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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

April 15, 2020

(X) Action Required

Due Date: April 29, 2020

(X) Informational

BULLETIN NO. 032-20 EXECUTIVE SERVICES

TO: Educational Service District Superintendents
School District Superintendents
School Building Principals
School District Business Managers

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Guidance for Long-term School Closures as of April 15, 2020

CONTACT: Contact Information on Page 5

PURPOSE AND BACKGROUND

To slow the spread of the novel coronavirus (COVID-19) in Washington state, Governor Jay Inslee announced on March 13 that all public and private K–12 school facilities will be closed and prohibited from providing traditional in-person instructional activities through April 24. On April 6, he extended his directive and closed schools through the remainder of the 2019–20 school year.

This bulletin includes updates and guidance for school districts related to the Teacher and Principal Evaluation Program (TPEP) as well as federal program and funding waivers available under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Local education agencies must apply for applicable waivers ([CARES Act Funding Flexibilities Survey](#)) by April 29.

TEACHER AND PRINCIPAL EVALUATIONS

At the outset of the temporary school building closure, OSPI provided guidance to districts, schools, and local associations about teacher and principal evaluation for the 2019–20 school year only. Now that school staff will be engaged in continuous learning for students while school buildings are closed for the rest of the school year, OSPI is updating the guidance for completing teacher and principal evaluations for 2019–20.

Guiding Principles

The underlying principle to use common sense regarding evaluation remains. This includes:

- Honoring work that has already been done by the evaluatee and the evaluator to provide/substantiate evidence.
- Recognizing that the opportunities for providing/substantiating evidence in the usual ways have been restricted, and that with this, the absence of evidence for a particular indicator, component, or student growth component should not be cause for lowering a score.
- Ensuring that this guidance applies for the 2019–20 school year only and that both prior and subsequent years' procedures comply with Revised Code of Washington (RCW) 28A.405.100.

Procedures for the logistics of completing the evaluation process and forms may need to change for the 2019–20 school year. Tools such as evaluation conferences via phone or videoconferencing software, electronic or email signatures, and forms being used for this year only may be necessary.

A slightly revised (from the March bulletin) chart appears below. In addition, a [Frequently Asked Questions](#) document for this evaluation period can be found on the [TPEP webpage](#). Please check this page regularly for updates to this information. We anticipate posting guidance for eVAL users shortly.

Classroom Teacher and Principal Evaluation Guidance

Item	Anticipated Scenario	Recommended Solution
1	Evaluatees whose evidence demonstrates "Proficient" or "Distinguished" rating at the date of school closure or most recent date of progress review	Move those ratings to final summative score for the 2019–20 school year
2	Evaluatees with zero to five years' experience whose evidence indicates a rating of "Basic" at the date of school closure or most recent date of progress review	Move the "Basic" rating to final summative rating for the 2019–20 school year
3	Evaluatees with more than five years' experience whose evidence indicates a score of "Basic" at the date of school closure or most recent date of progress review	Handled locally on case-by-case basis OR No final score with a letter placed in personnel file describing circumstances
4	Evaluatees at any level of experience whose evidence indicates a score of "Unsatisfactory" at the date of school	Handled locally on a case-by-case basis. (Care taken here to ensure the "Unsatisfactory" rating is not the result

	closure or most recent date of progress review	of missing evidence, but rather based on holistic assessment of evidence provided)
5	Evaluatees on probation or plan of improvement	Handled locally on case-by-case basis
6	Evaluatees on Focused Evaluation	Retain score for final summative evaluation

WAIVERS INCLUDED IN THE CARES ACT

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law on March 27, 2020. This Act authorized the U.S. Department of Education (ED) to provide flexibility through waivers of specific requirements in K–12 education funding and programs in the Elementary and Secondary Education Act (ESEA) of 1965. Because a national emergency was declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, additional flexibility under the CARES Act has been provided through waivers.

On April 6, 2020, the Office of Superintendent of Public Instruction (OSPI) sent an [application](#) to waive all allowable sections of ESEA as identified by ED. The Department of Education approved OSPI's waiver request, and these waivers are now available to all local education agencies (LEAs) in Washington state. LEAs must apply for applicable waivers ([CARES Act Funding Flexibilities Survey](#)) by April 29.

Carryover Limitation on Title I, Part A

This waiver allows local education agencies (LEAs) to carryover more than 15% of their Title I, Part A funds, even if the LEA had received approval to exceed this limitation in the past three years. (The waiver removes the carryover limitation in Section 1127(b) of the ESEA for federal fiscal year (FY) 2019 Title I, Part A funds.)

Availability of Fiscal Year 2018 Funds

This waiver extends the period of availability of FY 2018 funds until September 30, 2021. The waiver only applies to the programs within Washington's approved consolidated state plan. (The waiver extends the period of availability in Section 421[b] of the General Education Provisions Act [GEPA]).

The applicable programs are:

- Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs), including the portions of the SEA's Title I, Part A award used to carry out section 1003 school improvement, section 1003A direct student services, if applicable, and Title I, Part D, Subpart 2

- Title I, Part B of the ESEA (State Assessment Formula Grants)
- Title I, Part C of the ESEA (Education of Migratory Children)
- Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)
- Title II, Part A of the ESEA (Supporting Effective Instruction)
- Title III, Part A of the ESEA (English Language Acquisition, Language Enhancement, and Academic Achievement)
- Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants)
- Title IV, Part B of the ESEA (21st Century Community Learning Centers)
- Title V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program)
- McKinney-Vento Education for Homeless Children and Youth Program

Professional Development Definition

This waiver allows school districts to provide professional development (defined in Section 8101[42] of the ESEA) that is time-sensitive, one-time, or standalone focused on providing effective continuous learning. This waiver is available for the 2019–20 school year only, and it provides flexibility to local education agencies to use Title II, Part A funds to respond to the need for educators to build capacity to serve students in continuous learning during the school closures.

Title IV, Part A Requirements

Three spending requirements for Title IV, Part A are waived through the 2019–20 school year. The waivers apply to the 2019–20 allocation as well as any 2018–19 carryover. The waivers apply to the requirements related to needs assessment, content area spending, and spending on technology infrastructure. More detail is provided below.

Needs Assessment Requirements

Section 4106(d) of Title IV, Part A of the ESEA relates to LEA needs assessments. To receive a Title IV, Part A allocation, LEAs submitted a narrative plan and budget through the 2019–20 form package 211 in iGrants. These plans reflect the priorities identified through stakeholder engagement and a regularly updated comprehensive needs assessment. Given current circumstances, LEA priorities may have shifted to more immediate needs that arise. To facilitate quick response to those needs, through this waiver, LEAs will not be required to update that comprehensive process for the 2019–20 school year.

Content Area Spending Requirements

Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA relates to content area spending requirements for fiscal years 2018 and 2019. This waiver applies to the requirement that local education agencies who receive a Title IV, Part A allocation of \$30,000 or more address each of the three statutory program areas by using:

1. Not less than 20% of funds to support one or more of the activities authorized under Section 4107 pertaining to well-rounded educational opportunities;
2. Not less than 20% of funds to support one or more activities authorized under Section 4108 pertaining to safe and healthy students; and
3. A portion of funds to support one or more activities authorized under Section 4109(a) pertaining to the effective use of technology.

Technology Infrastructure Requirements

Section 4109(b) of Title IV, Part A of the ESEA relates to spending limitations for technology infrastructure for fiscal years 2018 and 2019. This waiver removes the 15% cap on purchases to support technology infrastructure, including devices, equipment, software, and digital content, as LEAs are likely to need additional technology to provide continuous learning during school closures.

INFORMATION AND ASSISTANCE

For questions regarding the Teacher and Principal Evaluation Program, please contact Sue Anderson, Director of Educator Effectiveness, at sue.anderson@k12.wa.us.

For questions regarding the CARES Act or federal funding, please contact Gayle Pauley, Assistant Superintendent of Special Programs & Federal Accountability, at gayle.pauley@k12.wa.us.

For questions regarding professional development, please contact Cindy Rockholt, Assistant Superintendent of Educator Growth & Development, at cindy.rockholt@k12.wa.us.

For questions regarding Title I, Part A, please contact Jon Mishra, Title I & LAP Director, at jon.mishra@k12.wa.us.

For question regarding Title IV, Part A, please contact Cara Patrick, Title IV, Part A Program Supervisor, at cara.patrick@k12.wa.us.

For questions regarding federal fiscal requirements, please contact Amy Harris, Federal Fiscal Policy & Grants Management Director, at amy.harris@k12.wa.us.

For questions regarding COVID-related accounting, please contact T.J. Kelly, Chief Financial Officer, at thomas.kelly@k12.wa.us.

The OSPI TTY number is 360-664-3631. Previous guidance and additional information related to COVID-19 and school closures is available on the [COVID-19 page](#) of the OSPI website.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

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Jamila B. Thomas
Chief of Staff

CR:gp

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