



#124-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #124-21**

DATE: May 7, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Guidance for One-year High School Extensions for Certain Students with Disabilities**

The Virginia Department of Education (VDOE) has developed guidance for local school divisions in response to language provided in the [2021 Appropriation Act](#). As a result of the pandemic, a student with a disability eligibility under the *Individuals with Disabilities Education Act* of 2004 (*IDEA*), who turned 22 after September 30, 2020, and is scheduled to complete high school in the spring of 2021, shall be given the option for an extension to attend high school for the duration of the 2021-2022 school year. This initiative is temporary, and is not associated with any provision of the *IDEA* or the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* because the student has reached the maximum age of eligibility. Therefore, the requirements of a free appropriate public education (FAPE) are not applicable.

School divisions are encouraged to review the guidance carefully, and consult with school board attorneys and fiscal personnel to develop local policy and procedures in response to this initiative.

For more information

For questions related to this guidance, please contact Dr. Zenia Burnett, Director of Instructional Services, at Zenia.Burnett@doe.virginia.gov, or by telephone at (804) 225-2707, or Tracie Coleman, Director of Finance and Budget, at Tracie.Coleman@doe.virginia.gov, or by telephone at (804) 225-2704.

JFL/ZB/tc

- A. Attachment: [Criteria for Postsecondary Advancement Series](#) (DOCX)
- B. Attachment: [Postsecondary Advancement Plan](#) (DOCX)