# Superintendent’s Memo #232-20

  
**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: September 4, 2020

TO: Division Superintendents

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

## SUBJECT: Opportunity to Comment on Virginia’s Request from Certain Requirements of the *Every Student Succeeds Act of 2015* (ESSA)

The Virginia Department of Education (VDOE) is seeking input on a waiver request from certain statutory requirements under the *Every Student Succeeds Act of 2015* (ESSA). In a previously approved waiver request, Virginia was granted permission to waive certain fiscal and programmatic requirements in order to provide grantees with flexibility needed to address the impacts of the COVID-19 pandemic. If granted, this waiver request will extend the waiver period for the statutory requirements below.

* Carryover limitation in section 1127(b) of the ESEA for Federal Fiscal Year (FFY) 2020 Title I, Part A, funds: the requirement that limits an SEA’s ability to grant to its LEAs a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) more than once every three years.
* Period of availability of funds in section 421(b) of the General Education Provisions Act (GEPA): to extend the period of availability of FFY 2019 funds until September 30, 2022 for the following programs:
  + Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs), including the portions of the SEA’s Title I, Part A award used to carry out section 1003 school improvement and Title I, Part D, Subpart 2;
  + Title I, Part B of the ESEA (State Assessment Formula Grants);
  + Title I, Part C of the ESEA (Education of Migratory Children);
  + Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk);
  + Title II, Part A of the ESEA (Supporting Effective Instruction);
  + Title III, Part A of the ESEA (English Language Acquisition, Language Enhancement, and Academic Achievement);
  + Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants);
  + Title IV, Part B of the ESEA (21st Century Community Learning Centers);
  + Title V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program); and
  + McKinney-Vento Education for Homeless Children and Youth Program.
* Requirements in Title IV, Part A, of the ESEA:
  + Content area spending requirements in section 4106(e)(2)(C), (D), and (E): the requirements to use a minimum percentage of Title IV, Part A, funds for activities under sections 4107, 4108, and 4109 for FFY 2020 funds; and
  + Spending limitation in section 4109(b): the 15 percent limit on the use of funds under section 4109 to purchase technology infrastructure for FY 2020 funds.
* The definition of professional development in section 8101(42) of the ESEA for the 2020-2021 school year.

Questions or comments about the waiver request may be submitted electronically by **Friday, September 25, 2020**, to [ESSA@doe.virginia.gov](mailto:ESSA@doe.virginia.gov).

JFL/ls