



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 10, 2018

The Honorable Julia Keleher
Secretary of Education
Puerto Rico Department of Education
PO Box 190759
San Juan, PR 00919-0759

Dear Secretary Keleher:

I am writing in response to the Puerto Rico Department of Education's (PRDE's) request on September 20, 2018, to waive certain school identification requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). PRDE requested these waivers due to the extraordinary fluctuations in student enrollment that resulted from Hurricanes Irma and Maria and the significant restructuring of schools during the 2017–2018 school year. To ensure that low-performing schools receive the appropriate supports during the 2018–2019 school year, PRDE proposed to identify schools with the highest need for support based on the performance of students enrolled in the school in the 2018–2019 school year and to provide identified schools with supports and evidence-based interventions designed to improve student outcomes. PRDE will continue to meet ESEA reporting requirements to ensure transparent information is provided to parents and the public.

After reviewing PRDE's request, I am pleased to grant, pursuant to my authority under section 8401(a)(3) of the ESEA, a waiver, for the 2018–2019 school year, of:

- ESEA section 1111(c)(4)(C)(iii), which requires an State educational agency (SEA) to include schools with consistently underperforming subgroups in the system of annual meaningful differentiation;
- ESEA section 1111(c)(4)(D), which requires an SEA to identify schools for comprehensive support and improvement; and
- ESEA section 1111(d)(2)(C)-(D), which requires an SEA to identify additional targeted support and improvement schools.

As a result of this waiver, for the 2018–2019 school year, PRDE will identify the highest-needs schools based on its alternative methodology, using data for the students enrolled in the school in the 2018–2019 school year, and provide school support and resources to those schools. PRDE will delay identification of schools for comprehensive and targeted support and improvement pursuant to the ESEA requirements until the start of the 2019–2020 school year. The rationale for approving this waiver is due to the unprecedented devastation caused by Hurricanes Irma and Maria and the resulting significant restructuring of schools in Puerto Rico.

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<http://www.ed.gov/>

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Thank you for the work you are doing to provide a high quality education for all of Puerto Rico's students, especially during this time of recovery from the hurricanes. If you have any questions, please do not hesitate to contact Megan Oberst and Katherine Cox of my staff at: OSS.PuertoRico@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary for
Elementary and Secondary Education

cc: Yanin Dieppa, Director of Federal Affairs, PRDE
Maria Christian, Undersecretary for Academic Affairs, PRDE