

PUBLIC NOTICE

Submission to the United States Department of Education Application for Waiver of State Education Agency Requirements under the Elementary and Secondary Education Act (ESEA)

In March 2020, responding to the impact of the novel coronavirus (“COVID-19”) pandemic on schools across the nation, the US Department of Education (USED) granted states waivers for the 2019-20 school year from annual assessment and accountability duties required by the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act.

Due to the ongoing COVID-19 pandemic, the Department of Public Instruction (DPI) is seeking additional flexibility for the 2020-21 school year under ESEA sections 1111(b)(2)(B)(i) and section 1111(c)(4)(E). While school districts would still be required to offer testing for those parents who want it, the purpose of this waiver is to provide flexibility around testing and accountability requirements.

The State Educational Agency (SEA) is inviting the public and interested local education agencies (LEAs) to comment in the manner provided below.

Summary of Waiver Request

COVID-19 has made it challenging for districts to test students. Parents have expressed a desire to school districts, DPI, and other stakeholders and decision makers to keep children home due to health concerns. In order to accommodate parents’ understandable and reasonable concerns surrounding testing, DPI is requesting waivers of ESEA provisions requiring statewide academic assessments for all students in the 2020-21 school year and requiring DPI to measure the achievement of at least 95 percent of all students and to factor less-than-95-percent test participation into the school and district accountability system. These are the specific ESEA statutory provisions for which DPI is seeking waivers.

- Sec. 1111(b)(2)(B)(i), requiring statewide academic assessments to be administered to all public elementary and secondary students in the state, and
- Sec. 1111(c)(4)(E), requiring the state to measure the achievement of at least 95 percent of all students and to use test participation rates in the school and district accountability system such that schools and districts are penalized for less-than-95-percent participation.

As required under ESEA section 8401(b)(3)(A), the SEA must provide the public and interested LEAs notice and a reasonable opportunity to comment in the manner in which the SEA customarily provides similar notice and opportunity to comment to the public.

Further Information and Location for Providing Written Comments

Public comment on the application described above may be submitted by sending an email to DPIOEmail@dpi.wi.gov. Written comments should be submitted no later than noon on February 5, 2021 and include the submitter’s name, contact information, and organization (if applicable) in order to receive consideration. Questions or additional comment may be accepted by using the contact information below.

Agency Contact Person

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