



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

June 30, 2021

The Honorable Stanford Taylor
Superintendent of Public Instruction
Wisconsin Department of Public Instruction
125 South Webster Street
Madison, WI 53707

Dear Superintendent Stanford Taylor:

I am writing in response to an issue raised by the Wisconsin Department of Public Instruction (DPI) concerning recent action taken by the Wisconsin Joint Committee on Finance (JCF). It is our understanding that JCF Motion 57 of June 3, 2021, directs the DPI to exclude certain local educational agencies (LEAs) from eligibility to receive any benefit from the funds DPI must reserve under section 2001(f) of the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund under the American Rescue Plan Act of 2021 (ARP Act).

Under section 2001(f)(1), (2), and (3) of the ARP Act, the specific activities that a State educational agency (SEA) carries out with funds under each of its required ARP ESSER reservations must “address the disproportionate impact of the coronavirus on the student populations described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 [e.g., students from low-income families, students of color, children with disabilities, English learners, and migratory students], students experiencing homelessness, and children and youth in foster care.” These provisions are essential to ensuring that this historic investment can appropriately meet the urgent needs of students most impacted by the pandemic.

Of particular concern, the DPI indicated that the JCF is requiring the DPI to limit eligibility for support under the DPI’s required “learning loss” reservation in section 2001(f)(1) of the ARP Act to LEAs that provided in-person instruction for at least 50 percent of their total instructional hours during the 2020-2021 school year. In addition, the JCF is requiring the DPI to limit eligibility for support under DPI’s summer enrichment and afterschool programs reservations under section 2001(f)(2) and (3) of the ARP Act to LEAs eligible for State sparsity aid. The SEA has indicated that this directive would likely exclude significant numbers of underserved students across the State from receiving much-needed services, including students in the State’s five largest urban school districts (Milwaukee, Madison, Racine, Green Bay, and Kenosha). These five districts serve more than 30 percent of the State’s economically disadvantaged students and nearly 70 percent of the State’s Black students.

400 MARYLAND AVE. SW, WASHINGTON, DC 20202

www.ed.gov

We share DPI's concern that these directives, as indicated to us, appear to exclude certain LEAs from receiving the benefit of these ARP ESSER State reservations without regard for the "disproportionate impact" of the COVID-19 pandemic on underserved populations that section 2001(f) requires SEAs to serve. As you know, in your forthcoming ARP ESSER State plan, the DPI must demonstrate how it will use funds under the required ARP ESSER reservations for activities that address the disproportionate impact of the coronavirus on underserved student populations. (See sections D.1, D.2, and D.3 in the [ARP ESSER State plan template](#).) We are available to provide whatever assistance you may need in submitting an approvable State plan.

Sincerely,

A handwritten signature in blue ink that reads "Ian Rosenblum". The signature is fluid and cursive, with the first name "Ian" being more prominent than the last name "Rosenblum".

Ian Rosenblum
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education