

## Clearinghouse Rule 16-015

# PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION REVISING PERMANENT RULES

The scope statement for this rule, SS 131-15, was published in Register No. 719B on November 30, 2015, and approved by State Superintendent Tony Evers on December 14, 2015. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 2015 WI App 21, 361 Wis.2d 255.

The state superintendent of public instruction hereby proposes to repeal Subchapter V of PI 36, relating to eliminating Part Time Open Enrollment.

The rules are being adopted under s. 227.16 (2) (b), Stats., which provides that rulemaking does not need to be preceded by notice and public hearing if the proposed rule brings an existing rule into conformity with a statute that has been changed.

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## ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

**Statute interpreted:** None.

**Statutory authority:** None.

**Explanation of agency authority:**

The objective of the proposed rule is a technical change to repeal sections of PI 36 that are obsolete due to the enactment of 2013 Wisconsin Act 20 with respect to the part time open enrollment program.

**Related statute or rule:** N/A

**Plain language analysis:**

2013 Wisconsin Act 20 eliminated the part time open enrollment program from statutes under s. 118.52, Stats., in lieu of the newly-created Course Options program. Since there is no longer any statutory authority for implementing this program, the rules are no longer necessary. Thus, this rule change will eliminate the part time open enrollment program section from PI 36.

**Summary of, and comparison with, existing or proposed federal regulations:** N/A

**Comparison with rules in adjacent states:** N/A

**Summary of factual data and analytical methodologies:**

Because 2013 Wisconsin Act 20 eliminated the part time open enrollment program from statutes, there is no explicit statutory authority for implementing this rule; therefore, this subchapter of PI 36 is being eliminated from the DPI Administrative Code.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:** N/A

**Anticipated costs incurred by private sector:** N/A

**Effect on small business:**

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

**Agency contact person: (including email and telephone)**

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**Place where comments are to be submitted and deadline for submission:**

As provided in s. 227.16 (2) (b), Stats., there is no requirement that a public hearing be held for this rule because the proposed rule brings an existing rule into conformity with a statute that has been changed.

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**SECTION 1. Subchapter V of PI 36 is repealed.**

**SECTION 2. EFFECTIVE DATE:**

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015

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Tony Evers, PhD  
State Superintendent