# Superintendent’s Memo #207-20

  
**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: August 7, 2020

TO: Division Superintendents

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

## SUBJECT: Flexibility for the K-3 Class Size Reduction Program

Per authority granted to him in [Chapter 1289](https://budget.lis.virginia.gov/item/2020/1/HB30/Chapter/1/143/) of the 2020 Acts of Assembly (or the Appropriation Act), the Superintendent of Public Instruction has granted temporary flexibility for fiscal year 2021 only regarding the eligibility criteria for the K-3 Primary Class Size Reduction, found at Item 145.C.10 of the Appropriation Act. The flexibility measure has been approved by the Secretary of Education and reads as follows:

*Schools that are eligible to participate in the K-3 Primary Class Size Reduction program may be allowed to exceed either the school ratio OR maximum class size, as currently set out in Item 145.C.10.d, if the reason for needing flexibility is the direct result of reorganizing classrooms to accommodate some virtual instruction for a limited number of students. As an example, a school with 75% or more of students approved eligible for free lunch (based on a three-year average), may have K-3 classes larger than 19 students to accommodate some students in a virtual classroom as long as the school ratio remains 14 to 1. In-person instruction should remain the primary instructional delivery model for K-3 grades in order to be eligible for this flexibility. Schools that are able to maintain either the school ratio OR maximum class size and meet the above conditions will not be subject to a reduction to incentive funding.*

*Schools that are entirely virtual are still eligible for funding through the K-3 Primary Class Size Reduction program, but the above flexibility would not apply. These schools must maintain the maximum class size AND school ratio in order to receive incentive funding.*

This flexibility recognizes that some schools may need to reorganize their classrooms to accommodate K-3 learners in a virtual setting, which may also impact their eligibility for the reduction program. This flexibility only applies to schools that are still serving K-3 learners primarily in-person.

Additional waivers and flexibility measures can be found on the Virginia Department of Education’s [web page on COVID-19](http://www.doe.virginia.gov/support/health_medical/office/covid-19.shtml).

If you have any additional questions, please do not hesitate to contact the Office of Budget at (804) 225-2025 or by email at doebudgetoffice@doe.virginia.gov.

JFL/lms