

Wisconsin Department of Public Instruction

**STATEMENT OF SCOPE
FOR ADMINISTRATIVE RULES**

Rule No.: PI 12, PI 18, PI 20, PI 27

Relating to: Technical corrections to rules governing the Wisconsin Education Services Program for the Deaf and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired, high school graduation standards, disposition of funds, and commencement of school term

Rule Type: Permanent

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*, 2016 WI 38.

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

N/A

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

As a result of the Assembly Education Committee's Red Tape Review of administrative rules, the Department issues the following rule changes:

PI 12: The proposed rule makes technical changes to various terms used throughout PI 12 to align the rule with terminology provided in statute.

PI 18: The proposed rule is a technical change that removes past dates and redundancies from rules governing submission of high school graduation standards under PI 18 of the Wisconsin Administrative Code.

PI 20: The proposed rule makes technical changes to various terms used throughout PI 20 to align the rule with terminology provided in statute and in current practice.

PI 27: The proposed rule is a technical change that removes past dates from rules governing the commencement of the school term under PI 27 of the Wisconsin Administrative Code.

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

PI 12: PI 12 was promulgated to provide criteria for the leasing of space in the facilities owned by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired, as permitted under ss. 115.52 (6) and 115.525 (6), Stats. Current statutes make use of the term "Wisconsin Educational Services Program for the Deaf and Hard of Hearing," while current rule uses the abbreviated term "Wisconsin School for the Deaf." Additionally, the rule makes use of the term "school" in reference to the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, which does not completely reflect its capacity as a "program" or "center" as provided in statute. Finally, ss. 115.52 (2) and 115.525 (2), Stats. provide that the individuals appointed by the State

Superintendent serve as “directors” of both this program and the Wisconsin Center for the Blind and Visually Impaired, while current rule uses the term “superintendent” of each respective program. The Department proposes a technical change to align the terms provided in rule with the terms provided in statute. Without a rule change, the Department will continue to administer the rule as it exists in PI 12.

PI 18: PI 18 was promulgated to establish course requirements to meet Wisconsin graduation standards including procedures by which school boards will submit reports describing the board’s policies on high school graduation standards to the Department. Further, PI 18 establishes procedures by which those policies are certified by the board and reviewed by the State Superintendent, and by which equivalent policies are approved by the State Superintendent. PI 18 provides that by September 1, 1986, each board operating a high school shall submit to the State Superintendent, on forms provided by the Department, a report describing the board’s high school graduation policies governing diplomas which shall be granted subsequent to September 1, 1988. Additionally, the rule makes redundant references to the review and approval of each high school graduation policy to ensure compliance with statutes and rule. The proposed technical change will eliminate past dates and clarify the language governing the review and approval of high school graduation standards. Without a rule change, the Department will continue to administer the rule as it exists under PI 18.

PI 20: PI 20 was promulgated to determine how money should be handled and expended by the Department in conjunction with student activities and gifts received for the benefit of students at the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the Blind and Visually Impaired, and career and technical student organizations in the state. Current statutes make use of the term “Wisconsin Educational Services Program for the Deaf and Hard of Hearing,” while current rule uses the abbreviated term “Wisconsin School for the Deaf.” Further, the rule makes references to “public school vocational youth organizations,” which is an outdated term and should be replaced with “career and technical student organizations.” The terms for various career and technical student organizations are also defined and referred to in rule, which are also outdated and should be changed. The Department proposes a technical change to align the terms provided in rule with the terms provided in statute and in current practice. Without a rule change, the Department will continue to administer the rule as it exists under PI 20.

PI 27: PI 27 was promulgated to establish procedures for school boards to use in requesting that a school term commence prior to September 1, and also establishes criteria used for the Department in determining whether an extraordinary reason exists for granting such a request. Section PI 27.03 (1) provides that, beginning in the 2002-03 school year, no public school may commence a school term prior to September 1, and s. PI 27.03 (3) (a) provides that a school board may commence a school term prior to September 1, 2002, if it submits a written request to the Department and such a request is granted. Finally, s. PI 27.03 (5) (a) provides, as a reason for the Department to grant a school board’s request that a school term commence prior to September 1, that school calendars for the 2002-03 or 2003-04 school year were ratified prior to September 1, 2001. This provision applies to union high school districts and the school districts operating only elementary grades whose territory is included in the union high school district when one of these districts has a ratified calendar for the 2002-03 or 2003-04 school year. The proposed technical change will eliminate past dates which are no longer relevant to the implementation of the rule. Without a rule change, the Department will continue to administer the rule as it exists in PI 27.

4. The statutory authority for the proposed rule.

PI 12: Under ss. 115.52 (6) and 115.525 (6), Stats., the Superintendent of Public Instruction may lease space at each of the programs’ facilities that is not required by the program to any person if the State Superintendent determines that the use will not be inconsistent with the operation of the program. Under ss. 115.52 (2) and 115.525 (2), Stats., the Superintendent of Public Instruction is authorized by statute to

appoint a director of the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, as well as a director of the Wisconsin Center for the Blind and Visually Impaired.

Further, under s. 227.11 (2) (a) (intro.), Stats., “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” As such, a rule is required to effectively administer the criteria for the leasing of space in the facilities owned by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired as permitted under s. 115.52 (6) and 115.525 (6), Stats., and to appoint directors to the programs under ss. 115.52 (2) and 115.525 (2), Stats.

PI 18: The Superintendent of Public Instruction has statutory authority to establish course requirements as criteria for graduation from high school, and procedures for reviewing and certifying compliance with those course requirements, under ss. 118.33 (2) and (4), Stats.

PI 20: Under s. 227.11 (2) (a) (intro.), Stats., “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” As such, a rule is required to effectively administer procedures for the handling of monies received by the Department in conjunction with gifts received for the benefit of students at the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired under s. 115.52 and 115.525, Stats., and for career and technical student organizations under s. 115.28 (30), Stats.

PI 27: The Superintendent of Public Instruction has statutory authority to promulgate rules governing procedures for school boards to request that a school term commence prior to September 1, and provide the extraordinary reasons that allow the Department to approve such requests under s. 118.045 (3), Stats.

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.

No entities should be affected by this rule change since the change will only be done to align terminology of the PI rule chapters with current statutes, eliminate redundant language, and eliminate the use of dates that have passed and will no longer apply.

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

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