



#032-21

Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo

DATE: February 5, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Waiver of Requirements in §22.1-98 J. Provided to School Divisions**

In a Superintendent's Email sent to school divisions on April 29, 2020, school divisions were alerted to language in [§22.1-98 J., Code of Virginia](#). This Code provision requires non-Standards of Quality (SOQ) state funds to not be provided to or retained by school divisions when they did not fully spend the funds or incur program costs due to not meeting the 180 teaching day/990 teaching hours requirement. School divisions were surveyed last summer to provide information regarding their balances of state funds as of June 30, 2020. The survey found that a minimum amount of non-SOQ funds were unspent by school divisions as of June 30th due to the mandatory school closures in 2019-2020 required by the COVID-19 public health emergency.

This memo is to provide notice that a waiver of the requirements in §22.1-98 J. is provided to school divisions to allow for the distribution of, and for divisions to retain, state non-SOQ funding to school divisions that received a waiver of the 180 teaching days or 990 teaching hours requirement in both the 2019-2020 and 2020-2021 school years. Any school division that did not expend the entirety of distributed non-SOQ funds shall be relieved from the provisions of § 22.1-98 J. and not be required to return such unspent funds that were received during the 2019-2020 and 2020-2021 school years to the VDOE.

For more information

If you have any questions please contact Christina Berta, Assistant Superintendent for Budget and Finance (Christina.Berta@doe.virginia.gov) at (804) 371-4917.

JFL/cb