

## **Covid-19 District Flexibility Application**

### **Background and Guidance**

Responding to COVID-19 is a tremendous undertaking for schools. Schools are tasked with reenvisioning educational delivery models in a span of weeks and to adjust practices accordingly. As we look toward the 2020-21 school year, the safety and health of our students, educators, and families remains of the highest importance. As schools plan for students to return, districts will need to continually seek new ways to best serve all students, improve student learning, and increase opportunities for the children they serve through a variety of options.

As responses to COVID-19 vary from district to district there may be some cases where school districts require more flexibility than state rules or regulations permit. To address this need, State Superintendent Carolyn Stanford Taylor is providing school districts with a streamlined option to explore locally-driven solutions that will improve outcomes for Wisconsin students. Under current state law, Wisconsin school boards may apply to the DPI for an exemption to most state laws or administrative rules affecting school districts, with certain important exceptions. While school boards have requested waivers in the past, the scope and scale of those waivers has generally been narrow and focused on one statute or standard, as opposed to a more comprehensive approach.

The COVID-19 District Flexibility application provides districts the ability to apply for regulatory flexibility needed to implement plans for restarting and delivering education in the midst of the pandemic. Districts can apply for flexibility on behalf of one, more than one, or all schools within their jurisdictional boundaries. All applicants will need to detail how their proposal aligns to their district's strategic response to COVID-19 to enhance educational opportunities for students.

### **Understanding Flexibility Versus a Need for a Waiver**

The COVID-19 Pandemic in Wisconsin creates uncertainty and variability in normal operations for public school districts across the state for the 2020-21 school year. Indeed, what is predictable based on current experiences is that the continuity of delivery of typical programming and instruction will be disrupted and necessarily fluctuate with evolving health conditions affecting families, students, and school staff.

Flexibility will be required for all school operations given the inconsistent and variable access to both students and staff in the coming months. Typically, scheduled programs and instructional delivery may be disrupted, both on a day-to-day basis as well as within any given day. Shifts between virtual, remote, and in-person instructional delivery for individual students, cohorts, or entire schools and districts may occur and determine

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the continuity of program implementation. During the current pandemic, it is recognized that school districts have the flexibility when needed to implement changes to how a program is delivered, how much of a program is delivered, and who delivers it. Temporary variations like this to planned school operations do not need a waiver.

While these predictable irregularities serve to disrupt the normal flow of programming implementation or delivery, they do not necessarily require an entire program or service to be discontinued for the 2020-21 school year. A waiver should be pursued only where a district anticipates or has determined it cannot offer a program or service required under the law during the 2020-21 school year. In addition, a waiver will be needed if a district does not anticipate being in compliance with a statutory requirement by virtue of the design of its plan of instruction. There will likely be few of these situations. Where this is the case, the district should complete a request for waiver from a particular statute and explain the circumstances that will require a formal waiver.

## **Legal Authority**

Chapter 118.38 of the Wisconsin State Statutes outlines the legal authority for school boards to request and for DPI to grant waivers from certain state laws and administrative rules.

Under this provision, school boards can request a waiver from DPI of any school board or school district requirement outlined in Chapters 115 to 121 of the State Statutes or in related administrative rules, with the following important exceptions:

1. The health or safety of pupils;
2. Pupil discrimination under s. 118.13;
3. The pupil assessment program under s. 118.30 and the standardized reading test required under s. 121.02 (1) (r);
4. Pupil records under s. 118.125;
5. The collection of data by the department;
6. The uniform financial fund accounting system under ss. 115.28 (13) and 115.30 (1) and audits of school district accounts under s. 120.14;
7. Licensure or certification under s. 115.28 (7) or (7m) other than the licensure of the school district administrator or business manager;
8. The commencement of the school term under s. 118.045; and
9. The requirements established for achievement guarantee contracts under s. 118.43 and for achievement gap reduction contracts under s. 118.44.

The law requires the school board to hold a public hearing (virtually if needed) in the school district on the request and requires the school board to specify in its request for a waiver its reason for requesting the waiver. In its review, DPI must consider at a minimum whether the statute or rule requested for waiver impedes the district's progress in achieving educational goals to best serve all students. Once approved, waivers will be effective for one year, and renewable for additional one year periods.

## **District Flexibility Application**

Applications will be accepted on a rolling basis at any time during the year. The COVID-19 flexibility application includes eight components, identified with additional details below.

- I. **General Information:** Districts should include basic information in this section detailing which schools are affected by the request. Flexibilities could apply to one school, more than one school, or all schools in a district. As a result, this section of the application should note the specific schools included in the waiver request. If all district schools are impacted, the applicant should note that the request applies district-wide.
- II. **Abstract:** As part of this section, the applying district should summarize the overall purpose of the flexibility application, the need for the request and how the request will help the school district provide educational services.
- III. **General Assurances:** This portion of the application is intended to ensure that several steps have occurred. Specifically:
  - Stakeholder engagement has occurred, including a school board hearing and a board resolution or vote approving the flexibility application;
  - The district has conducted a financial review and can assure the plan's fiscal viability;
  - The district's flexibility request is in full compliance with all state and federal laws, including those outlined above regarding waiver requests; and
  - The district has developed a process for reviews of the implemented flexibilities with its local school board, and those reviews will be publicly available.
  - Districts seeking to add additional schools not already included in the original request, or seek waivers of additional statutes or administrative rules, may amend their original applications.
- IV. **Certifications/Signatures:** The application requires the signature of both the district administrator in charge of implementing the plan for flexibilities and the school board president, certifying school board approval.

- V. **Statement of Need:** This section of the application should detail the district's rationale for the requested waiver(s) and how the proposed flexibilities will help the district serve all students.
- VI. **Request for Waiver:** In this section, districts will identify the specific statutes or rules from which they are seeking a waiver. The application provides a checklist of many statutes eligible for waiver under law, though it is important to note that this list is not exhaustive and is also not inclusive of administrative rules. Additional information about statutory requirements can be found in the 2019 *Legislative Fiscal Bureau Informational Paper #29, Statutory Requirements for School Districts*, and general information the laws and regulations eligible for waiver is identified in Section 118.38 of the State Statutes, as described above.
- VII. **Appendix A:** There are additional administrative rule requirements for the hours of instruction waiver request. The Department of Public Instruction (DPI) will waive the hour requirement for any school district that requests the DPI to do so in order to provide continuity of learning per **the** school district's COVID-19 educational plan as approved by the school board, and requested in this flexibility application. In order to complete this application please check all of the boxes in Appendix A and provide any requested information.



Wisconsin Department of Public Instruction  
**COVID-19 SCHOOL DISTRICT FLEXIBILITY  
APPLICATION FOR 2020-21 SCHOOL YEAR**  
PI-1396 (Rev. 10-2020)

**INSTRUCTIONS:** Email completed original with signature(s) to:  
[christine.tiedje@dpi.wi.gov](mailto:christine.tiedje@dpi.wi.gov)

For best results, it is suggested any PDF form should be downloaded and opened in Acrobat Reader rather than filled out in the browser. Not all PDF features, including the ability to save or use digital signatures, will work as intended when opened in a browser.

For questions regarding this application, contact:

Tamara Mouw at [tamara.mouw@dpi.wi.gov](mailto:tamara.mouw@dpi.wi.gov) or 608-266-2364

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**I. GENERAL INFORMATION**

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Applicant Agency

Mailing Address *Street, City, State, ZIP*

Contact Person *First and Last Name*

Title

Contact Person's E-Mail Address

Fax *Area/No.*

Phone *Area/No.*

List schools to which district flexibility application applies:

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**II. ABSTRACT**

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Summarize the flexibility requested due to COVID-19 and how it will help your school district provide education to students in the district. *Limit response to space provided.*

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### III. GENERAL ASSURANCES

**Each Applicant is ultimately responsible for compliance with the certifications and assurances selected on its behalf that apply to its project or award.**

#### Instructions

- Step 1—Read each assurance that follows.  
 Step 2—Sign and date the certification statement.  
 Step 3—Include signed certifications and assurances with your application materials.  
 Step 4—Keep a copy for your records.

#### Assurance is hereby provided that:

1. **Stakeholder Engagement:** A public hearing was held on \_\_\_\_\_ and a copy of the resolution, or board vote, in support of the application is on file at the school district.
2. **Finances:** The Applicant can show the flexibility plan is fiscally viable.
3. **Compliance with State and Federal Laws:** The Applicant has evidence that the flexibility plan meets all state and federal legal requirements, including those related to pupil confidentiality [Wis. Stats. s. 118.125] and those required for seeking a waiver from the State Superintendent [Wis. Stats. s. 118.38]. As part of this assurance, the Applicant agrees it is not seeking a waiver from any statutory provision ineligible for a waiver under Wis. Stats. s. 118.38, including those related to:
  - a. The health and safety of pupils;
  - b. Pupil discrimination;
  - c. Pupil assessment;
  - d. Pupil records;
  - e. Data collection/reporting;
  - f. Financial reporting and audits;
  - g. Licensure or certification;
  - h. Commencement of the school term; and
  - i. Requirements for SAGE/AGR contracts.
4. **School Board Review:** The Applicant will implement a process for reviewing the impact of the flexibility plan with its local school board.
5. **Programmatic Changes:** The Applicant shall obtain the prior approval of the WDPI prior to adding additional schools (if not listed in the original application) or implementing additional waivers that may be needed to implement the flexibility plan.
6. **Duration:** The Applicant is submitting this application with the understanding that any flexibility approved applies only to the 2020-21 school year.

### IV. CERTIFICATION/SIGNATURES

**WE, THE UNDERSIGNED, CERTIFY** that the information contained in this application is complete and accurate to the best of our knowledge; that the necessary assurances of compliance with applicable state and federal statutes, rules, and regulations will be met; and, that the indicated agency designated in this application is authorized to administer this grant.

**WE FURTHER CERTIFY** that the assurances listed above have been satisfied and that all facts, figures, and representation in this application are correct to the best of our knowledge.

Signature of School District Administrator	Date Signed <i>Mo./Day/Yr.</i>
➤	
Signature of School Board President	Date Signed <i>Mo./Day/Yr.</i>
➤	

### V. STATEMENT OF NEED (Limit response to space provided)

## VI. REQUEST FOR WAIVER

Check or list, at the end of this section, each statutory requirement or administrative rule for which the district is seeking a waiver in order to implement the flexibility plan outlined on the previous page. Justification for the waiver requests should be included under Section VI of this application.

A summary of common school district statutory requirements is included below. For a full list of all statutory requirements applicable to school districts, see the Legislative Fiscal Bureau Information Paper #29:

[http://docs.legis.wisconsin.gov/misc/lfb/informational\\_papers/january\\_2019/0029\\_statutory\\_requirements\\_for\\_school\\_districts\\_informational\\_paper\\_2\\_9.pdf](http://docs.legis.wisconsin.gov/misc/lfb/informational_papers/january_2019/0029_statutory_requirements_for_school_districts_informational_paper_2_9.pdf)

### CURRICULUM AND INSTRUCTION

Title	Statute	Description	Request Waiver
Driver Education Courses	115.28(11) 121.41	For school districts providing driver education instruction, requires that driver education courses be approved by the State Superintendent and specifies required topics of instruction in such courses.	<input type="checkbox"/>
Academic and Career Planning	115.28(59)	Requires school districts to provide academic and career planning services to all pupils in grades 6 through 12 beginning in 2017-18.	<input type="checkbox"/>
Second Chance Partners for Education	115.363	For school districts contracting with Second Chance Partners or other work-based learning program for disengaged high school pupils, requires the school board pay the nonprofit corporation an amount no more than the amount paid per pupil to operators of independent charter schools in the current year, multiplied by the number of pupils participating under the contract.	<input type="checkbox"/>
Educational Goals	118.01(2)	Requires school districts to teach academic skills, vocational skills, citizenship, and personal development.	<input type="checkbox"/>
Reading Instruction	118.015	Requires school districts to employ a certified reading specialist, develop reading program goals, assess reading program needs, and annually evaluate school district reading curriculum.	<input type="checkbox"/>
Instruction in English	118.017	Requires all instruction to be in English, except for foreign language classes and in bilingual-bicultural education.	<input type="checkbox"/>
Human Growth and Development	118.019 146.89(3r)(e)	For school districts providing instruction in human growth and development, requires district to determine whether and for what subjects pupils will be separated by gender. Requires use of instructional methods and materials that do not discriminate against a pupil based upon the pupil's race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities. If a school board provides instruction in any of certain specified topics, establishes required subjects that must be covered. No pupil may be required to take instruction in human growth and development, if the pupil's parent or guardian files a written request that the pupil be exempted. Requires that each school board providing instruction in human growth and development must annually provide the parents and guardians of each pupil enrolled in the district with specified information. If a district offers human growth and development instruction, requires the board to appoint an ad hoc committee to advise on the design and implementation of the curriculum. The board may not allow a volunteer health care provider, including nurses, physicians, nurse practitioners, or others, providing health services in the school, to provide instruction in human growth and development.	<input type="checkbox"/>
Special Observance Days	118.02	Requires that specified special observance days be appropriately observed.	<input type="checkbox"/>
Textbooks	118.03	Requires school districts to adopt all necessary textbooks and file the list with the school district clerk.	<input type="checkbox"/>
Summer Classes	118.04	For school districts operating summer classes, requires district to establish rules governing attendance and to enroll resident pupils in summer or interim classes without tuition charge (provided district receives state equalization aid for such classes).	<input type="checkbox"/>
Four-Year-Old Kindergarten	118.14(3)	Requires a school board that establishes a four-year-old kindergarten program to make the program available to all eligible pupils.	<input type="checkbox"/>
High School Admission Requirements	118.145(1)	Requires school boards to determine the minimum requirements for high school admission.	<input type="checkbox"/>
Part-Time Attendance Option for Private and Tribal School Pupils	118.145(4)	Requires school boards to allow resident pupils enrolled in a private or tribal school who have met the requirements for high school admission to take up to two courses each semester in the public school if there is sufficient space in the classroom.	<input type="checkbox"/>

## VI. REQUEST FOR WAIVER (cont'd)

## CURRICULUM AND INSTRUCTION

Title	Statute	Description	Request Waiver
WTCS Admission for Certain High School Students	118.15(2)(a)	Requires school boards to pay WTCS districts for pupils who attend WTCS schools in lieu of high school or on a part-time basis. Specifies determination of payment amount.	<input type="checkbox"/>
Graduation Standards	118.33 121.02(1)(p)	Requires school districts to require at least a specific number of courses in certain subject areas in order to graduate a pupil from high school. Requires that school district graduation standards policies be approved by the State Superintendent if equivalent to statutory requirements.	<input type="checkbox"/>
Graduation Standards	118.33(1)(f)	Prohibits school districts from granting a pupil a high school diploma unless the pupil satisfies criteria set by the school board, including teacher recommendations and the pupil's academic performance.	<input type="checkbox"/>
Criteria for Promotion from 4 <sup>th</sup> and 8 <sup>th</sup> Grade	118.33(6)(a)	Requires school districts to adopt a written policy for promotion from 4 <sup>th</sup> and 8 <sup>th</sup> grade. Requires that the criteria include the pupil's score on the 4 <sup>th</sup> and 8 <sup>th</sup> grade knowledge and concepts examination, unless the pupil has been excused from taking the examination. The criteria also include the pupil's academic performance, teacher recommendations, and any other academic criteria specified by the board. Prohibits promotion unless pupil satisfies criteria.	<input type="checkbox"/>
Kindergarten as a Prerequisite for First Grade	118.33(6)(cm)	Prohibits school districts from enrolling a pupil in first grade unless the pupil has completed five-year-old kindergarten. Requires school districts that operate five-year-old kindergarten programs to establish a written policy specifying criteria for promoting a pupil from five-year-old kindergarten to first grade, as well as policies for exempting a child from the requirement, and for reviewing the denial of an exemption upon a parent's request. Exempts children who move into the state from the requirement, under certain conditions.	<input type="checkbox"/>
Technical Preparation Programs	118.34	Requires school districts, in cooperation with WTCS district boards, to establish in each high school a technical preparation program consisting of courses designed to allow high school students to gain advanced standing in WTCS associate degree programs upon graduation from high school, and to establish tech-prep consortia. Requires districts to annually evaluate programs and report the results to DPI and the WTCS Board.	<input type="checkbox"/>
Admission Standards for K-8 Courses	118.53(2)	Requires school boards to determine the minimum standards for admission to a course offered by the district in grades K-8.	<input type="checkbox"/>
Part-Time Attendance Option for Pupils in Home-Based Programs	118.53(2m)& (3)	Requires school boards to allow pupils enrolled in home-based private educational programs, who have met the standards for admission to a course in the elementary grades or for high school admission, to take up to two courses each semester in a public school if there is sufficient space in the classroom.	<input type="checkbox"/>
Notice of Educational Options and School Performance Category	118.57	<p>Requires school districts to annually publish as a class 1 notice and post on the district's Internet site a list of educational options available to children who reside in the district. The educational options must include public schools, private choice schools, charter schools, virtual schools, full-time open enrollment, youth options, and course options.</p> <p>Additionally, school districts must include in the notice the most recent performance category assigned to each school within the school district boundaries, including independent charter schools and private choice schools, on the school report cards prepared by DPI. The notice must include that the full school and school district accountability reports are available on the school board's Internet site.</p>	<input type="checkbox"/>
Notification of Educational Standards	120.12(13)	<p>Requires a school board to annually, prior to the start of a school term, notify parents and guardians of pupils enrolled in the school district of the pupil academic standards that will be in effect for the school year. The notification may be provided electronically, including on the district's Internet site.</p> <p>Additionally, requires a school board to identify the academic standards in effect for the school year as an item on the agenda of the first school board meeting of the school year.</p>	<input type="checkbox"/>
Curriculum	120.12(14)	Requires school boards to determine the school course of study.	<input type="checkbox"/>
Length of School Day	120.12(15)	Requires school boards to establish rules for scheduling hours in a normal school day.	<input type="checkbox"/>



**VI. REQUEST FOR WAIVER (cont'd)**

**CURRICULUM AND INSTRUCTION**

Title	Statute	Description	Request Waiver
University of Wisconsin Tuition	120.12(17)	Requires school districts to pay the tuition of pupils who are attending a UW institution, if the pupil is not participating in the youth options program, the course is not offered by the school district, and the pupil will receive high school credit for the course.	<input type="checkbox"/>
Advanced Placement Examinations	120.12(22)	Requires school districts to pay, using federal, state, local, or private funds, for advanced placement examinations taken by pupils enrolled in the district who are satisfy the income eligibility criteria for free or reduced-price lunches under the federal school lunch program.	<input type="checkbox"/>
Internet Posting of School Accountability Report	120.123	Requires any school that maintains an Internet site to include a prominent link on the home page of that Internet site to the most recent accountability report concerning the school.	<input type="checkbox"/>
Remedial Reading	121.02(1)(c)	Requires school districts to provide interventions or remedial reading services to pupils in grades K to 4 if the pupil: (a) fails to meet the district's reading objectives; (b) fails to meet the minimum performance standard for reading on the third grade standardized exam, and a teacher determines, based on other objective evidence, that the pupil's performance accurately reflects the pupil's reading ability or a teacher and parent or guardian agree that the pupil's performance accurately reflects the pupil's reading ability; or (c) the pupil's assessment of reading readiness indicates that the pupil is at risk of reading difficulty. If (c) applies, the interventions or services must be scientifically based and address all areas in which a pupil is deficient, consistent with state standards in reading and language arts.	<input type="checkbox"/>
Five-Year-Old Kindergarten	121.02(1)(d)	Requires each school district (except union high school districts) to operate a five-year-old kindergarten program.	<input type="checkbox"/>
Hours of Instruction	121.02(1)(f) 121.006(2)(a)	Requires school districts to annually schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6, and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Specifies what may and may not be included in scheduled hours.	<input type="checkbox"/>
Instructional Materials, Texts, and Library Services	121.02(1)(h)	Requires school districts to provide adequate instructional materials, texts, and library services which reflect the cultural diversity and pluralistic nature of American society.	<input type="checkbox"/>
Health, Physical Education, Art, and Music	121.02(1)(j)	Requires school districts to ensure that instruction in elementary and high schools in health, physical education, art, and music is provided by qualified teachers.	<input type="checkbox"/>
Curriculum Plans	121.02(1)(k)	Requires school districts to maintain a written, sequential curriculum plan that includes reading, language arts, mathematics, social studies, science, health, computer literacy, environmental education, vocational education, physical education, art, and music. The plan must specify objectives, course content, and resources and include a program evaluation method.	<input type="checkbox"/>
Regular Instruction	121.02(1)(L) 253.15(5)	Requires school districts to: (1) In elementary grades, provide regular instruction in reading, language arts, social studies, mathematics, science, health, physical education, art, and music. (2) In grades 5-8, provide regular instruction in language arts, social studies, mathematics, science, health, physical education, art, and music. The school board must also provide pupils with an introduction to career exploration and planning. (3) In grades 9-12, provide access to an educational program that enables pupils each year to study English, social studies, mathematics, science, vocational education, foreign language, physical education, art, and music. "Access" means an opportunity to study through school district course offerings, independent study, CESAs or cooperative arrangements between school boards and post-secondary institutions. (4) At least twice in grades K-8 and at least once in grades 9-12, as part of the social studies curriculum, include instruction on the history, culture, and sovereignty of the state's American Indian tribes and bands. (5) In grades 7-8, provide regular instruction in foreign language. (6) In one of grades 5 to 8 and in one of grades 10 to 12, provide pupils with instruction on shaken baby syndrome and impacted babies.	<input type="checkbox"/>

## VI. REQUEST FOR WAIVER (cont'd)

## CURRICULUM AND INSTRUCTION

Title	Statute	Description	Request Waiver
Education for Employment	121.02(1)(m)	Requires school districts to provide access to an education for employment program that has been approved by the State Superintendent. Requires that the program incorporate: applied curricula, guidance and counseling services, technical preparation, college preparation, youth apprenticeship or other job training and work experience, and instruction in employment skills.	<input type="checkbox"/>

## PUPIL POLICIES AND SERVICES

Title	Statute	Description	Request Waiver
School Uniforms	118.035	For school districts adopting school uniform policies, requires that parents and guardians be allowed to exempt their children from the policy, ensure that no exempted student is penalized or discriminated against, notify each parent or guardian at least three months before implementation, and assist economically disadvantaged students to obtain the uniforms. These requirements do not apply to districts that have had school uniform policies in effect continuously since September 1, 2001.	<input type="checkbox"/>
Pupil Age	118.14(1) 120.12(25)	Requires that school districts not admit pupils of a certain age to certain grade levels and that districts prescribe procedures, conditions and standards for early admission to kindergarten and first grade.	<input type="checkbox"/>
Alternatives to Compulsory School Attendance	118.15	Requires school boards, upon the child's request and with the approval of the child's parent or guardian, to enter into a written agreement to excuse from regular school attendance: (a) any child who is 17 years of age or over and who began a high school equivalency diploma program in a juvenile correctional facility, juvenile detention facility, juvenile portion of a county jail or residential care center for children and youth and agrees to continue to participate in the program; and (b) any child who is 16 years of age or over and a child at risk, as defined by state law, who agrees to attend a technical college full- or part-time. Requires that school boards: evaluate requests from children age 16 or over and their parents for program or curriculum modifications; enter into and monitor agreements with pupils granted program modifications leading to high school graduation or equivalency; and notify pupils and parents of program or curriculum alternatives. Requires school boards to render decisions within specified time frames and give reasons for denial of any request. Prohibits school employees from compelling a pregnant student to withdraw from education programs.	<input type="checkbox"/>
School Attendance Enforcement	118.16 118.162	Requires school districts to have an attendance officer and a written attendance policy, distribute the policy to each pupil, and adopt a truancy plan, which must be reviewed at least every two years. Specifies duties of an attendance officer. Prohibits school districts from denying credit in a course or subject solely because of a pupil's unexcused absences or suspensions. Requires school districts to specify conditions under which a pupil can take examinations or complete coursework missed during the pupil's absence from school.	<input type="checkbox"/>
Assessment Periods	118.16(4) (cm)	Establishes certain limitations on the use of assessments if school districts assign a pupil to a period of assessment as a consequence of truancy or other circumstances.	<input type="checkbox"/>
Pupil Discipline and Removal from Class	118.164 120.13(1)	Specifies procedures for the suspension and expulsion of pupils and removal of pupils from the classroom. Establishes procedures for reinstatement, early reinstatement, and conditional enrollment following a pupil's expulsion.	<input type="checkbox"/>
Pupils Without Parents or Guardian Report	118.175	Requires any school teacher, administrator, counselor, or social worker who knows that a pupil is without a parent or guardian to report that fact to the county social services or human services department (to state DHS in Milwaukee County).	<input type="checkbox"/>
Electronic Communication Devices	118.258	Requires that if school boards adopt rules prohibiting use or possession of electronic communication devices on school premises, then a copy of such rules must be provided annually to pupils enrolled in the district.	<input type="checkbox"/>
Full-Time Open Enrollment Application Procedures and Other Requirements	118.51(3) thru (8)&(12)	Establishes application and reapplication procedures that school districts must follow under the open enrollment program. Requires school districts to adopt policies and acceptance and rejection criteria under the program. Establishes requirements relating to the transfer of disciplinary records.	<input type="checkbox"/>

**VI. REQUEST FOR WAIVER (cont'd)**

**PUPIL POLICIES AND SERVICES**

<b>Title</b>	<b>Statute</b>	<b>Description</b>	<b>Request Waiver</b>
Course Options Program Application Procedures and Other Requirements	118.52(3) thru (10)	Establishes application procedures that educational institutions, including school districts, must follow under the course options program. Requires school districts to adopt policies and acceptance and rejection criteria under the program. Requires school districts to transfer disciplinary records upon request.	<input type="checkbox"/>
Pupil Participation in School Activities	120.12(23)	Requires school boards to adopt a policy on access to extracurricular and recreational school activities that encourages full participation by all elementary grade pupils. Does not apply to union high schools.	<input type="checkbox"/>
Child Care in Schools	120.125	Requires school boards to permit before- and after-school child care to be provided in any elementary school if the provider submits a request which meets specific requirements and the district does not deny the request for certain specified reasons. Requires a written agreement between board and provider with specified conditions.	<input type="checkbox"/>
Child Care Programs	120.13(14)	Requires that child care programs meet state standards for licensure if a board provides or contracts for such programs and that contractors pass DCF background investigations. Also requires boards to provide DHS with information about each person who is denied a contract because of certain criminal convictions or charges or other specified actions, including child abuse. Requires a board to rescind the contract if the caregiver is convicted of certain crimes, or suspend the contract while such charges are pending.	<input type="checkbox"/>
Guidance and Counseling	121.02(1)(e)	Requires school districts to provide guidance and counseling services.	<input type="checkbox"/>

**SCHOOL PERSONNEL**

<b>Title</b>	<b>Statute</b>	<b>Description</b>	<b>Request Waiver</b>
Educator Effectiveness*	120.12(2m) 115.415	Requires school boards to evaluate the effectiveness of each teacher and principal based upon measures of student performance and the extent to which the teacher's or principal's practice meets specified core teaching standards or educational leadership policy standards.	<input type="checkbox"/>
Staff Development	121.02(1)(b)	Requires school districts to annually establish with school board employees a professional staff development plan designed to meet the needs of individuals or curriculum areas in each school.	<input type="checkbox"/>
Personnel Evaluation <i>* Note this waiver does not automatically waive 121.02(1)(q). If you are requesting a waiver from this subsection check this additional box.</i>	121.02(1)(q)	Requires school districts to evaluate, in writing, the performance of all certified school personnel at the end of their first year and at least every third year thereafter.	<input type="checkbox"/>

**SPECIAL NEEDS**

<b>Title</b>	<b>Statute</b>	<b>Description</b>	<b>Request Waiver</b>
School Age Parents Program Services	115.915	Requires school districts to make program modifications and services available to school age parents to allow them to remain in school.	<input type="checkbox"/>
School Age Parents	115.92 115.93	For school districts establishing a program for school age parents, requires district to provide certain services and instruction and to submit an annual report to DPI. Submittal of this report is a requirement for state aid.	<input type="checkbox"/>
Bilingual-Bicultural Education Notice to Parents	115.96(2)	Requires school districts to annually notify parents of LEP pupils about the program's availability, if the district is required to offer a bilingual education program under s. 115.97.	<input type="checkbox"/>
Bilingual-Bicultural Program Requirements	115.96(4)	Requires instruction in reading, writing and speaking the English language, and through the use of the native language of the pupil, instruction in the subjects needed to permit effective progress through the educational system, if the district is required to offer a bilingual education program under s. 115.97.	<input type="checkbox"/>
Placement in Bilingual-Bicultural Programs	115.96(5)	Requires placement of LEP pupils in appropriate programs with written parental consent and specifies procedures for parent appeals, if the district is required to offer a bilingual education program under s. 115.97.	<input type="checkbox"/>

## VI. REQUEST FOR WAIVER (cont'd)

## SPECIAL NEEDS

Title	Statute	Description	Request Waiver
Bilingual-Bicultural Education Requirements	115.97	Requires school districts to establish bilingual education programs if the number of LEP pupils meets certain criteria and requires instruction by bilingual teachers or, under certain conditions and with state approval, English as a second language teachers.	<input type="checkbox"/>
Children-at-Risk/General Requirement	118.153(2)(a) 121.02(1)(n)	Requires school districts to identify pupils who are children-at-risk and develop a plan to meet the needs of such children.	<input type="checkbox"/>
Children-at-Risk/State Aid Applicants	118.153(2)(b) 118.153(3)(a)1 118.153(3)(b) 118.153(4)(a)	Allows districts with 30 or more dropouts or a dropout rate exceeding 5% to apply for children-at-risk aid. If a district applies for aid, requires the district to offer a children-at-risk program, designed to allow pupils enrolled to meet high school graduation requirements, and submit an annual report on pupil achievement of objectives. (No funding for this purpose is appropriated in the 2015-17 biennium.)	<input type="checkbox"/>
Children-at-Risk/Private Contracting	118.153(3)(c)	Requires school districts to identify appropriate private, nonprofit, nonsectarian agencies located in the district or within 5 miles of the district's boundaries to provide children-at-risk programs. Requires contract payment to equal at least 80% of the district's average per pupil cost.	<input type="checkbox"/>
Children-at-Risk/Preference in Funding Allocation	118.153(5)(b) 118.153(5)(c)	Requires school districts receiving aid to: (a) provide a specific sum to each children-at-risk program based on the program's ability to meet objectives; and (b) give preference in allocating any aid received to alternative schools, charter schools, schools within schools, and private agencies.	<input type="checkbox"/>
Gifted and Talented Programs	118.35 121.02(1)(t)	Requires school districts to provide access to appropriate gifted and talented programs.	<input type="checkbox"/>

## TRANSPORTATION

Title	Statute	Description	Request Waiver
Public School Transportation	121.54(1)(a) & (c) 121.54(2)(a)	Requires school boards to provide transportation to all resident pupils living two or more miles from the nearest public school they are entitled to attend. Such requirement does not apply to pupils residing in cities unless their school is outside the city but within district boundaries. School districts containing cities with populations greater than 40,000 must meet the requirement unless a common carrier is available.	<input type="checkbox"/>

## OTHER STATUTES OR ADMINISTRATIVE RULES

List other statutes or administrative rules requested for waiver.

## VII. APPENDIX A

**Hours of Instruction Waiver Request—Additional Administrative Rule Requirements**

The Department of Public Instruction (DPI) will waive the hours of instruction requirement under Wis. Stat. § 121.02(1)(f) and Wis. Admin. Code PI 8.01(2)(f) for the 2020-2021 school year for any school district that requests the DPI to do so in order to provide continuity of learning per the school district's COVID-19 educational plan as approved by the school board, and requested in this flexibility application. **In order to complete this application, check all of the boxes below and provide any additional information as requested.**

*Requirements under Wis. Stat. § 118.38*

By checking the following boxes, the applicant attests that:

- a public hearing was held on \_\_\_\_\_ (required under s. 118.38 and PI 8.01) (*note, the public hearing can be virtual or teleconferenced*).
- the reason for this waiver request (e.g. moving school to a virtual or partially virtual format) is due to COVID-19.

*Additional Requirements under PI 8.01(4)(b)*

By checking the following boxes, the applicant attests that:

- this form has been completed by the school district administrator or school board president;
- this form serves as the letter from the district administrator or school board president requesting a waiver from the hours of direct pupil instruction requirement and specifying the reason or reasons for requesting the waiver as required by PI 8.01(4)(b)1;
- the school district held a public hearing under s. 118.38(1)(b) and the community was mostly in support of the waiver or the community offered no input;
- he or she has included with this application a copy of the school board resolution in support of this flexibility application for an alternative school environment that is all or partially virtual in satisfaction of the requirement under s. 115.01(10)(b) or (c) (*note, as required in the application you must have a copy of the school board resolution on file within the district supporting the provisions of the COVID-19 flexibility application*);
- the school district requests a waiver of the number of hours necessary to provide education in a virtual, remote, or a mix of virtual, remote and in-person formats per the school board's approved COVID-19 educational plan and as codified in the submitted school board resolution;
- school district buildings have been or will be closed to in-person instruction partially or completely and education will be provided through an alternative manner, such as virtual, remote, or a mix of in person, virtual, or remote learning models as approved by the school board;
- the school board will be unable to schedule and hold the minimum number of hours of direct pupil instruction in an in-person format due to COVID-19, and that the school board will fully report the actions taken to provide education in an alternative format to the school board;
- the school district scheduled a sufficient number of days for parent teacher conferences and inclement weather.

If you have any questions, contact Tamara Mouw, Director of Teaching and Learning, at [tamara.mouw@dpi.wi.gov](mailto:tamara.mouw@dpi.wi.gov).