

COVID-19-Related Federal Waiver Information for LEAs

ESEA Statewide Assessment, Accountability & Reporting Waivers

On March 27, 2020, the U.S. Department of Education (USDE) approved DPI's request to waive the following Elementary and Secondary Education Act (ESEA) statewide assessment, accountability and reporting requirements for the 2019-2020 school year:

- 1. Assessment Requirements for Mathematics, Reading/English Language Arts, and Science (ESEA Section 1111(b)(2)):** This federal waiver, in combination with the April 15 enactment of Wisconsin's coronavirus relief legislation (Act 185), means that for the 2019-20 school year, LEAs are not required to administer any of the statewide academic assessments: Wisconsin Forward Exam, Dynamic Learning Maps, Aspire, ACT with writing, ACCESS for ELs. *Note: ACCESS for ELs had already been administered. In addition, most eligible students took the ACT before districts closed; those who did not will be offered the option of taking the assessment on a later date at no personal cost.*
- 2. Accountability and School Identification Requirements (ESEA Sections 1111(c)(4) and 1111(d)(2)(C)-(D)):** DPI will not issue new federal identifications during the 2020-21 school year for Comprehensive Supports and Improvement (CSI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI). Schools with identifications in the 2019-20 school year will retain those identifications in the 2020-21 school year. The LEAs in which those schools are located will continue to receive support from DPI throughout the 2020-21 school year. When federal identifications resume, DPI will not use data from the 2019-20 school year to identify schools.
- 3. Federal Report Card Provisions (ESEA Section 1111(h)(1)(C) Subparagraphs (i), (ii), (iii)(I), (iv), (v), (vi), (vii), (xi); and 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii)):** Most of the elements referred to in the sections listed will not be reported on the [WISEdash ESSA tab](#), as these data will not be available for the 2019-20 school year due to the assessment waiver above. Some information, however, will still be available, including the description of the accountability system, English language proficiency results, and possibly data related to the indicator of school quality and student success (absenteeism).

Fiscal Waivers

On April 21, 2020, USDE approved DPI's request (under the CARES Act) to waive these federal grant requirements:

- 1. Carryover Limitation Under Title I, Part A (ESEA Section 1127):** LEAs may carry over all remaining Title I, Part A funds from the 2019-20 school year without limitation, even if they carried over more than 15% in the last three years. DPI accountants will maintain current practice and ensure claims are paid from carryover funds first. DPI calculates carryover in the fall, once final claims are submitted and approved.

2. Period of Availability of Funds for ESEA, IDEA, McKinney-Vento Programs:

- **Federal programs in which DPI participates under the approved consolidated State plan (General Education Provisions Act (GEPA) 421(b)):** The period of availability of FY 2018 funds is extended until September 30, 2021.
- **ESEA formula grants (Title I, Part A; Title I, Part D, Subparts 1 & 2; Title II, Part A; Title III, Part A; Title IV, Parts A & B; Title V, Part A, Subpart 2 (RLIS)):** Any 2018-19 carryover (funds listed in the 2019-20 application as carryover) not claimed by LEAs will be available through September 30, 2021. These funds will not be “lost to Tydings” on September 30, 2020. DPI will continue to award grant funds based on the July 1-June 30 fiscal year, and DPI accountants will track spending to ensure older funds are used first.
- **Title I, Part C (Migrant Education):** Any funding from FY 2018 not spent by September 30, 2020 for Wisconsin’s Migrant Education Program will be used for statewide recruitment and summer regional programming through September 30, 2021. DPI accountants will track spending to ensure older funds are used first.
- **McKinney-Vento Education for Homeless Children and Youth Program:** Upon review of the FY2018 funds, all funds have been expended by grant recipients. Use of waiver provisions will be unnecessary.
- **IDEA Formula Grants (Flow-through, Preschool):** Any unspent 2018-19 allocations (funds listed in the 2019-20 application as carryover) not claimed by LEAs will be available through September 30, 2021. These funds will not be “lost to Tydings” on September 30, 2020. DPI will continue to award grant funds based on the July 1-June 30 fiscal year, and DPI accountants will track spending to ensure older funds are used first.

3. LEAs Receiving More than \$30,000 Under Title IV, Part A:

- **Needs Assessment Requirement (ESEA Section 4106(d)):** LEAs receiving more than \$30,000 under Title IV, Part A are no longer required to demonstrate that a needs assessment was completed for the 2019-20 school year.
- **Content Area Spending Requirements (ESEA Section 4106(e)(2)(C), (D), and (E)):** LEAs receiving more than \$30,000 under Title IV, Part A are no longer required to allocate specific amounts of their 2019-20 Title IV, Part A grant funds toward well-rounded education, supporting safe and healthy students, and effective use of technology.
- **Technology Infrastructure Spending Limits (ESEA Section 4109(b)):** LEAs receiving more than \$30,000 under Title IV, Part A now have the ability to allocate more than 15% of the available Title IV, Part A funds in the 2019-20 application (2019-20 allocation and 2018-19 carryover) for technology infrastructure. *Note: DPI is awaiting further clarification from USDE regarding this waiver and how it will apply to the 2019-20 funds carried over into the 2020-21 school year.*

4. ESEA Definition of Professional Development (ESEA Section 8101(42)):

LEAs may charge one-time, stand-alone professional development opportunities to their 2019-20 ESEA grants. Professional development activities funded by ESEA during the 2019-20 school year do not need to be sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused.