



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

December 6, 2021

The Honorable Jill Underly
Superintendent of Public Instruction
Wisconsin Department of Public Instruction
125 South Webster Street
Madison, WI 53707-7841

Dear Superintendent Underly:

I am pleased to approve Wisconsin's American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) State plan. This plan, together with the unprecedented funding available under ARP ESSER, will help ensure that districts and schools in your State can continue to reopen safely; support sustained access to in-person instruction; and address the social, emotional, mental health, and academic needs of students due to the impact of the coronavirus pandemic (COVID-19), particularly those students most impacted by the pandemic.

Except as described below, Wisconsin's plan is consistent with all ARP ESSER statutory and regulatory requirements and addresses all of the ARP ESSER State plan elements. This letter, along with Wisconsin's approved ARP ESSER State plan, will be posted on the U.S. Department of Education's (Department's) website, and the Department will immediately release the remaining one-third of your State's ARP ESSER allocation.

As we alerted you in our prior technical feedback, Section D.1. of the Wisconsin plan will require revision. In particular, in its ARP ESSER State plan, a State educational agency (SEA) must describe how it will use the funds it reserves under section 2001(f)(1) of the ARP Act on evidence-based interventions to address the academic impact of lost instructional time and must describe how the interventions it identifies will address the disproportionate impact of COVID-19 on certain groups of students that have been most impacted by the pandemic. In its ARP ESSER State plan, Wisconsin describes that, on June 3, 2021, the Wisconsin Joint Committee on Finance (JCF), under Motion 57, directed the Wisconsin Department of Public Instruction (WDPI) to exclude local educational agencies (LEAs) that provided in-person instruction for less than 50 percent of their total instructional hours during the 2020-2021 school year from eligibility to receive any benefit from the funds WDPI must reserve under section 2001(f)(1) of the ARP Act. The SEA has indicated that this directive will explicitly exclude the students who lost the most in-person instructional time as a result of the pandemic from receiving much-needed services, conflicting with the ARP Act's statutory requirement that the State reserve address the disproportionate impact of the coronavirus on certain student subgroups.

Wisconsin's exclusion of those LEAs that lost the most in-person instructional time in the 2020-2021 school year is inconsistent with section 2001(f)(1) of the ARP Act. Accordingly, this approval is conditioned on Wisconsin revising section D.1 of its ARP ESSER State plan, including to be consistent with the requirement in section 2001(f)(1) of the ARP Act that the

funds be used to address the academic impact of lost instructional time and the disproportionate impact of the pandemic on certain subgroups of students as required by the ARP Act.

This revision of section D.1 is required before Wisconsin may implement any of the planned uses of funds described in D.1. The revised Section D.1 must describe how Wisconsin will use the funds under section 2001(f)(1) to address the academic impact of lost instructional time in a manner that will not exclude an LEA from eligibility based solely on the LEA's lack of in-person instruction in the 2020-2021 school year prior to accessing any portion of this set aside. Wisconsin must provide, within 30 days of receipt of this letter, an update on meeting this condition, and additional updates as required by the Department.

In preparing your updated State plan, please contact my staff for further technical assistance on revising this section to address these and other necessary revisions to section D.1 (e.g., regarding grants to institutions of higher education for reading coursework).

Further, each State is required to describe in its ARP ESSER State plan how it provided an opportunity for the public to provide input in the development of the plan, a summary of the input, and how the SEA took such input into account. WDPI indicates in its ARP ESSER State plan that because Motion 57 outlined required uses of funds for the State set-aside, the SEA did not seek public feedback or input on uses of funds. As a result, this approval is conditioned on WDPI providing the public with an opportunity to provide input on the State's ARP ESSER State plan. Within 45 days of receipt of this letter, Wisconsin must amend its ARP ESSER State plan to describe how it met the requirements in section C.1 of the ARP ESSER State plan template, including a summary of the input it received from the public and how the SEA took such input into account.

As part of the ARP ESSER State plan, each State assured that it would provide the Department the URLs for information related to ARP ESSER requirements. First, by June 21, 2021, each State was required to post publicly on its website, for the most recent time period available, data on mode of instruction and enrollment for all students, disaggregated by student subgroups. The State assured that it would provide to the Department the URL(s) where the public can readily find this data. The Department will follow up separately with you regarding this requirement, if necessary. Second, your State assured that it would provide to the Department the URL(s) for the SEA and/or LEA websites where the public can find the LEA plans for: (a) the safe return to in-person instruction and continuity of services; and (b) use of ARP ESSER funds. Please submit the URL or URLs to the Department via email to your State mailbox at Wisconsin.OESE@ed.gov.

Please be aware that approval of Wisconsin's ARP ESSER State plan is not a determination that all the information included in the State plan complies with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is Wisconsin's responsibility to comply with these civil rights requirements.

The Department is committed to working in partnership with your State so that your ARP ESSER funds are quickly put to work to ensure students have sustained access to in-person instruction as well as the comprehensive supports they need to recover fully from the impacts of the COVID-19 pandemic. As you implement this plan, we expect you to continue meaningfully engaging with stakeholders and the public and revising your plan, as necessary, to best meet the needs of students, parents, and educators. Ongoing engagement with all stakeholders is vital to ensuring that implementation of your plan is transparent, effective, equitable, inclusive, and best meets the needs of your State. The thoughtful, evidence-based, and timely use of ARP ESSER funds will have a lasting impact on our Nation's schools and help to address the inequities in resources, services, and opportunities available to our students.

Sincerely,

A handwritten signature in blue ink, reading "Miguel A. Cardona". The signature is fluid and cursive, with a long horizontal stroke at the end.

Miguel A. Cardona, Ed.D.