



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 26, 2024

The Honorable Jill Underly  
Superintendent of Public Instruction  
Wisconsin Department of Public Instruction  
P.O. Box 7841  
Madison, WI 53707-7841

Dear Superintendent Underly:

The U.S. Department of Education (Department) received your written plan for a reasonable level of tolerance when calculating whether the Wisconsin Department of Public Instruction (DPI) has met State maintenance of equity requirements in fiscal year (FY) 2023 under the American Rescue Plan Act of 2021 (ARP Act). This written plan applies only to a subset of Wisconsin's local educational agencies (LEAs).

The ARP Act State maintenance of equity requirements help ensure that State funding supports LEAs with high concentrations of poverty and students who have been subject to longstanding opportunity gaps in our education system and experienced the greatest impact from the COVID-19 pandemic. These requirements are vital for ensuring that States maintain funding to address the impact of the pandemic on students' education, and for protecting students in high-need and highest-poverty LEAs from disproportionate cuts if reductions in State effort do occur.

The Department determined that it is consistent with the State maintenance of equity requirements to allow a State educational agency (SEA) to calculate whether it has maintained funding equity with respect to its very small high-need and highest-poverty LEAs within a reasonable "tolerance level." The Department's determination is based on the possibility of significant volatility in the calculated per-pupil funding amounts for very small LEAs caused by small changes in student enrollment, which may be unrelated to whether an SEA has achieved the intent of the requirements. (See *Frequently Asked Questions, American Rescue Plan Elementary and Secondary School Emergency Relief Program, Maintenance of Equity Requirements*, July 26, 2022, Question 21(a).)

Wisconsin DPI considers LEAs with a membership of fewer than 1,000 students or fewer than 77 students per grade level (to account for differences in grade-span configurations (e.g., K-12 versus K-8)) to be small districts. Under this proposed threshold, Wisconsin has 226 such LEAs out of 420 statewide. Wisconsin DPI asserts that calculated per-pupil funding amounts for small LEAs are significantly affected by small changes in enrollment and students' educational needs. This makes annual per-pupil funding amounts in Wisconsin's small LEAs an imperfect indicator of whether the SEA has achieved the intent of maintaining equity in funding across LEAs. For its 226 small LEAs, Wisconsin DPI proposes to implement a tolerance of up to a five percent decline in per-pupil funding. For FY 2023, applying this tolerance would impact three small LEAs identified by the State as meeting the definition of high-need or highest-poverty in FY 2023 that served 0.13 percent of Wisconsin's students.

After reviewing Wisconsin DPI's tolerance proposal and accompanying data, the unique circumstances in the State, and our further State-specific analysis, we have determined that this approach includes a reasonable level of tolerance when calculating whether Wisconsin has maintained equity for small LEAs in FY 2023 and is consistent with DPI's FY 2022 tolerance request.

We appreciate your diligence in developing this proposal. If you have any questions, please contact your program officer at: [Wisconsin.OESE@ed.gov](mailto:Wisconsin.OESE@ed.gov).

Sincerely,

*Laura Jimenez*

Laura Jimenez  
Director, Office of State and Grantee Relations