

May, 2016

Ann Whalen
Senior Advisor to the Secretary
Delegated the Duties of Assistant
Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Whalen:

I am writing to request a waiver, pursuant to section 8401(b) of the Every Student Succeeds Act (ESSA), of section 1111(b)(3)(C)(ii) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), that West Virginia's assessment system measure the full range of the State's academic content standards.

As part of its *English language arts and literacy academic content standards*, West Virginia measures the assessable elements of its listening standards. West Virginia, however, is not yet ready to measure some elements of the standards included in the speaking and listening strand. West Virginia therefore requests this waiver only with respect to measuring the content in the State's speaking and listening strand that is not otherwise currently assessed by the State. West Virginia requests this waiver because it is not practicable at this time for West Virginia to administer a large-scale summative assessment that includes measures of the full range of the standards included in the speaking and listening strand. This waiver will advance student achievement by permitting West Virginia to have a valid and reliable assessment system that measures the full range of the rest of the State's academic content standards while providing time to complete the work necessary to have a valid and reliable measure of the full range of the standards included in the speaking and listening strand.

West Virginia requests this waiver to allow for continued State and local receipt of Title I, Part A funding in good standing while West Virginia completes additional work to develop accurate, valid, reliable, and instructionally useful assessments related to additional content within the speaking and listening strand. This waiver is requested for the 2015-2016 through the 2016-2017 school years. West Virginia assures that, if it is granted the requested waiver —

- West Virginia will continue to meet all other requirements of section 1111(b)(3) of the ESEA, as amended by NCLB, and implement regulations with respect to all State-determined academic content standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.

- West Virginia will continue to work toward assessing additional content within the speaking and listening strand consistent with the State's academic content standards.

Prior to submitting this waiver request, West Virginia provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. West Virginia provided such notice by issuing a general notice of the State's intent to submit a waiver application and seeking public comment to all local school districts and schools April 25, 2016, via email and public posting on the West Virginia Department of Education website. West Virginia also provided notice and a reasonable opportunity to comment regarding this waiver request to the public in the manner in which West Virginia customarily provides such notice and opportunity to comment to the public by publishing a notice of the waiver request on its website. Attached is a copy of the notice and invitation for comment. Copies of all comments that West Virginia received from LEAs and the public in response to this notice are attached hereto.

Please feel free to contact me if you have any questions regarding this request. Thank you for your consideration of this waiver request.

Sincerely,

Michael J. Martirano, Ed.D.
State Superintendent

MJM/VR:mm

Attachments:

- (1) Memorandum of Public Notification
- (2) Public Notice of Intent to Apply Posting, Department Website
- (3) Public Comment Form
- (4) Compiled Public Comments

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