



#128-22

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #128-22**

DATE: June 17, 2022
TO: Division Superintendents
FROM: Jillian Balow, Superintendent of Public Instruction
SUBJECT: **Opportunity to Comment on Virginia's Waiver 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) 2021 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: to extend the period of availability of FFY 2020 funds until September 30, 2023 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.

Questions or comments about the waiver request may be submitted electronically by Friday, July 8, 2022, to ESSA@doe.virginia.gov.

For more information

Please contact Megan.Moore@doe.virginia.gov with any questions about the waiver or federal programs.

JB/MM