

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

The scope statement for this rule, SS 139-15, was published in Register No. 720A3 on December 21, 2015, and approved by State Superintendent Tony Evers on January 5, 2016. 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 s. PI 8.01 (2) (L) 1. (Note) and ch. PI 8 Appendix A; to amend s. PI 8.01 (2) (f) 2.; and to create s. PI 8.001 (6g), relating to standards for school district instructional design and programs.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 121.02 (1) (f), Stats.

Statutory authority: s. 121.02 (5), Stats.

Explanation of agency authority:

Under s. 121.02 (5), Stats., the state superintendent shall promulgate rules to implement and administer the section related to school district standards, including hours of instruction. As such, PI 8 is amended to include a definition of innovative instructional methods, as used by school districts, in order to count toward hours of direct instruction under s. 121.02 (1) (f), Stats.

Related statute or rule: N/A

Plain language analysis:

The purpose of this rule change is to acknowledge innovative instructional methods used by school districts to provide direct instruction. The proposed rule provides a definition of innovative instructional design as an instructional program aligned to school district standards and used to improve student academic achievement through instruction offered virtually, in an alternative setting, or outside of the normal school day. Additionally, the proposed rule repeals the recommended minimum allocations of instructional time contained in Appendix A. By amending this rule, the proposed rule allows that hours of direct instruction provided through innovative instructional models count toward the required hours of direct instruction under s. 121.02 (1) (f), Stats.

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:

Over time, school districts have developed new and innovative methods of direct instruction. The proposed rule is needed to address these practices and update how school districts calculate hours of instruction using innovative instructional methods. Without this change, PI 8 will be inconsistent with current school district practice.

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)

Carl Bryan
Budget and Policy Analyst
Wisconsin Department of Public Instruction
Carl.Bryan@dpi.wi.gov
(608) 267-9127

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

Comments should be submitted to Carl Bryan using the contact information above. Comments must be submitted no later than 15 days after publication of the Notice of Submittal of Rules to the Legislative Council Rules Clearinghouse in the *Administrative Register*. The Department will publish a hearing notice in the *Administrative Register* which will provide information on the deadline for the submission of comments.

SECTION 1. PI 8.001 (6g) is created to read:

PI 8.001 (6g) “Innovative Instructional Design” means an instructional program aligned to school district standards and used to improve student academic achievement through instruction offered outside of the normal school day, virtually, or in an alternative setting.

SECTION 2. PI 8.01 (2) (f) 2. is amended to read:

PI 8.01 (2) (f) 2. Each school district board shall annually schedule and hold at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 through 6, and at least 1,137 hours of direct pupil instruction in grades 7 through 12. The school hours are computed as the period from the start to the close of ~~each pupil~~ pupil ~~the school's~~ daily instructional schedule. Scheduled hours under this subdivision include recess and time for pupils to transfer between classes but do not include the lunch period. No more than 30 minutes per day may be counted for recess. Scheduled hours may also include the hours of instructional programming offered through innovative instructional designs that apply to the entire school or grade level. In computing the minimum number of instructional hours under this subdivision, schools may not count days and parts of days on which parent and teacher conferences are held, staff development or inservice programs are held, schools are closed for inclement weather, ~~or when classes are not held may not be counted~~ and no compensatory instruction is offered virtually, and when no direct instruction is provided.

NOTE FOR LRB PUBLICATION: CHR 15-080, pending at the time of the filing of this rule, renumbers s. PI 8.01 (2) (f) 2. to be s. 8.01 (2) (f).

SECTION 3. PI 8.01 (2) (L) 1. (Note) is repealed.

SECTION 4. PI 8 Appendix A are repealed.

SECTION 5. 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 _____, 2016

Tony Evers, PhD
State Superintendent