



**#170-21**

**Commonwealth of Virginia  
Virginia Department of Education  
Superintendent's Memo #170-21**

DATE: June 25, 2021  
TO: Division Superintendents  
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction  
SUBJECT: **Expiration of Temporary Flexibilities for Staffing Ratios**

This memo is to inform school divisions that a staffing flexibility provision formerly available in Appropriation Act language will expire on June 30, 2021. School divisions will be responsible for meeting the staffing requirements set out in Standards of Quality (SOQ) for fiscal year 2021 and beyond.

[Item 145 A.18, Chapter 56 of the 2020 Special Session I Virginia Acts of Assembly](#), permitted temporary school division flexibility from the following SOQ staffing requirements:

*18. In the first year, to provide temporary flexibility, notwithstanding any other provision in statute or in this item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through 12 by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, Gifted and Talented, Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) are waived; and the instructional and support technology positions, and librarian staffing ratios for new hires are waived. (Chapter 56, Item 145 A.18.)*

## Requirements for the 2021-2022 School Year

The temporary flexibility provided to school divisions in Item 145 A.18 will expire on June 30, 2021. For the 2021-2022 school year, all school divisions will be required to meet the staffing ratios found in § [22.1-253.13:2](#) of the Code of Virginia.

**Please also note** a separate memo regarding the status of staffing flexibilities, and other waivers and relief measures, that were made available during the 2020-2021 school year in response to the COVID-19 pandemic is forthcoming.

### For more information

For questions regarding this information, please contact the Office of Policy at [policy@doe.virginia.gov](mailto:policy@doe.virginia.gov) or (804) 225-2092.

JFL/bch