

**STATEMENT OF SCOPE
FOR ADMINISTRATIVE RULES**

GENERAL INFORMATION		
Rule No. PI 33 and 36	Relating to Creating PI 33 and Revising PI 36 related to Whole Grade Sharing	Rule Type Emergency and Permanent
SIGNATURE		
State Superintendent Review <input type="checkbox"/> Approved. <i>Begin Drafting Rule</i> <input type="checkbox"/> Disapproved. <i>Reason for Disapproval</i>	State Superintendent Signature ➤	Date Signed Mo./Day/Yr.
NARRATIVE		

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.

1. Finding/nature of the emergency (Emergency Rule only).

2015 Wisconsin Act 55 provided that the school boards of two or more school districts may enter into a whole grade sharing agreement that provides for all or a substantial portion of the pupils enrolled in one or more grades, including 4-year old and 5-year old kindergarten and prekindergarten classes, in any of the school districts to attend school in one or more of the other school districts for all or a substantial portion of a school day. While current law permits a school board to enter into a whole grade sharing agreement beginning with the 2016-17 school year, practically speaking, the first year a school board will be able to enter into an agreement is the 2017-18 school year, due to process requirements and timelines specified in state law. A school board that is interested in pursuing a whole grade sharing agreement for the 2017-18 school year would have to approve a resolution to do so, with proper public notice, by early August 2016 of the 2016-17 school year. Unless a new rule is in place, DPI may be prevented from efficiently implementing and administering this program and school boards may not have clear guidance on program procedures. The promulgation of emergency rules will help ensure implementation of the program remains consistent through the completion of the permanent rule making process.

2. A description of the objective of the proposed rule.

The objective of the proposed rule change will create a new rule chapter to implement and administer whole grade sharing. Additionally, ch. PI 36 related to Public School Inter-District Open Enrollment will need to be updated to align with the changes provided by 2015 Wisconsin Act 55 with respect to whole grade sharing.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

This proposed rule change is needed to implement whole grade sharing provided under s. 118.50, Stats., created as a result of the 2015-17 budget, 2015 Wisconsin Act 55.

4. The statutory authority for the proposed rule.

Under s. 118.50 (8), Stats., the department is allowed to promulgate rules to implement and administer s. 118.50, Stats., the statute related to whole grade sharing.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

The amount of time needed for rule development by department staff and the amount of other resources necessary are indeterminate.

6. A description of all of the entities that will be affected by the proposed rule.

This rule change will impact public school districts seeking to enter into a whole grade sharing agreement under s. 118.50, Stats.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.

N/A

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses).

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

Contact information

Carl Bryan

Policy and Budget Team

(608) 267-9127

carl.bryan@dpi.wi.gov
