# Superintendent’s Memo #208-20


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: August 7, 2020

TO: Division Superintendents

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

## SUBJECT: Compliance with the *Code of Virginia* in School Year 2019-2020

The Virginia Department of Education (VDOE) is requiring school division superintendents and regional program directors to certify their compliance with §22.1-98 J. of the *Code of Virginia* during the 2019-2020 school year, which states:

*“With the exception of the Basic School Aid Fund as provided for above, the Commonwealth shall not distribute funds to a locality for costs not incurred when the school term is reduced below 180 teaching days or 990 teaching hours.”*

School divisions were previously notified of this requirement and follow-up data collection in Question 32 of [VDOE’s COVID-19 FAQ document](http://www.doe.virginia.gov/support/health_medical/office/covid-19-faq.shtml) posted on the VDOE website.

School division superintendents and regional program directors should review state payments received during the 2019-2020 school year and certify that the required services or programs were provided to students throughout the year, and the state funds fully expended, including after Governor Northam closed public school buildings on March 13, 2020. Please note that state entitlement payments were made to school divisions throughout the year based on a full 180-day or 990-hour school year. School divisions and regional programs that received a state payment for services or programs that were not provided and the state funds not fully expended after the Governor closed school buildings may be required by §22.1-98 J. of the *Code of Virginia* to return these state funds to the Treasurer of Virginia.

VDOE will use Google Forms as the mechanism to collect the data from the school divisions. The form can be accessed by clicking the link below:

[School Year 2019-2020 §22.1-98 J. Certification Form](https://www.google.com/url?q=https://forms.gle/viRz7NCwrxDLyyid7&sa=D&source=hangouts&ust=1595439828336000&usg=AFQjCNEE3GdHdgVF4ssAKSOd5DAfgoRM8g)

The certification statement asks school division superintendents and regional program directors if there are unspent state funds due to no longer incurring costs for a state-funded program during the 2019-2020 school year. If such balances exist, the data collection requires a list of such programs and the unused state funds. School divisions must attach a Word or Excel file to the Google Form to list the programs and amounts for which there are unspent state balances. It is possible that VDOE will require school divisions to return these funds to the Treasurer of Virginia. School divisions will also have to attach the Superintendent’s (or designee) or Regional Program Director’s signature as certification that the information reported in the Google Form is accurate.

School divisions and regional programs are required to complete the data collection by **August 31, 2020**.

If you have questions related to the data collection, please contact Christina Berta, Assistant Superintendent for Budget and Finance, or the Budget Office at (804)-225-2025, or by email at DOEBUDGETOFFICE@doe.virginia.gov.

JFL/eml