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## MEMORANDUM

To: West Virginia Board of Education  
From: W. Clayton Burch, State Superintendent of Schools  
Date: February 9, 2021  
RE: Policy Waivers

In accordance with the authority the West Virginia Board of Education (“WVBE”) granted to the State Superintendent of Schools at the WVBE’s meeting on October 14, 2020, I am reporting to you the waivers I have approved since the WVBE’s last meeting. I believe affording this flexibility to individuals and entities impacted by each is necessary given the present COVID-19 health emergency.

### WVBE Policy 2436.10: Participation in Extracurricular Activities

Section 3.1.a.4., provides that “[a] student's eligibility will be determined for each semester by the student’s GPA the previous semester (or, in schools which do not use the traditional semester approach, during the previous 18 week period).” It further provides, in section 3.1.a.5., that [i]f a student does not maintain a 2.0 average for the semester, the student will be ineligible for participation for the following semester. Students not meeting eligibility requirements shall be reviewed at the mid-point of the second semester (the nine week point) to determine whether the student has achieved a 2.0 average.”

Research has shown that the impact of participation in extracurricular activities is significant. Students involved in extracurricular activities experience increased social and emotional well-being, higher academic achievement, and improved focus and concentration.

Over the past 11 months the COVID-19 pandemic has disrupted the lives of students in West Virginia and across the world. When schools were forced to close their doors and implement remote learning our students lost in-person connections with their teachers. Similarly during this time, students who opted into full time virtual learning likewise lost those important in-person teacher connections. As a result, many of our children have suffered academically and emotionally.

In recognition of the importance the academic achievement and mental health of our students and the positive impacts of participation in extracurricular activities, the state superintendent grants a limited waiver to the 2.0 rule contained in Policy 2436.10 sections 3.1.a.4. and 3.1.a.5.

Specifically, the 2.0 requirement is waived for a limited time now that schools have reopened and students are able to reconnect with the numerous caring adults in our schools, both in the classroom and through after school activities. Students who would otherwise be academically ineligible for participation second semester may participate as though they were eligible until March 19, 2021. The academic eligibility requirements of these students shall be reviewed on March 19, 2021 to determine whether the student has achieved a 2.0 average consistent with the current language in section 3.1.a.5.

The goal of this limited waiver is not to diminish the importance of academic achievement, but rather to support it. During this limited waiver period, students will have the opportunity to reestablish eligibility by reconnecting with teachers, coaches, counselors, and their peers. Likewise, teachers, coaches, and counselors will be available to provide supports to help enable students to meet their academic goals. Every student needs that 'one caring adult' to succeed, and this limited waiver will provide flexibility and time to ensure that the necessary academic and social supports are in place to form the connections needed for student success.

#### WVBE Policy 8200: Purchasing Procedures for Local Educational Agencies

Sections 29.3 and 29.4 of the Purchasing Policies and Procedures Manual for Local Educational Agencies, as they relate to the Extra Curricular Equity Fund (ECEP) created due to COVID-19, are waived. Section 29.3 indicates that "LEAs are not permitted to distribute public funds to individual schools for expenditure. Funds may be allocated to each school, but the actual procurement transactions are to be handled through the LEA's central business office." Section 29.4 indicates "All state or federal grant funds received directly by an individual school are to be remitted immediately to the board office. The funds are to be allotted to the school for expenditure for the purposes identified in the grant award, but the procurement transactions are to be handled through the LEA's central business office."

The West Virginia Department of Education (WVDE) does not send grant funds to individual schools – grant funds are instead sent to the county board of education to spend on behalf of an individual school as indicated in the grant award. In addition, individual schools are generally not set up as vendors in the OASIS accounting system. The purpose of the ECEP, however, is to provide a funding allocation to high schools to help offset the additional costs to extracurricular programs to comply with more stringent health and public safety requirements due to COVID-19. Based on the purpose of the ECEP funds, granting a waiver to Sections 29.3 and 29.4 will allow the ECEP grant funds sent to a county board of education to be distributed to the individual high schools indicated on the ECEP grant award. This will allow the individual high schools to receive the ECEP funds and expend the funds at the local school level. Without this COVID-19 related waiver, the county board of education finance office would be required to make athletic and other extracurricular-related purchases that would otherwise normally be made at the individual school level, increasing the burden on the county finance office and reducing flexibility at the individual school level.

Nothing requires county boards of education to utilize these waivers for the ECEF funding. If it is deemed the best option at the local level, county boards of education will be permitted to expend the funds at the direction of the applicable high school from the central business. County boards of education that do utilize the waiver and allow the expenditures to occur at the individual school level will have to also record the expenditures in WVIES pursuant to guidance that will be issued by the WVDE Office of School Finance.

The waiver of Section 29.3 also applies to any local funds that a county board of education uses to supplement the ECEF funds to assist individual schools, regardless of programmatic level, with the cost of extracurricular activities.