

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 2/21/2024
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter PI 27, Commencement of school term	
4. Subject Revisions to rules governing the commencement of the school term prior to September 1 and affecting small businesses	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input checked="" type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137 (3) (b) 1., Stats. \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137 (3) (b) 2., Stats.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rule seeks to amend ch. PI 27 of the Wisconsin Administrative Code with respect to the extraordinary reasons under which school boards may request the department's approval to allow a school term to commence prior to September 1.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments The department held a preliminary public hearing and comment period on the scope statement for the proposed rule. As provided in the hearing notice, any comment received during the preliminary public hearing and comment period are also considered for the development of this economic impact analysis. The preliminary comment received suggests that there may be an impact on small businesses and the state's economy due to the proposed rule. The information received from these sources informed decision-making during rule development and preparation of the economic impact analysis for this proposed rule.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) An analysis conducted by the department indicates that the proposed rule may impact small businesses in the state. Pursuant to s. 227.114, Stats., a small business means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000. Because the rule does not seek to regulate or impose compliance costs on those entities, the department does not estimate any compliance costs will be incurred by the proposed rule. Further, the department is unable to speculate on the net positive or negative impacts on small businesses as a result of the rule, because the actual impact on small businesses largely depends on local and individual behavior. Local economic considerations remain an important factor that should be considered by school boards when shaping	

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school calendar decisions, as these may impact small businesses. While the proposed rule does not specifically target or regulate small businesses, the extent of this impact is difficult to estimate and may vary depending on factors such as local tourism patterns and individual spending behaviors. Therefore, while the department acknowledges the potential implications for small businesses, the overall effect remains indeterminate due to the complex interplay of various economic factors and individual choices.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed rule amends the rules by which the department may grant exemptions to the September 1 school commencement date and provides greater autonomy for school boards to address local and academic needs. For example, the proposed rule aims expand the types of extraordinary reasons for granting exemptions to the September 1 school commencement date by including factors identified by the school board that address student achievement and other academic considerations. These factors include student graduation rates, reading and mathematics proficiency, student attendance, coordination with postsecondary institutions for dual or concurrent enrollment, mental health of students and staff, recruitment and retention strategies for educators, and coordination efforts among school districts for educational programs. To effectuate these changes, the proposed rule seeks to enhance flexibility in the process for school boards to request a school term to commence before September 1 by allowing written requests to be submitted to the department by March 1 and outlining procedures for unforeseen circumstances. Without a rule change, the department would be required to implement ch. PI 27 as the rule currently exists, thus limiting the criteria by which school boards may request an exemption to the September 1 school commencement date to the criteria in current rule.

16. Long-Range Implications of Implementing the Rule

The effect of the proposed rule is a more flexible process for school boards to follow when seeking to adjust their school calendars to better meet the academic and local needs of their respective communities.

17. Compare With Approaches Being Used by Federal Government

Education in the United States is primarily governed by state and local governments, resulting in varying regulations regarding the commencement of the school term. Unlike federal regulations, which are generally silent on exceptions for the commencement of the school term, each state has its own set of parameters and requirements for granting exceptions. Consequently, the commencement of the school term varies across states, and exceptions to the commencement of the school term are subject to state-specific regulations and processes.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: 105 ILCS 5/10-19 provides that each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to insure 176 days of actual pupil attendance. Additionally, a school board may make such changes in its calendar for the school term as may be required by any changes in the legal school holidays prescribed in Section 24-2. A school board may make changes in its calendar for the school term as may be necessary to reflect the utilization of teachers' institute days as parental institute days as provided in Section 10-22.18d. The calendar for the school term and any changes must be submitted to and approved by the regional superintendent of schools before the calendar or changes may take effect.

Iowa: Iowa Code Ann. § 279.10 provides that the school year for each school district and accredited nonpublic school shall begin on July 1 and the school calendar shall begin no sooner than August 23 and no later than the first Monday in December. The school calendar shall include not less than one hundred eighty days or one thousand eighty hours of instruction during the calendar year, of which not more than five days or thirty hours of instruction may be delivered primarily over the internet except as otherwise provided in section 256.43 or in rules adopted by the state board of education pursuant to section 256.7, subsection 32. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall determine the school commencement date for the school calendar and shall set the number of days or hours of required attendance for the school year, but the board of directors of a school district shall hold a public hearing on any proposed school calendar prior to adopting the school calendar. Additionally, the board of directors of a school district and the authorities in charge of an accredited nonpublic school may apply to the department of education for authorization to maintain a year-round school calendar at an attendance center or school for students in prekindergarten through grade eight. However, a board shall hold a public hearing on any proposal relating to authorization for a year-round school calendar prior to applying to the department of education for approval.

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Michigan: Mich. Comp. Laws Ann. § 380.1284b provides that the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's school year does not begin before Labor day. However, this requirement does not apply to a school district, intermediate school district, or public school academy operating a year-round school or international baccalaureate academy after September 29, 2005. However, if one of those entities operate a year-round program after that date, they can apply for a waiver from this requirement if it's determined to be a bona fide year-round school for educational reasons. Additionally, intermediate school districts may align their programs or services with the calendar of constituent districts or public school academies if those entities have a school year that begins before Labor Day. Finally, public schools that operate grades 6 to 12 at a single site, align their high school curriculum with advanced placement courses, and end their second academic semester concurrently with the end of the advanced placement examination period, are exempted from this requirement.

Minnesota: Minn. Stat. Ann. § 120A.40 provides that, except for learning programs during summer, flexible learning year programs, and learning year programs, a district must not commence an elementary or secondary school year before Labor Day. However, a school district may commence the school year before Labor Day under the following circumstances: 1) if there's a construction or remodeling project impacting a district school facility that costs \$400,000 or more; 2) if the district has an agreement with another district that qualifies under the construction or remodeling project criteria, and 3) if the district agrees to the same schedule as a neighboring school district in an adjoining state.

19. Contact Name Carl Bryan, Legislative Policy Coordinator Department of Public Instruction	20. Contact Phone Number (608) 266-3275
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ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

An analysis conducted by the department indicates that the proposed rule may impact small businesses in the state. Pursuant to s. 227.114, Stats., a small business means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000. Because the rule does not seek to regulate or impose compliance costs on those entities, the department does not estimate any compliance costs will be incurred by the proposed rule. Further, the department is unable to speculate on the net positive or negative impacts on small businesses as a result of the rule, because the actual impact on small businesses largely depends on local and individual behavior.

Local economic considerations remain an important factor that should be considered by school boards when shaping school calendar decisions, as these may impact small businesses. While the proposed rule does not specifically target or regulate small businesses, the extent of this impact is difficult to estimate and may vary depending on factors such as local tourism patterns and individual spending behaviors. Therefore, while the department acknowledges the potential implications for small businesses, the overall effect remains indeterminate due to the complex interplay of various economic factors and individual choices.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The department held a preliminary public hearing and comment period on the scope statement for the proposed rule. As provided in the hearing notice, any comment received during the preliminary public hearing and comment period would be considered in determining the rule's effect on small businesses and in preparation of the economic impact analysis. The preliminary comment received, and the subsequent analysis conducted by the department during rulemaking, suggests that there may be an impact on small businesses and the state's economy due to the proposed rule. The information received from these sources informed decision-making during rule development and preparation of the economic impact analysis for this proposed rule.

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 Less Stringent Schedules or Deadlines for Compliance or Reporting
 Consolidation or Simplification of Reporting Requirements
 Establishment of performance standards in lieu of Design or Operational Standards
 Exemption of Small Businesses from some or all requirements
 Other, describe:

While the rule does not seek to regulate or impose compliance costs on small businesses, the department estimates that the impact of the proposed rule may affect small businesses in the state. The extent of this impact remains uncertain as this impact is dependent on a number of local, economic, and individual factors that cannot be estimated. However, the department believes these considerations remain an important factor that should be considered by school boards when shaping school calendar decisions in response to the changes offered in the proposed rule, as these changes may impact small businesses.

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The proposed rule responds to concerns from external stakeholders, such as school districts, who have indicated a desire for greater flexibility in the rules governing the commencement of the school term. While there are no compliance costs associated with the proposed rule, the actual impact on small businesses remains uncertain as they depend on local and individual behavior which makes it difficult for the department to predict. However, in response to the comments received from stakeholders during the preliminary public hearing and comment period, the proposed rule was drafted to include a transparent and specific enumeration of the types of extraordinary reasons by

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which school boards could submit a request for a school commencement date to take place prior to September 1. As in current rule, the department will still be required to report information concerning the request for waivers to the commencement of the school term to the assembly committee having jurisdiction over tourism and the senate committee having jurisdiction over education, which remains unchanged by the proposed rule.

5. Describe the Rule's Enforcement Provisions

The rule does not regulate or impose compliance costs on small businesses, and the rule contains no such enforcement provisions. However, s. 118.045, Wis. Stats., contains the statutes governing the commencement of the school term and ch. PI 27, Wis. Admin. Code, contains the procedures for school boards to follow in submitting a written request to the department that a school term commence prior to September 1.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No
