

December 17, 2019

Every Student Succeeds Act (ESSA) Updates

Appropriations for 2020-21:

Though Congress is tied up with other priorities, the Appropriations Committee have been working to pass a spending bill by December 21st. We've been told to be cautious but hopeful. The current Continuing Resolution budget deal expires at midnight on Dec. 21st. This funding bill determines next year's funding. The latest thought is that the Appropriations Committee is close to passing a full budget deal by Dec. 21st. Current thought is that we'll maintain existing Federal funding at the current levels with a possibility of a modest increase but no promises. The numbers would vary by district depending upon the census poverty counts. The more secure the funding, the better it will be for LEAs.

2020 Census:

With the 2020 Census just around the corner, LEA leaders will need to know the importance of the census counts for determining resources in a district. The Governor's office and DPI are working on materials that will be shared with district administrators, to explain the Census counts for district stakeholders. In the meantime, the US Census Bureau has created a [2-page fact sheet](#) for districts.

DPI has asked the USDE and the Census Bureau to provide a timeline of when the new census counts will be used for purposes of determining funding. The answer to the question is yet to be provided. Jonas Zuckerman, DPI Title I Director, will share the information as soon as it's provided.

New EdFlex Grant:

EdFlex is a program that has always been in the ESSA law and we're now getting to the point that USDE is ready to act upon this section of the law. Every state can apply for EdFlex in its current version and will likely be granted the ability to approve waivers that districts submit. The EdFlex application would be in effect for 5 years. Once the 5 years expires districts may be allowed to continue with their practices (depending upon the next reauthorization of ESEA). The EdFlex program gives the SEA (DPI) the ability to grant waivers to LEAs (districts), to waive certain ESSA requirements if a district can show that by waiving a specific rule there is a benefit for students and teachers. If districts identify a barrier in federal law and can justify the need to waive the requirement, it's likely to be granted. Example ~ Excess carryover waiver may be granted more often than every 3 years. USDE does not want the SEA to give examples because they want the LEAs to determine what they want. LEAs proposing a waiver would need to complete an application and provide evidence of the benefit and complete the appropriate annual reporting.

Covered Programs: This program permits Ed-Flex States to waive requirements of the following State-administered formula grant programs: **Title I, Part A:** Improving Basic Programs Operated by LEAs (other than section 1111); **Title I, Part C:** Education of Migratory Children; **Title I, Part D:** Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-risk; **Title II, Part A:** Supporting Effective Instruction; **Title IV, Part A:** Student Support and Academic Enrichment Grants; and **The Carl D. Perkins Career and Technical Education Act.**

Requirements of the Individuals with Disabilities Education Act (IDEA), or of any programs other than the ESEA programs referenced above and the Perkins program, may not be waived under the EdFlex waiver authority.

Waivers Not Authorized: The Ed-Flex program does not authorize an SEA to waive any statutory or regulatory requirements relating to:

1. Standards, Assessments, and Accountability requirements under section 1111 of the ESEA;
2. Maintenance of effort;
3. Comparability of services;
4. Equitable participation of students and professional staff in private schools;
5. Parental participation and involvement;
6. Distribution of funds to LEAs;
7. Serving eligible school attendance areas in rank order in accordance with section 1113(a)(3) of the ESEA;
8. The selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the ESEA, except that a SEA may grant a waiver to allow a school attendance area or school to participate in activities under part A of Title I if the 3 percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections;
9. Use of Federal funds to supplement, not supplant, non-Federal funds;
10. Applicable civil rights requirements; and
11. Any requirements that apply to the SEA.

DPI will submit their final application by January 1st, 2020 and USDE has 90 days to approve the application. Once DPI has a final, approved EdFlex waiver application, guidance will be provided to districts for the 2020-21 school year.

Out-of-Home Care (Foster Care):

The Out-of-Home Care workgroup at DPI has new resources to share. These can assist your work on behalf of students experiencing out-of-home care, in understanding the laws and regulations impacting educational stability; educating partners; and helping LEAs build policies and processes to support students placed in out-of-home care:

1. DPI's website for Educational Stability for Students in Out-of-Home Care is newly redesigned with fresh resources, streamlined content, and a new layout to make it easier to find the information you need.
<https://dpi.wi.gov/foster-care>
2. A handy new desk guide presents the basic requirements for educational stability under ESSA. This desk guide includes statutory references and links to other helpful resources.
https://dpi.wi.gov/sites/default/files/imce/foster-care/OHC_ESSA_handout.pdf
3. This short (four minute) video covers the basics of educational stability for public school students placed in out-of-home care. Use this video to quickly assist others in understanding the importance of educational stability and the basic requirements under the law. <https://www.youtube.com/watch?v=oUAuw1CHgHc>

If you have any questions please feel free to reach out to either Melissa Moe at melissam@cesa11.k12.wi.us, ext. 2127 or Theresa Stanley at theresas@cesa11.k12.wi.us, ext. 2183.

E-rate FY2020

FY2020 is a transition year. 2015-2019 rules still apply however school building budgets will be increased by 20% so even if a district has spent their 2015-2019 budget, there will be new dollars available.

[WI DPI Sliddeck 12-12-2019](#)

E-rate questions may be directed to Ed Snow, Edward.Snow@dpi.wi.gov or (608) 267-2346