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June 21, 2022

James Lane

Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education  
United States Department of Education (USDE)  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Assistant Secretary Lane:

The Governor's Office and the West Virginia Department of Education jointly submit the attached waiver request from the following maintenance of effort (MOE) provisions associated with the Elementary and Secondary School Emergency Relief Funds (ESSER), the Governor's Emergency Relief Funds (GEER), and the Higher Education Emergency Relief Funds (HEER):

- FY 2022 MOE requirement for ESSER, GEER and HEER under section 317(a) of the CRRSA Act and section 2004(a) of the ARP Act.
- FY 2023 MOE requirement for ESSER, GEER and HEER under section 2004(a) of the ARP Act.

The attached MOE Waiver Request document articulates how the state has continued to make consistent investments in K-12 and higher education based on the State's codified school funding laws which are incompatible with the parameters of the MOE formula for the CRRSA and ARP Acts. For this reason, the State respectfully submits this request for a waiver of these requirements.

Should you have any questions, please contact me at, Federal Programs Officer, [mpurkey@k12.wv.us](mailto:mpurkey@k12.wv.us) or 1-833-627-2833. Thank you for your consideration of this request.

Sincerely,

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Melanie B. Purkey  
Federal Programs Officer

Attachment (all documents sent by email)