

Areas of Flexibility Needed from WI Statutory Requirements

(Source: Wisconsin Legislative Fiscal Bureau, Paper 29, 2019)

Licensure		
Title	Statute	Description
Teacher Licenses	118.19	Requires teachers to obtain permits or licenses from DPI prior to teaching in a public school. Requires school districts to provide, upon the request of the State Superintendent, certain information about each person employed by the district who holds a DPI license with no expiration date.
Professional Staff Licensure	121.02(1)(a) 121.006(2)(b)	Requires school districts to ensure that: (a) every teacher, supervisor, administrator, and professional staff member holds a certificate, license, or permit to teach issued by DPI; (b) all instructional staff in charter schools established by a district hold a DPI license or permit; and (c) an individual who provides instruction through an online course offered from another state to pupils enrolled in the district holds a valid license or permit in the state from which the online course is provided.
Rationale		
Social distancing in a school setting will require smaller groups of students in one room or setting. Smaller groups require schools to reassess how these groups will not only be monitored, but who will provide instruction. Flexibility in licensure of existing staff is needed to utilize current staff, when necessary, to teach outside of their existing license (content or developmental age level). This flexibility should also extend to licensed paraprofessional staff to help deliver content specific instruction that had been developed by an educator licensed in that content area. Examples: at the elementary and middle school levels, it would be helpful to use specials teachers (i.e. Art, Music, Phy Ed) in general classroom settings. At the high school level flexibility to use teachers "off license" to facilitate learning and credit attainment (Special Education teachers granting credit in any licensure area; Ag teachers as the teacher of record in Biology) in state required subjects will, again, allow for maximum creativity in flexible problem solving. Additional consideration along these lines should be granted to teachers with a substitute only license.		
Rationale		
Substitute Teachers – Many substitutes in our districts are retired and in the high-risk category based on age.		
Rationale		
Bilingual Teachers – The President’s Executive Order to expand restrictions on work visas will make it more difficult for schools to fill bilingual positions.		
Hours of Instruction		
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.
Rationale		
Direct pupil instruction took on new meaning once the Safer at Home Order went into effect in March of 2020. What was previously the standard for direct pupil instruction meant students present with educators in an in-person learning environment. Moving forward, with the continued threat of COVID-19, education in Wisconsin as it relates to "direct pupil instruction" must be re-clarified to include in-person and virtual learning - as well as opportunities to blend or combine delivery models as the health and safety recommendations change due to the spread of COVID -19. This will help provide educational continuity while honoring the safety of our students and communities.		
Assessment		
Civics Assessment Requirement for High School Graduation	118.33(1m)(a) (1)	Prohibits a school district from granting a pupil a high school diploma unless the pupil successfully completes a civics assessment, unless the pupil has an IEP. The assessment must be comprised of the 100 questions that may be asked of an individual in the process of applying for U.S. citizenship by the United States Citizenship and Immigration Services.
Third Grade Standardized Exam	121.02(1)(r)	
Pupil Assessment	121.02(1)(s) 118.30	Requires school districts to annually administer a standardized reading test developed by DPI to all third grade pupils enrolled in the school district, including pupils enrolled in charter schools located in the district.

		<p>Requires school districts to:</p> <ol style="list-style-type: none"> (1) Administer the 9th, 10th, and 11th grade exams adopted or approved by the State Superintendent during specified sessions. (2) Administer the exam developed by DPI or the school district to 4th and 8th grade pupils. (3) Excuse pupil from taking the examination at the request of the pupil's parent or guardian.
Rationale		
<p>Standardized testing requirements should be waived until such time that the health and safety of our students, educators, and communities will not be put at risk by requiring students to come to school to complete standardized tests. Teachers want to focus on the social emotional needs of students and overcoming loss of instruction. They want time to build relationships with students and continue to move their instruction forward based on individual needs, rather than preparing and overburdening stressed-out students with standardized testing.</p> <p>The State should work with districts to provide free access to the ACT.</p>		
Assessment of Reading Readiness	118.016	Requires school districts to annually assess each pupil enrolled in four-year-old kindergarten to second grade for reading readiness, including for phonemic awareness and letter sound knowledge. The results of the assessment must be reported to the parent and remedial services must be provided if indicated.
Rationale		
<p>The Assessment of Reading Readiness is administered to students individually and in person. This assessment requirement, just as the federal standardized testing requirement should be waived until such time that the health and safety of our students, educators, and communities will not be called into question by requiring students to come to school to be properly assessed in person.</p>		
School Calendar		
Commencement of School Term	118.045	Prohibits school districts from commencing the school term before September 1, unless the school board submits a request and reasons for the request to DPI, and DPI determines that there are extraordinary reasons for granting it. Athletics, in-service days, work days, and year-round school are not affected.
Rationale		
<p>As school districts make plans to re-start formal instruction, they are faced with social distancing requirements, bus ridership recommendations, and the general lack of comfort many families feel about returning students to a traditional brick-and-mortar school environment. In order to accommodate the safety precautions needed to safely teach our students, the traditional agrarian structure of a school calendar needs to be afforded flexibility. The commencement of a school term prior to September 1 and allowing for flexibility in managing traditional with virtual learning as is proposed by several institutions of higher learning within the UW system must be allowed. Laying additional safety requirements into a typical school calendar will not allow for the rigor and depth of instruction Wisconsin is known for nationally.</p>		
School District Performance Report		
School and School District Performance Report	115.38 121.02(1)(o)	Requires school districts annually to notify each pupil's parent or guardian of the right to request a performance report developed by DPI. Requires school districts to distribute the report upon request. Requires that the report include certain information and performance indicators by school, school district, and athletic conference. If the district maintains an Internet site, then the report must be made available to the public on that site. If a school board enters into an agreement with a federally recognized American Indian tribe to establish a charter school, that school board must distribute a copy of the school and school district performance report to each pupil's parent or guardian upon request.
Rationale		
<p>School and School District performance reports are intertwined with Federal standardized testing results. With waivers granted for the 2019-2020 school year and sought for the 2020-2021 school year, allowing schools and districts to self-report is a viable alternative. Schools can report on their academic offerings, opportunities for traditional and virtual instruction, safety precautions in place during the global pandemic and other locally driven indicators of how the school is working with the community to meet the needs of students, families, and local communities served.</p>		
School Day		

Length of School Day	120.12(15)	Requires school boards to establish rules for scheduling hours in a normal school day.
Rationale		
The establishment of a consistent school day length prohibits several of the recommended health and safety requirements schools are now facing. Allowing flexibility in school day length will allow for staggered start times, additional bus routes, and accommodations needed should COVID-19 become a health and safety issue. Locking a school or district into a set school day length will quell opportunities for creatively and effectively serve the learning needs of our communities.		
Curriculum and Instruction		
Title	Statute	Description
Summer Classes	118.04 121.14	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).
Rationale		
Most summer classes were moved to virtual format for summer 2019 and may be again in summer 2020. Audit procedures for the membership audit are exacting and were not written with virtual formats in mind. Flexibility in reporting daily summer attendance is needed.		
Safety and Health		
Health and Safety Requirements	118.07(1)(2)	Requires first aid kits and fire drills, tornado or other hazard drills, and school safety incident drills in public schools...
Rationale		
Physical distancing objectives may be compromised by standard drills and procedures. Flexibility to meet the intent of the safety requirement using non-traditional methods is needed.		
Indoor Environmental Quality	118.075 (4)	Requires school districts to develop and implement plans for maintaining indoor environmental quality in schools following DPI's development of a model management plan.
Rationale		
Indoor air quality practices may be significantly altered to meet best practice recommendations for operating in the COVID19 environment. Flexibility to meet the intent of the requirement using non-traditional methods is needed.		
School Census		
School Census	43.70(1)&(3)	Requires the school district administrator to annually report to DPI the total number of children between the ages of 4 and 20 residing in the district for allocation of library aids from the common school fund.
Minority Student Census	115.28(14)	Requires an annual census of resident minority pupils enrolled in the district.
Rationale		
No district should conduct a door-to-door census. Flexibility to meet the intent of the requirement using non-traditional methods is needed.		
Pupil Services-Child Care in Schools		
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 provided submits a request which meets specific requirements and the district does not

		deny the request for certain specified reasons.
Rationale		
School districts should be allowed greater discretion as to hosting or deciding not to host before and after school child care consistent with the demands of operating in a pandemic environment.		
Pupil Membership Audits		
Pupil Membership Audits	115.28(18)	Requires 25% of school districts to annually audit the number of pupils reported for membership purposes.
Rationale		
Under the conditions expected for 2020-21, those 25% of districts randomly selected will be at a severe disadvantage relative to those districts audited under normal attendance circumstances. Suspend the membership audit for 2020-21.		
Annual Reports		
Annual Reports	120.18 121.05 121.15 (12)	Requires school district clerk to file an annual financial report with DPI by September 1.
Rationale		
Under current conditions, the September 1 deadline may not be feasible. Consider a 30-day grace period.		
Transportation		
Transportation Aid	121.58 (1)	Requires school districts to report to DPI the number of pupils for whom transportation is provided.
Rationale		
Actual student counts, upon which aid is based, may decrease due to COVID19 related conditions, even as costs transportation costs increase substantially with more bus routes. Suggest not tying this aid to actual ridership for 2020-21 to prevent a significant aid loss for school districts.		

