



**#248-21**

**Commonwealth of Virginia**  
**Virginia Department of Education**  
Superintendent's Memo #248-21

DATE: August 27, 2021  
TO: Division Superintendents  
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction  
SUBJECT: **Post Secondary Special Education Support: Guidance for One-year High School Extensions for Certain Students with Disabilities**

The Virginia Department of Education (VDOE) developed guidance for local school divisions in response to language provided in the [2021 Appropriation Act](#) and in [Superintendent's Memo #124-21](#) released on May 7, 2021. On August 10, 2021, the Virginia General Assembly's budget proposed during the Special Session was adopted. In this budget, additional language was provided regarding this option.

*Out of the appropriation for the Elementary and Secondary School Emergency Relief (ESSER) Fund, State Educational Agency (SEA) reservation, appropriated to the Department of Education, Central Office Operations (201), \$3,500,000 the second year shall be transferred to Direct Aid to Public Education (197) to support the state and local shares of special education private day school costs for any student with a disability who received special education and related services in a private day school setting during the 2020-2021 school year and who opts for an extension to attend school during the 2021-2022 school year pursuant to Item 146.d. of Chapter 552, 2021 Acts of Assembly, Special Session I. Payments to school divisions to support special education private day school costs for such students shall deduct any amounts due to the school division pursuant to Item 146.d of Chapter 552 and the local match for those funds*

*based on the composite index of local ability-to-pay. All students who are provided the temporary extension of special education eligibility pursuant to Item 146.d of Chapter 552 shall be provided a free appropriate public education consistent with the federal Individuals with Disabilities Education Act for the duration of the 2021-2022 school year, notwithstanding such students' age or school setting. School divisions are encouraged to use federal ESSER Funds to meet the local share of costs for such students.*

This new language impacts the guidance previously issued by the VDOE. The VDOE continues to encourage divisions to reach out to eligible students and utilize existing guidance to conduct individualized education program (IEP) meetings to identify services and supports needed for eligible students during the 2021-2022 school year. For students whose IEP Team determines the least restrictive environment in which they will receive these services to be a private day school or residential facility, the language from the General Assembly provides a temporary exemption to private schools for students with disabilities that serve students beyond the age of 22 during the 2021-2022 school year.

The VDOE has prepared a Frequently Asked Questions (FAQ) document (**Attachment A**) to address necessary updates on the guidance for local school divisions. The FAQs were developed in direct response to questions that the VDOE received from local education agencies (LEAs), adult students, parents, other stakeholders, and the public. The VDOE is also providing an application that will be sent under separate cover to directors of special education on a subsequent date.

School divisions who have identified eligible students and are planning to seek approval for their application for funds are asked to complete this brief [Postsecondary SPED Support \(HB2277\) survey](#) no later than September 10, 2021.

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

The VDOE also disseminated this information on its public notification platforms to students, parents, and families. For questions related to this guidance, please contact Dr. Zenia Burnett, Director of Instructional Services, at [Zenias.Burnett@doe.virginia.gov](mailto:Zenias.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](mailto:Tracie.Coleman@doe.virginia.gov), or by telephone at (804) 225-2704.

JFL/ZB/tc

- A. Attachment: [Guidance for One-year High School Extensions for Certain Students with Disabilities Frequently Asked Questions](#) (DOCX)