

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected		2. Date 4/26/2019
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapters PI 1, 6, 8, 11, 13, 19, 27, 37 and 43		
4. Subject Technical changes to existing DPI rules as a result of 2017 Wisconsin Act 108 review of administrative rules		
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget		
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)		
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137 (3) (b) 1., Stats. \$0		
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137 (3) (b) 2., Stats.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
11. Policy Problem Addressed by the Rule <p>This proposed rule makes technical updates to existing Department rules, which include correcting obsolete, unnecessary, and duplicative rules and rules superseded by and in conflict with state statutes, resulting from the Department's review of administrative rules as required in 2017 Wisconsin Act 108. The changes include the following:</p> <ol style="list-style-type: none">1. PI 1 (Complaint resolution and appeals): A technical change is made to s. PI 1.01 (2) (d) to strike out references to s. 118.19 (5), Stats., and s. PI 34.35. The reference to s. 118.19 (5), Stats., is unnecessary, as the provision relates to individuals teaching in an alternative education program and does not affect the purpose or operation of the rule. Further, the reference to s. PI 34.35 is obsolete, since this provision no longer exists in rule (the reference to subch. XI of ch. PI 34 still applies).2. PI 6 (Public libraries): A technical change is made to s. PI 6.06 (4) (d) 3., to update auditing requirements and refer to "the applicable provisions of the U.S. Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200" in order to conform the rule with changes in generally accepted accounting principles and current agency practice.3. PI 8 (School district standards): The rule is superseded by changes in statute as a result of 2017 Wisconsin Act 94, which requires school districts to adopt academic standards for financial literacy and incorporating instruction in financial literacy into the curriculum in grades kindergarten to 12. Therefore, a technical change is made to conform ch. PI 8 to the changes in statute as a result of 2017 Act 94.4. PI 11 (Children with disabilities): Section PI 11.02 (4) defines "division" as division for learning support: equity and advocacy. A technical change is made to recognize the current name, which is the division for learning support. Additionally, a technical change is made to eliminate s. PI 11.37, relating to study and report to the standing		

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committees of the legislature, since this section refers to past dates and a reporting requirement which had already been met as of 2005.

Further, s. PI 11.07 governs transfer pupils with a disability whose residence has changed from an LEA in Wisconsin to another LEA in this state or another state to an LEA in this state. Parts of s. PI 11.07 (2) (b) and all of PI 11.07 (2) (c) are duplicative of 34 CFR 300.323(e), and s. PI 11.07 (2) (d) requires that the sending LEA shall transfer the pupil's transfer records to the receiving LEA within 5 working days of the notice to transfer, which is in conflict with s. 118.125 (4), Stats., which requires the transfer to be within the next working day. Further, s. PI 11.07 (3) (b) is duplicative of 34 CFR 300.323(f), and s. PI 11.07 (3) (c) is inconsistent s. 115.78 (3) (a), Stats., and 34 CFR 300.301(c)(1). As such, a technical change is made to eliminate these duplications and conform to statutes.

Finally, s. PI 11.35 governs the determination of eligibility of children with disabilities. Section PI 11.35 (1) is duplicative of s. 115.782, Stats., and 34 CFR 300.15. Further, s. PI 11.35 (2) is duplicative of s. 115.76 (5) (a), Stats., and 34 CFR 300.8(a)(1). Finally, s. PI 11.35 (3) (a) and (c) are duplicative of s. 115.782 (2) (b) 2., Stats., and 34 CFR 300.304. A technical change is made to eliminate these duplications in rule.

5. PI 13 (Limited-English proficient pupils): A technical change is made to strike out the definition for "alternate assessment" in s. PI 13.03 (1) and all references to the assessment in ch. PI 13, since the definition refers to an alternate content assessment that does not exist for students who are not yet proficient in English. Additionally, s. PI 13.03 (3) points to a definition for bilingual counselor for individuals licensed under s. PI 3.50, which is an obsolete license. A technical change is made to eliminate this definition and s. PI 13.03 (4), relating to bilingual counselor aide, since the definition references bilingual counselors.

Additionally, the rule is in conflict with changes to the statutes as a result of 2011 Wisconsin Act 32 (the 2011-13 biennial budget). 2011 Act 32 amended s. 118.30 (2) (b) 2., Stats., to allow that, according to the criteria established by the state superintendent by rule, the governing body of a private school participating in the Wisconsin Parental Choice Program may determine not to administer an examination to a Limited-English speaking pupil, may permit the pupil to be examined in his or her native language, or may modify the format and administration of an examination for such pupils. Section PI 13.09 is therefore updated to conform the rule with changes to statutes under 2011 Act 32.

6. PI 19 (Education for school age parents): The requirement established in s. PI 19.03 (3) to annually submit a program plan to the Department is unnecessary as the Department does not currently collect the plans, as such a plan is no longer required in statute. A technical change is made to eliminate this requirement. Additionally, the form corresponding to the report also no longer exists so references to it under s. PI 19.05 are also removed in this rule.

7. PI 27 (Commencement of school term): A technical change is made to replace the reference to youth options under s. PI 27.03 (2) with the early college credit program, since 2017 Wisconsin Act 59 (the 2017-19 biennial budget) replaced the youth options program under s. 118.55, Stats., with the early college credit program.

8. PI 37 (Grants for national teacher certification or master educator licensure): Provisions in the rule chapter relating to grants for national teacher certification and master educator licensure are superseded by changes in 2017 Wisconsin Act 59, which created lifetime licenses and eliminated continuing education requirements for the purpose of renewing a license. As a result, individuals who hold a master educator license are no longer subject to renewal requirements. References to license renewal and continuing education requirements in s. PI 37.03 (1) (a) and 37.04 are repealed to conform the rule to changes in statute.

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9. PI 43 (Education reform): Section PI 43.01 (1) relates to the rule's applicability and is duplicative of s. 118.42, Stats., as it simply restates statutory language. A technical change is made to eliminate this language.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments
None.

13. Identify the Local Governmental Units that Participated in the Development of this EIA
None.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

State: The proposed changes contained in this rule do not have any economic or fiscal impact to the state because the changes are technical in nature. The changes contained in this rule order are designed to update Department rules by deleting obsolete rule provisions, duplicative language, and conforming Department code with recent statutory changes.

Local: No economic or fiscal impact.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Under 2017 Wisconsin Act 108, each state agency that has promulgated rules in the Wisconsin Administrative Code is required to submit a biennial report to the Joint Committee for Review of Administrative Rules. The report must list the rules for which the following circumstances apply: 1) the rule is deemed unauthorized; 2) the authority to promulgate has been restricted; 3) the rule is deemed obsolete or has been rendered unnecessary; 4) the rule is duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a court ruling; and 5) the rule is deemed to be economically burdensome. Per 2017 Act 108, the report must also describe the agency's actions, if any, to address each of the rules listed.

The proposed rules listed in this proposed rule are technical changes to rules with provisions that meet the criteria required in the report and do not contain any substantive changes in policy (note: there were no rules that were deemed unauthorized, economically burdensome, or rules whose authority to promulgate had been restricted). The rule changes contained in this rule order will have the benefit of clarifying rule language by eliminating outdated, unnecessary, superseded or duplicative rules, thus meeting the intent of 2017 Act 108. Without these rule changes, the Department will continue to administer the rules as they currently exist, which may create confusion for persons impacted by each rule.

16. Long-Range Implications of Implementing the Rule

This rule change will align PI 1, 6, 8, 11, 13, 19, 27, 37 and 43 of the Wisconsin Administrative Code with changes in the Wisconsin Statutes as well as delete obsolete rule provisions, duplicative language, dates that have passed, and conforming Department rules with agency practice and terminology. The change will also ensure that the Department's obligations have been met with respect to the requirements in 2017 Wisconsin Act 108, by addressing the rules it has described which have met the criteria in the report.

17. Compare With Approaches Being Used by Federal Government

N/A

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

- Iowa: Iowa Code §17A.7(2), relating to petition for adoption, amendment, or repeal of rules — periodic comprehensive reviews, requires that beginning July 1, 2012, over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency's rules with the goal of identifying and eliminating all rules of the agency that are outdated, redundant, inconsistent, or incompatible with statute or its own

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rules or those other agencies. An agency shall commence its review by developing a plan of review in consultation with major stakeholders and constituent groups. When the agency completes the five-year review of the agency's own rules, the agency shall provide a summary of the results to the Administrative Rules Coordinator and the Administrative Rules Review Committee.

- Illinois: 5 ILCS 100/5-130, relating to the periodic review of existing rules, requires the Joint Committee of Administrative Rules to evaluate the rules of each agency every five years and shall develop a schedule for this periodic evaluation. When evaluating the rules of each agency, the Joint Committee's review shall include an examination of the following: 1) organizational, structural, and procedural reforms that affect rules or rulemaking; 2) merger, modification, establishment, or abolition of regulations; 3) eliminating or phasing out outdated, overlapping, or conflicting regulatory jurisdictions or requirements of general applicability; and 4) economic and budgetary effects. The Joint Committee shall report its findings, conclusions, and recommendations, including suggested legislation, to the General Assembly by February 1 of each year.
- Michigan: MCL 24.253 Sec. 53, relating to annual regulatory plan; link to website of office of regulatory reinvention, requires that each agency shall prepare an annual regulatory plan that reviews the agency's rules. In completing a review of rules pursuant to the annual regulatory plan, first priority shall be given to those rules that directly affect the greatest number of businesses, groups, individuals, and those rules that have the greatest actual statewide compliance costs for businesses, groups, and individuals. The review of rules shall state the following: 1) whether there is a continued need for the rules; 2) a summary of any complaints or comments received from the public concerning the rules; 3) the complexity of complying with the rules; 4) whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government; and 5) the date of the last evaluation of the rules and the degree to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules. In completing the annual regulatory plan, the agency shall include these rules as well as the rules it expects to process in the next year, the mandatory statutory authority it has not exercised, and the rules it expects to rescind in the next year. Annual regulatory plans shall be completed and filed with the Office of Regulatory Reinvention by July 1 of each year.
- Minnesota: Minn. Statutes 2018 14.05 Subd. 5, relating to the review and repeal of rules, requires that by December 1 of each year, an agency must submit to the governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative.

<p>19. Contact Name Carl Bryan, Administrative Rules Coordinator Department of Public Instruction</p>	<p>20. Contact Phone Number (608) 267-9127</p>
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