



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 30, 2018

The Honorable Steven Paine
State Superintendent of Schools
West Virginia State Department of Education
1900 Kanawha Boulevard East
Charleston, WV 21201

Dear Superintendent Paine:

I am writing in response to the West Virginia Department of Education's (WVDE) request for an extension of a waiver of section 1113(c)(1) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act, and 34 C.F.R. §200.78(c) on behalf of Wetzel County Schools (Wetzel). These provisions stipulate that, in allocating Title I, Part A (Title I) funds to eligible schools, a local educational agency (LEA) must allocate either the same per-pupil amount to each Title I school or different amounts as long as the LEA allocates higher per-pupil amounts to schools with greater concentrations of poverty than to schools with lower concentrations of poverty.

Under the requested waiver, Wetzel would be able to continue to allocate a higher per-pupil amount to a school with a lower poverty rate than to a school with a greater poverty rate. The U.S. Department of Education (Department) previously approved this waiver request for the 2014-2015 school year through the 2017-2018 school year; WVDE requested this waiver extension on behalf of Wetzel through the 2021-2022 school year.

WVDE requested this waiver because one of Wetzel's four elementary/middle schools has a much larger enrollment than the other three schools and, for school year 2018-2019, has the second highest poverty percentage among the LEA's four schools. If Wetzel were required to allocate the same per-pupil amount of Title I funds to the disproportionately larger school, it would not have sufficient funding to provide quality schoolwide programs to its other Title I-eligible elementary/middle schools. With the waiver, the LEA will be able to operate Title I programs in all of its elementary/middle schools at an adequate level.

Under the authority in ESEA section 8401, I am approving this waiver, which will remain in effect from the 2018-2019 through the 2021-2022 school year. This waiver will enable Wetzel to continue to operate Title I programs of sufficient size, scope, and quality in all of its elementary/middle schools.

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

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Additionally, please note that ESEA section 8401(e) requires an LEA that receives a waiver to describe, as part of, and pursuant to, the required annual reporting under ESEA section 1111(h):

- (1) The progress of schools covered under the provisions of such waiver toward improving student academic achievement; and
- (2) How the use of the waiver has contributed to such progress.

Thank you for your efforts on behalf of students in West Virginia. If you have any questions, please contact Denise M. Joseph of my staff at: OSS.WestVirginia@ed.gov.

Sincerely,

/s/

Frank Brogan
Assistant Secretary for Elementary and
Secondary Education

cc: Laura Pauley, Assistant Director, Office of Federal Programs