summarized below.

* Section 1127(b) of ESSA – under the U.S. Department of Education waiver, any division may request a waiver from the Title I, Part A, carryover limitation for Federal Fiscal Year (FFY) 2019 (2019-2020 school year). Virginia is also waiving the FFY 2019 Title V, Part B, Subpart 2, carryover limitation. Additional information on carryover waivers will be communicated via Superintendent’s Memo.
* Section 421(b) of the *General Education Provisions Act* – the waiver extends the period of availability of FFY 2018 (2018-2019 school year) ESSA funds until September 30, 2021. The waiver applies to Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title IV, Part A; Title IV, Part B; Title V, Part B, Subpart 2; and the McKinney-Vento Education for Homeless Children and Youth Program.
* Title IV, Part A, requirements – for FFY 2018 and FFY 2019, the waiver removes the spending thresholds under sections 4107, 4108, and 4109 of ESSA, including the 15 percent spending limitation to purchase technology infrastructure. The requirement to conduct a needs assessment is waived for the 2019-2020 school year.
* Section 8101(42) of ESSA – for activities funded for the 2019-2020 school year, the definition of “professional development” is waived. A primary intent of this waiver is to permit divisions to conduct time-sensitive, one-time, or stand-alone professional development focused on supporting educators to provide effective distance learning and/or other professional development activities to address COVID-19 concerns.

The Department welcomes comments on this waiver request. Comments may be submitted electronically by Monday, May 11, 2020, to [ESSA@doe.virginia.gov](mailto:ESSA@doe.virginia.gov).

JFL/ls