

PUBLIC NOTICE

Application for Waiver of Requirements under the Federal Charter School Program

The Wisconsin Department of Public Instruction (WDPI) is submitting a waiver from certain regulations within Sections 4301 – 4311 under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) and an amendment to WDPI's FY17 Charter School Program (CSP) State Entity grant award.

Section 8401(a)(3) of ESEA, as amended by ESSA, allows the Secretary of the U.S. Department of Education to waive any statutory or regulatory requirement of this Act for which a waiver request is submitted. All waiver requests are required to address a number of components, which are included below.

Through the waiver of Section 4303(c)(1)(A) of Title IV, Part C of the ESEA, as amended by ESSA, WDPI seeks to budget and spend less than 90% of its total award on subgrants. The WDPI is requesting approval to shift \$862,042 of funds initially budgeted for subgrants to its technical assistance (TA) work in order to complete the objectives of the project as originally approved. In total, these funds account for less than 1% of the total award amount and will result in the WDPI budgeting and spending 89% of its overall award on subgrants.

Approval of this waiver will allow the Wisconsin Resource Center for Charter Schools (WRCCS), Wisconsin's TA center created and funded by the CSP, to fully carry out the main objectives of this CSP project as originally approved. Those objectives are:

- Support the growth of high-quality charter schools in Wisconsin, especially those focused on improving academic outcomes for educationally disadvantaged secondary students;
- Strengthen and improve authorizing quality and promote the adoption of best practices for all authorizers in Wisconsin; and
- Promote and support collaboration and sharing of best practices between high-quality charter schools and other schools in the state, especially those that experience difficulty in adequately serving educationally disadvantaged students.

Background Information

In 2017, the WDPI was awarded a five-year \$95 million grant to support quality charter schools in Wisconsin. The main objectives of the grant are to:

- Support the growth of high-quality charter schools in Wisconsin, especially those focused on improving academic outcomes for educationally disadvantaged secondary students;
- Strengthen and improve authorizing quality and promote the adoption of best practices for all authorizers in Wisconsin; and
- Promote and support collaboration and sharing of best practices between high-quality charter schools and other schools in the state, especially those that experience difficulty in adequately serving educationally disadvantaged students.

The Wisconsin Charter Schools Program (CSP) has made significant progress towards meeting the overall objectives of the CSP grant in its first three years. To date, WDPI and its partners have awarded 37 subgrants, developed a suite of resources around Wisconsin-specific best practices, created a charter school governance board development program, created a charter school classroom/leadership development program, and authorizer development program, and developed a mentorship program with charter schools from across the state.

The waiver requests described below align with the purposes of the CSP and generally fall within the scope and objectives of the WDPI's approved application, as these flexibilities will enable the state to support the growth of

high-quality charter schools, particularly those serving educationally disadvantaged students, through an incredibly challenging period. Additionally, these waiver requests will allow the WDPI to continue to award subgrants and spend down funds as projected in the approved application.

On April 7, 2021, Wisconsin simultaneously received approval for a no-cost extension (NCE) for a Year 6 of its grant, beginning October 1, 2022 and ending September 30, 2023, and also received an award reduction of \$9,573,603. WDPI intends to request two additional NCEs for Years 7 and 8 in order to complete approved grant objectives. WDPI intends to offer a final competition in Year 7 with a two year award. Subgrant applications for the final competition would be due in February 2024. Upon receiving the award reduction, WDPI began reforecasting and projecting subgrantee, TA, and administrative budgets and allocations. At this time, even with the award reduction, the WDPI still intends to make 115 subgrant awards as initially proposed; however, the WDPI has found that the requested subgrant award amounts have generally been for lower amounts than the WDPI initially anticipated (see the Budget Information section for more information). In order to continue providing personalized support to all subgrantees and schools joining the CSP (as well as charter schools throughout the state) and support them with the same high quality TA that subgrantees accessed in the earlier years of the grant period, WDPI must continue allocating sufficient funds to WRCCS.

Updated Pipeline from FY21 APR								
Type of Subaward	2017-18	2018-19	2019-20	2020-21	Projected 2021-22	Projected 2022-23*	Projected 2023-24*	Total
Planning and Implementation	10	4	2	10	11	11	11	59
Implementation Only	10	2	2	7	2	2	2	27
Expansion/Replication	6	5	2	2	4	5	5	29
Total	26	11	6	19	17	18	18	115

* Indicates a No-Cost Extension - If approved by USDE, WDPI anticipates running competitions during an additional No-Cost Extensions and reaching pipeline targets.

WRCCS Successes

Through the network of contract partners comprising WRCCS, WRCCS has developed a suite of resources around Wisconsin-specific authorizer best practices. This set of resources follows the National Association of Charter School Authorizer (NACSA) Principles and Standards for Quality Charter School Authorizing and incorporated stakeholder input, as well as comprehensive feedback and development from partners including NACSA, the National Charter Schools Institute, and SchoolWorks. In addition to the suite of online and print resources, WRCCS delivers personalized support to active and inactive authorizers throughout the state. Using a similar stakeholder process, WRCCS also developed templates for a model school application and evaluation process. In addition, WRCCS maintains an authorizer development program to train new and existing authorizers on these resources and other practices that strengthen and improve authorizer quality.

The WRCCS charter school mentorship program is operational and comprised of 21 mentor schools (sustainable WI charters) that support charter schools across the state. All subgrantees have created action plans and are working towards their required technical assistance goals. WRCCS mentor schools also host Professional Learning Networks (PLNs) around requested topics. During the 2021-22 school year, the PLNs expanded to include various pedagogical models, board work, and design team work.

In addition to resources above, WRCCS created a charter school governance board development program and charter school classroom/leadership development program. WRCCS delivered 260 live trainings since the start of the grant, developed 49 web-based on-demand training courses, maintained an online charter school yearbook, provided 1,400 hours of direct technical assistance, and generated many additional resources, all of which promote the sharing of best practices among high-quality charter schools and other schools in the state, including traditional public schools. The fourth annual WRCCS conference in 2021 focused on many of these best practices and drew over 300 attendees from

across the state, including non-subgrantee charter schools and traditional public schools. The WDPI also focuses on charter school best practices nationally by forging partnerships with national organizations and attending the National Charter Schools Conference.

WRCCS WORKSHOP PARTICIPATION BY STAKEHOLDER JULY 1, 2017-SEPTEMBER 30, 2021				
AUTHORIZER ENTITY PARTICIPANTS	GOVERNANCE BOARD PARTICIPANTS	TOTAL LEADER PARTICIPANTS	TOTAL CLASSROOM PARTICIPANTS	TOTAL
	488 board member participants	799 leader/classroom participants		1,425 participants
76 active authorizing institutions engaged (41 use the WRCCS application)		369 non-charter district employees accessed leader/classroom support	Within total leader/classroom support provided, 46% were non-charter district employees	

Need for Additional TA Funds During Final Grant Years

Through Year 5, the WDPI will have spent or obligated \$5,862,407 of the \$6,034,292 currently budgeted for TA costs, accounting for 7% of the overall award amount, and leaving \$171,885 to spend during all NCE periods. This rate of spending was initially projected to fund WRCCS through multiple NCE periods; however, the award reduction at the start of year 5 of the WDPI’s award and the pipeline trends changed this.

As noted above, the WPDI expects to still award 115 subgrants in total, as initially projected in the grant application, with 53 of those subawards made from the 2021-22 to the 2023-24 school year.

As WRCCS continues to provide necessary TA to support the creation and expansion of high-quality charter schools, WRCCS will have more subgrants to support than in previous years, which is not possible with a reduced TA budget.

Grant Year / School Year	Subgrantees Provided TA
Year 4 / 2020-21	38
Year 5 / 2021-22	54
Year 6 (NCE) / 2022-23	71 (projected)
Year 7 (NCE, if approved) / 2023-24	69 (projected)

WRCCS has assumed the TA responsibilities described in the WDPI’s grant application, and there is a cost associated with implementing the ambitious plan as originally approved. Due to the level of efficacy and expertise at the resource center, WRCCS has assisted first-time tribal authorizers, district-authorizers, and independent authorizers serving students across the entire state. Additionally, WRCCS provided crucial TA to charter schools, including virtual charter schools and those shifting to provide virtual instruction temporarily and for the first time, during the COVID-19 pandemic. As the WDPI presents a process and plan for closing out the grant, supporting WRCCS is critical to ensuring the completion of the goals of the project as originally approved.

The goal of adequately funding WRCCS while concurrently closing out the grant is twofold: the professionals providing high-quality technical assistance are assured they have resources through the end of the grant, and the schools entering WDPI have the support they need to become established high-quality charter schools.

WDPI Award Year	Maximum Subgrantee Award Length
Year 4 10/1/2020-9/30/2021	60 months
Year 5 10/1/2021-9/30/2022	48 months
Year 6 10/1/2022-9/30/2023 - (Approved NCE)	36 months
Year 7 10/1/2023-9/30/2024 - (NCE, if approved by USED)	24 months
Year 8 10/1/2024-9/30/2025 - (NCE, if approved by USED)	No Subgrant Awards

Budget Information

As of February 28, 2022, the WDPI has obligated or spent \$39,931,542 of its \$86,204,172 award amount.

Without approval of this waiver, the WDPI only has \$171,885 of remaining TA funds to support the WRCCS during NCE periods. As noted above the WDPI received an unexpected award reduction, without which, the WDPI would have had capacity to support WRCCS as initially planned without a waiver. The WDPI seeks to spend an additional \$862,042 on TA above the currently budgeted amount to complete the objectives of the project as originally approved with an amount of TA funds more closely mirroring the initially budgeted amount.

Since the number of subgrants has not changed, just the amount the WDPI expects to award in subgrants, the support provided through TA can’t be reduced. As noted in Wisconsin’s most recent Annual Performance Report submitted in March 2022, the state has \$23,013,482 available to obligate for subgrant awards in upcoming and future competitions. Based on previous subaward grant cycles, the WDPI anticipates that sufficient funding available for additional subgrant awards to be distributed under this waiver to close out the grant while increasing the amount of funding for TA. If WDPI receives its NCEs as proposed, there will be subgrant funding available for the WDPI to run two additional subgrant competitions, one as approved in the NCE for year 6 and one in year 7, pending an approval for that second year 7 NCE. Because these funds will still be utilized for subgrants as initially proposed, only minor changes to Wisconsin’s approved budget would be required (see chart below).

The WDPI does intend to utilize all of its remaining administrative funds to ensure the project is executed as approved, competitions are run and subgrants are awarded according to WDPI policy and federal law, and subgrantees continue to be monitored and supported.

As shown in the chart below, the proposed shift in funding would impact a percent of the overall awarded funds and would require a waiver of federal law because the WDPI would be budgeting 89% rather than 90% of its overall award on subgrants.

Budget Category	Current Budgeted Amount	Percentage of Overall Award Based on Current Budget Amount	Budgeted Amount if Waiver Approved	Percentage of Overall Award if Waiver Approved
Subgrants	\$77,583,755 (115 subgrants)	90%	\$76,721,713 (115 subgrants)	89%
TA	\$6,034,292	7%	\$6,896,334	8%
Administrative	\$2,586,125	3%	\$2,586,125	3%
Total	\$86,204,172	100%	\$86,204,172	100%

Waiver Request Requirements

1. *Identify the federal programs affected by this waiver request.*

WDPI is seeking this waiver pertaining to the state’s CSP State Entity grant to allow for the deployment of additional CSP TA funds to further assist charter schools in implementing best-practices and other initiatives related to starting or expanding a school, which will be accompanied by a minor reduction in the amount, not number, of subgrant awards. Flexibility under this waiver will allow for WRCCS to support charter schools with all that is required for authorizers, governance boards, and schools.

2. *Describe which federal statutory or regulatory requirements are to be waived.*

WDPI requests a waiver of §4303(c)(1)(A) so that the percentage of the overall award budgeted and spent on subgrant awards may be reduced below 90% to 89%.

3. *Describe how the waiving of the requirements indicated above will advance student academic achievement and align with the objectives of the state’s CSP grant.*

From the 2017-18 school year to the 2021-22 school year, Wisconsin’s charter enrollment grew from 42,499 pupils to 49,678, a 16.9% overall increase in charter student enrollment during the WDPI’s CSP grant. The growth in the charter school sector in Wisconsin is expected to continue. With this growth, it’s imperative that WRCCS is properly funded to ensure all new and expanding charter schools receive the support necessary to advance student achievement.

With the benefit of the flexibility afforded to WDPI by the Secretary under a granted waiver, Wisconsin can accomplish the following:

- 1) Ensure WRCCS’ financial viability during the remaining project;
- 2) Support the growth of high-quality charter schools in Wisconsin, especially those focused on improving academic outcomes for educationally disadvantaged secondary students;
- 3) Strengthen and improve authorizing quality and promote the adoption of best practices for all authorizers in Wisconsin; and

4) Promote and support collaboration and sharing of best practices between high-quality charter schools and other schools in the state, especially those that experience difficulty in adequately serving educationally disadvantaged students.

Providing adequate TA funding to WRCCS will ensure continuity of services for new and existing charter schools. The granting of this waiver will assist WDPI in meeting the needs of charter schools in supporting student achievement.

Because this waiver will help support charter schools, and particularly those with educationally disadvantaged students, the flexibilities enable the WDPI to continue to contract with WRCCS as the “one-stop shop” for TA, to work toward the grant objectives, and to continue to support high-quality charter schools. Without WRCCS, schools would be missing a resource center that exists to address their highly technical needs. The WDPI wants to ensure that the WRCCS has the capacity to continue to provide resources and support to charter school leaders, governance boards, and authorizers in important areas that the WDPI believes advances student achievement throughout the state (see the WRCCS Successes section for more information).

4. Describe the methods that will be used to monitor and regularly evaluate the effectiveness of the implementation plan of this waiver request.

WDPI will continue to require quarterly updates of all project goals and objectives from WRCCS. WDPI shall continue to meet on a weekly basis with WRCCS leadership. In addition to the quarterly reports and weekly meetings, WRCCS shall continue to complete and submit a comprehensive annual report at the end of each fiscal period.

WRCCS and the WDPI will continue to determine a detailed annual budget as part of the WRCCS contract. The budget and spending related to TA will continue to be reported out annually from WDPI to USDE through the APR. WRCCS is housed in Wisconsin’s regional Cooperative Educational Service Agency #9 (CESA 9), and contracts are developed and signed on an annual basis.

5. Describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

The waiver will not have any impact on the charter schools that will be eligible for a subgrant. Charter schools that are opening and charter schools that are high-performing and seeking to replicate or expand can benefit from WDPI’s CSP State Entity grant funding. If funding requested exceeds that which is available, the state will prioritize schools that serve primarily educationally disadvantaged students. This priority is aligned with WDPI’s grant objectives as currently written and continues the state’s focus on serving at-risk students.

If this waiver is approved, WRCCS will have additional capacity to support subgrantees and charter throughout the state to ensure schools have the supports and structure needed to serve all students, and particularly educationally disadvantaged students.

6. If the waiver relates to provisions of subsections (b) or (h) of section 1111 of ESEA, describe how the SEA requesting the waiver will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi) of ESEA.

The waiver being requested is related to CSP-specific requirements and is not directly related to the statewide accountability system.

As required under the waiver process, the state educational agency must provide the public and all local education agencies in the state with notice of and the opportunity to comment on this request.

Written Comments

Public comment on the application described above may be submitted by using the Department's form for submitting comment at <https://forms.gle/AU977S7UFYEZEF8K9>. Questions or additional comment may be accepted by using the contact information below. Written comments should be submitted no later than 11:59 p.m. on Thursday, April 28, 2022, in order to receive consideration.

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