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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

January 3, 2020

Mr. Jonas Zuckerman
Department of Public Instruction
P.O. Box 7841
Madison, WI 53707

Dear Mr. Zuckerman:

I write in support of the Wisconsin Department of Public Instruction's (DPI's) application for Ed Flex authority under the Ed Flex program as reauthorized under the Every Student Succeeds Act (ESSA) in 2015. On behalf of all 421 of Wisconsin's public school boards and their nearly 2,800 locally elected school board members, the Wisconsin Association of School Boards (WASB) is confident this flexibility will be used judiciously and will enable the DPI to be more responsive to local needs and to better support innovation aimed at meeting the needs of all students in our state.

As we understand the program, receiving Ed-Flex authority would enable the Department of Public Instruction (DPI) and our State to provide and oversee greater flexibility for local school districts in implementing certain Federal programs and certain requirements of Federal education statutes or regulations as well as flexibility to waive certain Federal requirements.

Wisconsin is a state with many small school districts that lack economies of scope and scale. Our median K-12 district enrollment is less than 950 students. Wisconsin also has a number of districts in larger urban centers and elsewhere that are confronting serious and persistent achievement gaps. The flexibility afforded under the Ed-Flex program will be particularly useful for schools and school districts that may encounter barriers under the Every Student Succeeds Act (ESSA) and other federal education programs, such as the Strengthening Career and Technical Education for the 21st Century Act (a/k/a/ "Perkins Career and Technical Education V").

As we further understand the program, one of the key benefits of receiving Ed-Flex authority is that our DPI would not have to request individual waivers from the U.S. Department of Education, with the associated review and response timelines, which can result in lengthy delays but would be able to act expeditiously to grant waivers to school districts that meet application requirements during the five-year duration of this authority.

One of the reasons the WASB is comfortable in endorsing the Ed Flex approach to granting flexibility is our generally positive experience with similar mechanisms to provide flexibility at the state level in Wisconsin that are overseen by our DPI.

Wisconsin law provides a mechanism under which a school board may request the Department of Public Instruction (DPI) to waive any school board or school district requirement in state statutes (Wis. Stat. chapters 115 to 121) or in administrative rules promulgated by the DPI under the authority of those chapters, subject to certain limited exceptions such as requirements that pertain to the health or safety of pupils, pupil discrimination, required pupil assessments, and data privacy (pupil records), among others.

Another reason the WASB is comfortable with the Ed Flex approach to granting flexibility is that Wisconsin has already put in place challenging academic standards and academic assessments, a statewide accountability system, and school support and improvement activities and has in place an approved consolidated ESEA State Plan.

A final reason the WASB is comfortable with the Ed Flex application is its alignment to state objectives into which the WASB had input. In its application the DPI states that it will ensure that any waivers requested by districts support the activities included in Wisconsin's approved consolidated ESEA State Plan. The DPI also indicates it will ask districts to explain how their waiver requests will align with the goals and objectives in Wisconsin's approved consolidated ESEA State Plan as part of the application process. The DPI will also ask districts applying for waivers how the request will help in meeting the goal and objectives described in the LEA Plan. We recognize that alignment with both the ESSA State Plan and the ESSA LEA Plan will be necessary for a request to be approved.

Thank you in advance for your consideration of the views expressed in this letter. Should you have any questions regarding our thoughts on the Department's Ed Flex application or need further information, please feel free to call me at (608) 512-1702.

Sincerely,

A handwritten signature in cursive script that reads "John H. Ashley". The signature is written in black ink and is positioned above the typed name and title.

John H. Ashley
Executive Director