

Wisconsin Department of Public Instruction
STATEMENT OF SCOPE
FOR ADMINISTRATIVE RULES

GENERAL INFORMATION		
Rule No. PI 9	Relating to Revisions to pupil nondiscrimination procedures	Rule Type 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 <div style="text-align: center;">➤</div>	Date Signed Mo./Day/Yr.
NARRATIVE		

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

N/A

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

The proposed rule seeks to amend ch. PI 9 of the Wisconsin Administrative Code with respect to the administration of pupil nondiscrimination procedures under s. 118.13, Stats.

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

Chapter PI 9 of the Wisconsin Administrative Code governs the procedures for pupil nondiscrimination under s. 118.13, Stats., and specifies the areas in which the school board must have policies to address discrimination complaints. Section 118.13 (3), Stats., requires the state superintendent to decide appeals of local school board decisions, requires the state superintendent to promulgate rules, and authorizes the state superintendent to review school district compliance and to provide technical assistance to school districts. Since the rule was promulgated, the Department has identified areas that would improve the rule's implementation of the authorizing statute. The areas addressed by the proposed rule under this statement of scope are as follows:

1. The current rule's notice provisions provide for a class 1 legal notice annually and does not specifically provide for notice of policies and procedures to individual complainants. The proposed rule will provide school districts the option of providing notice via district website and require school districts to provide policies and procedures to individual complainants on initiation of complaint.
2. The current rule contains a timeline of 90 days for full resolution of complaints and no timeline for resolution of appeals by the department. The proposed rule will establish timelines for both processes that insure prompt resolution of complaints.
3. The current rule provides no guidance to school districts as to the sufficiency of a response to substantiated discrimination. The proposed rule will establish criteria for corrective action plans prompted by substantiated complaints of discrimination.
4. The current rule's reporting requirements are purportedly designed to allow the department to meet its requirement under s. 118.13, Stats., to report of the status of pupil nondiscrimination to the Legislature. The proposed rule will ensure school districts are engaging in meaningful assessments and that the data reported is useful to both the department and the Legislature.
5. Other revisions may be proposed to ensure school district pupil nondiscrimination policies and procedures are accessible to complainants and discrimination complaints are promptly and effectively addressed.

The effect of the proposed rule will be to ensure accessibility of school district pupil nondiscrimination policies and procedures for parents and pupils; prompt resolution of discrimination complaints and appeals; clarification around school district responsibilities to address pupil discrimination substantiated through the complaint process; and clarification around school district self-evaluation and data reporting requirements.

NARRATIVE (cont'd)

4. The statutory authority for the proposed rule.

Under s. 118.13 (3) (a) 2., Stats., the state superintendent has the authority to promulgate rules necessary to implement and administer pupil nondiscrimination procedures under s. 118.13, 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.

Local education agencies will be impacted by this rule change.

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

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