



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 10, 2022

The Honorable Jillian Balow
Superintendent of Public Instruction
Virginia Department of Education
101 N 14th St.
Richmond, VA 23219

Dear Superintendent Balow:

I am writing in response to Virginia's request that was submitted to the U.S. Department of Education (Department) on July 18, 2022, that the Department waive, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), the requirements enumerated below on behalf of Virginia and its subgrantees (e.g., local educational agencies (LEAs)) as a result of the ongoing challenges related to the COVID-19 pandemic and the transition to in-person learning.

- Carryover limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal fiscal year (FY) 2021 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2022): to waive the requirement that limits an SEA's ability to grant to its LEAs a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) to once every three years.
- Period of availability of funds in section 421(b) of the General Education Provisions Act to extend the period of availability of FY 2020 funds for programs in which Virginia participates under its approved consolidated ESEA State plan until September 30, 2023. The programs are:
 - Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs), including the portions of the SEA's Title I, Part A award used to carry out section 1003 school improvement, section 1003A direct student services, if applicable, and Title I, Part D, Subpart 2
 - Title I, Part B of the ESEA (State Assessment Formula Grants)
 - Title I, Part C of the ESEA (Education of Migratory Children)
 - Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)
 - Title II, Part A of the ESEA (Supporting Effective Instruction)
 - Title III, Part A of the ESEA (English Language Acquisition, Language Enhancement, and Academic Achievement)
 - Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants)
 - Title IV, Part B of the ESEA (21st Century Community Learning Centers)

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
www.ed.gov

- Title V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program)
- McKinney-Vento Education for Homeless Children and Youth Program

After reviewing Virginia's request, I am pleased to approve a waiver of the requirements listed above. I appreciate the work you and your staff are doing to help support students and schools in Virginia under these extraordinary circumstances. The Department is committed to supporting you and your subgrantees during this challenging time. If you have any questions about this waiver, please contact my staff at OESE.Title-a@ed.gov.

Sincerely,

A handwritten signature in black ink that reads "Ruth E. Ryder" with a decorative flourish at the end.

Ruth E. Ryder
Deputy Assistant Secretary for Policy and Programs
Office of Elementary and Secondary Education

cc: Lynn Sodot, Virginia Department of Education