

August 7, 2020

Dear District Administrator:

As you plan for returning to school, whether it be in an in person, virtual, or blended manner, I want to make sure the Department of Public Instruction (DPI) is providing you with the flexibility and answers you need to focus on serving students.

In June, when the DPI issued the returning to school guidance, Education Forward, there were many unknowns about how the course of the pandemic would affect educational plans for fall. As that picture becomes clear, you have moved forward in the face of new and emerging science and health requirements and recommendations. The challenges have been great and I thank you for your continued focus on the needs of students and staff to enable a successful return to school.


This fall will be unlike any other, yet the regulatory environment schools operate under is based on a traditional school year. This has raised questions and concerns I believe have gotten in the way of your ability to plan.

The DPI will continue to work with you and our education partners to problem solve and provide flexibility within current statutes and rules to assist in providing additional tools to support the planning and work you need to do. This regulatory flexibility framework will continue to develop in response to the issues you raise. The framework will consist of two parts: a COVID-19 flexibility application and a series of policy provisions on key topics to address your flexibility needs.

The COVID-19 flexibility application can be used at any time in the school year, and is a way for you to request multiple waivers from statutory and administrative rule requirements for the 2020-21 school year. The application is available at <https://dpi.wi.gov/cal/innovation/waivers>. Instead of having to go through the process of requesting individual waivers on each topic you need addressed, you can submit your request based on your needs all at once in a simplified manner. Please know if you need additional flexibility in the future, but already have an approved application, you will be able to submit an updated application. Completing an application does not preclude you from requesting waivers outside of the application process. The policy provisions begin with the information attached to this letter regarding pupil count dates, transportation, licensure, school nutrition, and the school day milk program.

Working together we will move forward and meet the needs of Wisconsin students. Thank you for updating the DPI on your reopening plans (see survey at <https://forms.gle/FdF7T9w27YWziZEx7>) so we can better serve you. If you have questions or concerns related to COVID-19 or issues you would like addressed as part of the department's regulatory flexibility framework, please email the DPI at [COVID-19questions@dpi.wi.gov](mailto:COVID-19questions@dpi.wi.gov).

Sincerely,



Carolyn Stanford Taylor  
State Superintendent

CST: jk

Enclosure

**COVID-19 Regulatory Flexibility Framework**  
**Provisions for the 2020-21 School Year**  
**08/07/20**

- [Licensure](#)
  - [Pupil Count Dates](#)
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### Licensure

#### *Teaching Out of Area*

Any teacher, administrator, or pupil services professional with a Tier II, III, or IV license (i.e., Provisional, Life/Lifetime, Master Educator) can serve as a short-term substitute teacher in any subject and at any grade level. Short term is defined in administrative rule as 45 consecutive school days.

#### *Supervision of Students*

In situations where students need to be supervised while the teacher of record provides instruction from a distance, no license is required for the person who is supervising a room of students.

#### *Teacher Assistants/Para-Professionals/Para-Educators*

Teacher assistants, paraprofessionals, and para-educators are allowed to provide support to individual students or groups of students. Support is the reinforcement of instruction, reinforcement for an intervention, or reinforcement for an additional challenge that has already been provided by the appropriately licensed teacher or reading specialist. Examples of support include:

- Assisting individuals or groups of students with independent practice work assigned by the teacher.
- Assisting classroom teachers during guided reading with monitoring/assisting students with independent reading assignments, while the teacher works with small group guided reading instruction.
- Recording (audio or video) oral reading selections for later analysis by the Title I or classroom teacher (i.e., taped running records).
- Preparing instructional materials for students>
- Supervising students who are being taught remotely by their teacher.

#### *Student Teachers*

Student teachers can do all of the following:

- Planning, delivering, and evaluating instruction and learning to meet the diverse needs of students.
- Planning, creating, and developing accommodations for individual students or small groups.
- Delivering targeted, individualized instruction.
- Assessing student learning and providing feedback.
- Alternate teaching lessons with the cooperating teacher throughout the day or week.
- If the cooperating teacher becomes ill, take over the class during the teacher's absence provided that the school and the student teacher's preparation program agree on supervision and support.

### *Opportunities for Pre-Student Teacher Candidates to Assist Districts<sup>1</sup>:*

Pre-student teacher candidates have been accepted into their preparation program and have started taking classes. They usually have shorter placements semester so that they can put into practice what they are learning in class and to learn from the cooperating teacher. These candidates may:

- Develop short, content-focused videos on essential topics for review and to fill gaps during times spent in online instruction.
- Assist with locating and vetting online instructional materials (e.g., videos, worksheets, and other materials).
- Create support materials, such as scaffolded notes and graphic organizers.
- Contribute to making materials more accessible by helping with closed captioning, narrating slide presentations, and reading text aloud.
- Monitor small groups, either in person or in breakout rooms.
- Post materials to online sites, such as Schoology, Google Classrooms, Blackboard, or other learning management system (LMS) apps.
- Teach small group lessons designed to assess prior learning.
- Create review materials and extension activities.
- Provide small group instruction to reteach or fill in gaps.
- Spend time with an assigned student or a small group for tutoring, remedial learning, or social-emotional learning activities.
- Work with individual students to provide feedback on work submitted virtually, such as short answer responses and leveling up on learning sites.
- Assist with screening and benchmarking activities, including reflecting on collected data to identify learning gaps and targeted plans for intervention.
- Continue assisting with making materials accessible, posting materials to a learning management system, and finding extension activities (for both in person and remote learning).

In order to reduce risks of exposure to students and teachers, supervision of student teachers and teacher candidates can be done remotely by preparation program supervisors.

### Pupil Count Dates

State law requires all Wisconsin school districts report their official enrollments to the Department of Public Instruction (DPI) on the third Friday of September and the second Friday of January. These enrollments are used to determine student membership for school finance purposes. Districts are already able to include in their enrollments students who attend existing virtual programs, placements required by individualized education programs (IEPs), and other non-traditional instructional settings. **There is no special flexibility required for districts to count students who are being served with virtual or blended instructional models on or around the count date.**

Under existing law and DPI guidance, a student may be included in a school district's September 2020 headcount for aid and revenue limit membership purposes if:

1. The student is enrolled and in attendance on Friday, September 18, 2020, **or**
2. The student is enrolled and in attendance for the 2020-21 school year on any day before September 18, 2020, and any day after September 18, 2020, with no change in residency or enrollment during that period (the "before and after" dates are not restricted to Thursday, September 17 and Monday, September 21).

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<sup>1</sup> "Addressing Shortages of Educators in an Uncertain COVID-19 Landscape: Viewing Teacher Candidates as Assets," Loretta Mason-Williams, Michael Rosenberg, Lois Kimmel, and Paul Sindelar, American Association of Colleges of Teacher Education, accessed 8/4/2020, <https://cedar.education.ufl.edu/wp-content/uploads/2020/06/Addressing-Shortages-COVID-Landscape.pdf>

In either case, the student may be counted regardless of the specific setting in which they are receiving instruction. Similarly, a student may be included in a district's January 2021 headcount for aid membership if they are enrolled and in attendance on Friday, January 8, 2021, or on any day before and any day after that with no change in residency and enrollment, regardless of the instructional setting then in use.

If a district implements policies on how teachers will take and record attendance in their student information system (SIS) for in-person, virtual, or blended instruction, then it should conduct its third Friday count process as usual. Otherwise, the district will need to define its attendance policies for the instructional settings that may be in use this year, and then determine alternative method(s) for documenting attendance used in the third Friday membership count. Districts selected for membership audits in 2020-21 as required by law will need to make their attendance policies and documentation used for their headcounts available to auditors, but DPI is not prescribing that policies or documentation must be in any particular format.

To the maximum extent allowed by law, DPI will hold independent charter and private choice schools to the same standard as school districts for their September 2020 counts.

General state aids for 2020-21 are based upon student membership data from 2019-20 that were reported before the COVID-19 public health emergency was declared. Revenue limits, which in combination with general state aids determine a district's maximum allowable tax levy (excluding referendum debt and community services), will incorporate September 2020 student count data into the three-year rolling average membership. Per-pupil payments to independent charter and private choice schools are based on current year counts.

#### School Day Milk Program

School districts may request a waiver from the school day milk program's requirement to provide milk every day school is in session at <https://forms.gle/McjFC3BXbnYy7WqH9> or by adding this waiver request to the district's COVID-19 flexibility application.

#### School and Child Nutrition Programs

Wisconsin has received 5 nationwide waivers from the US Department of Agriculture (USDA) for the 2020-21 school year.

- [Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs - EXTENSION #2 6/25/20](#)
- [Nationwide Waiver to Allow Meal Service Time Flexibility in the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program - EXTENSION #2 6/25/20](#)
- [Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children - EXTENSION #2 6/25/20](#)
- [Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs - EXTENSION #4 6/25/20](#)
- [Nationwide Waiver to Allow Offer Versus Serve Flexibility for Senior High Schools in the National School Lunch Program for School Year 2020-2021 6/25/20](#)

The DPI has submitted several other waivers to USDA and will update participating schools if we receive any additional flexibility.

## Transportation

School buses and state aid for transportation in the coming school year have been common topics of concern since the beginning of the COVID-19 public health emergency. The DPI Student Services, Prevention & Wellness Team has released their interim [guidance](#) on mitigating the risks of COVID-19 spread for districts and other LEAs that plan to provide school bus transportation in the 2020-21 school year. This information is based on DHS and CDC communications and may be subject to change.

There have been a number of requests for flexibility with regard to [Pupil Transportation Aid](#) in 2020-21. As a reminder, aid paid this year will be based upon ridership data reported for 2019-20. Districts and independent charter schools have a great deal of flexibility in when and how they determine the number of pupils receiving transportation. For example:

- There is no requirement to have specific count dates for pupil transportation. The common practice of having two counts, one in the fall and one in the spring, is not specified in law.
- There is no requirement for the number of days a pupil must be transported in order to be counted.
- Pupils may be counted for aid whether transportation is provided with a traditional yellow school bus, contract with a parent or guardian, or other method allowed by [law](#).

Absent a statutory change, if a district does not transport a pupil at all in 2020-21, they may not be counted.

High Cost Pupil Transportation Aid paid this year is also based on 2019-20 data, in this case Fund 10 transportation costs reported in districts' PI-1505 Annual Reports. It is likely that aid eligibility under this program will fluctuate significantly over the next few years, as districts' varying responses to COVID-19 and the impact on their transportation spending will affect both the statewide average and districts' position relative to that average. School districts that fall out of eligibility because their costs declined significantly will be eligible for stop-gap payments based on their prior year eligibility.