

Clearinghouse Rule 17-069

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING PERMANENT RULES

The scope statement for this rule, SS 101-17, was published in Register No. 741A3, on September 18, 2017, and approved by State Superintendent Tony Evers on October 3, 2017. 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*, 368 Wis.2d 444.

The State Superintendent of Public Instruction hereby proposes to amend PI 25.04 (5) (a), relating to children at risk plans.

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.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 118.153, Stats.

Statutory authority: s. 118.153 (7), Stats.

Explanation of agency authority:

The State Superintendent is given statutory authority to promulgate rules to implement and administer the statutes governing programs for children at risk of not graduating from high school under s. 118.153 (7), Stats.

Related statute or rule: N/A

Plain language analysis:

As a result of the Assembly Education Committee's Red Tape Review of administrative rules held on May 18, 2017, the Department proposes to amend PI 25, relating to Children at Risk Plan and Program. The proposed technical change requested by the Committee adds the email address, in addition to his or her name and telephone number, of a person that a parent or pupil can contact regarding the school district's program for at-risk pupils whenever a pupil has been identified as a child at risk.

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:

Chapter PI 25 defines children who are at risk of not graduating from high school, establishes criteria for school boards to consider when developing children at risk plans and sets forth the requirements for receipt of additional state aid in those districts. The rule, which has not been amended since 1994, provides that each pupil and his or her parent must be notified in writing whenever the pupil has been identified as a child at risk and that a notice must include the name and telephone number of the staff person designated by the school board for developing the school district's program for children at risk. The Assembly Education Committee requested that an email address be added, in addition to the person's name and phone

number, to this provision in the rule. Without a rule change, the Department will continue to administer the rule as it exists in PI 25.

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: There is no expected cost to the private sector as a result of this rule.

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:

Comments should be submitted by October 31, 2017, to Carl Bryan, Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841 or at adminrules@dpi.wi.gov.

SECTION 1. PI 25.04 (5) (a) is amended to read:

PI 25.04 (5) (a) The name, email address, and telephone number of a person the parent or pupil can contact regarding the school district's program.

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 _____, 2017

Tony Evers, PhD
State Superintendent