



**#105-21**

**Commonwealth of Virginia**  
**Virginia Department of Education**  
Superintendent's Memo #105-21

DATE: April 23, 2021  
TO: Division Superintendents  
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction  
SUBJECT: **Uses of State and Federal Fund Sources for Summer Learning**

In previous years, school divisions have received reimbursement from the Virginia Department of Education (VDOE) for students served in summer school through the state Remedial Summer School program, provided that remediation was required by the school division. In recent months, school divisions have been awarded or allocated additional federal and state funding sources that may be used to provide additional instruction, enrichment, and other student support during the summer. These additional programs include funding from Elementary and Secondary School Emergency Relief formula funds (ESSER II), Summer Academic Academy Success (SAAS) grants from ESSER I state set aside funds awarded last summer, and new federal and state Learning Loss programs.

School divisions access state Remedial Summer School funding on a reimbursement basis after they claim students served in the Summer Student Records Collection (SRC). In order to be claimed, students must be required for remediation by the school divisions to attend programs offered during a summer session (or an intersession in the case of a year-round school). As defined by §22.1-253.13:1 of the Code of Virginia, summer school remediation programs shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students required to attend summer school for remediation cannot be charged tuition. Pursuant to [8VAC20-630-60](#) of the Virginia Administrative Code, remedial

summer school programs must provide a minimum of 20 hours of instruction per subject (exclusive of field trips, assemblies, lunch, recreation, or testing), or a minimum of 40 hours for programs in grades K-5 that offer an integrated curriculum. Pupil-teacher ratios must not exceed 18:1.

In 2020, the federal government issued funding to school divisions from the ESSER II formula funding. Among several other allowable uses of these funds, school divisions may use ESSER funds for the planning and implementation of activities related to summer learning and afterschool programs, including classroom instruction or online learning during the summer months and addressing the needs of low-income students, children with disabilities, English learners, migrant students, homeless students, and children in foster care.

[Superintendent's Memo #261-20](#) announced the availability of the SAAS grant. This is a competitive grant to support academic programs focused on successful student academic transitions to the next school year. Grant funds may support remote or in-person classroom instruction. This grant award was recently extended to include programs offered in summer 2021 for those school divisions with remaining grant balances available for use.

The 2021 Special Session I General Assembly adopted two separate Learning Loss programs in its amended 2020-2022 biennial budget. The first program was funded using \$40.0 million from the Lottery fund in fiscal year (FY) 2021. Upon signature of the appropriation act by the Governor, this entitlement will be paid to school divisions on a semi-monthly basis at the end of FY 2021. Among the eligible uses for this funding are summer school and costs to extend the regular school year. Unexpended funds during FY 2021 shall remain available for use in FY 2022.

The second Learning Loss program adopted by the 2021 Special Session I General Assembly is a \$30.0 million competitive grant program from VDOE's ESSER II state set-aside funds. Grants will be awarded by VDOE in consultation with the Virginia LEARNS workgroup. Information on the grant application process will be provided in a future communication.

School divisions should consider the more restrictive nature of the state Remedial Summer School program as they plan their entire summer learning program. Any student claimed in

the Summer SRC for the Remedial Summer School program must meet the standards as described in the appropriation act, Code of Virginia, and the Virginia Administrative Code regulations (as summarized in this memorandum). All other state and federal funding, for which summer learning is an allowable use of funds, should be used for all other types of summer programs at the discretion of the school division. Such funding may also supplement services provided to students who are claimed for reimbursement from state Remedial Summer School funds, for costs beyond what state Remedial Summer School funding specifically covers. In no case should the same summer costs be claimed for reimbursement from the multiple funding sources summarized in this memorandum.

Please note that the 2021 Special Session I General Assembly's adopted budget appropriated \$22.6 million in FY 2022 for Remedial Summer School payments. If statewide claims for Remedial Summer School in FY 2022 were to exceed the statewide budget, it is likely that payments would be prorated. School divisions should use the calculation template from the 2021 Special Session I General Assembly's adopted budget as a guide before submitting students for reimbursement in the Spring SRC.

### For more information

If you have questions regarding federal sources for summer learning, please contact the Office of Federal Pandemic Relief Programs at [VDOEfederalrelief@doe.virginia.gov](mailto:VDOEfederalrelief@doe.virginia.gov). If you have questions regarding state funding sources for summer learning, please contact the Office of Budget at (804) 225-2025 or by email at [DOEBUDGETOFFICE@doe.virginia.gov](mailto:DOEBUDGETOFFICE@doe.virginia.gov).

JFL/EML/sw