

GENERAL INFORMATION		
Rule No. PI 27	Relating to Revisions to rules governing the commencement of the school term prior to September 1	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  ➤	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 27 of the Wisconsin Administrative Code with respect to the extraordinary reasons under which school boards may request the department’s approval to allow a school term to commence prior to September 1.

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

Section 118.045, Wis. Stats., provides that, beginning in the year 2000, no public school may commence the school term until September 1, but does not prohibit a school board from holding athletic contests or practices or scheduling in-service days before September 1, or holding school year-round. However, under s. 118.045, (3), Wis. Stats., a school board may commence the school term before September 1 in any school year if the school board requests the department to allow it to commence the school term before September 1 and the school board includes reasons with its request. This subsection additionally provides that the department may grant a request only if it determines that there are extraordinary reasons for granting it and is given statutory authority to promulgate rules to effectuate this subsection.

Chapter PI 27 of the Wisconsin Administrative Code was promulgated to establish procedures for school boards to use in requesting that a school term commence prior to September 1. Section PI 27.03 (5) provides that the department may grant a request to commence a school term prior to September 1 only if it determines that there are extraordinary reasons for granting the request. Extraordinary reasons include any of the following: 1) major construction projects that cause the school term to be altered and necessitate an earlier start date for the entire district; 2) closure of school due to forces of nature, code violations, or environmental orders; 3) excessive costs associated with the transportation of pupils who attend private schools that start prior to September 1, provided that the requesting school board provides sufficient documentation to establish that it has made a good faith effort to work with the private school to coordinate a school start date on or after September 1; and 4) participation by a high school in the international baccalaureate program with more than 75% of the 11th and 12th grade pupils enrolled in the high school also being enrolled in one or more of the courses that are offered under the international baccalaureate program, provided the pupils in the school district are given the option of enrolling in another high school in the school district that is not subject to a request for an early start date, and that the request applies only to the high school that is participating in the international baccalaureate program and not to any other elementary, middle, junior high, or high schools operated by the school district.

Since the rules were originally promulgated in May 2002, the department’s experience with the current criteria for granting exemptions to the September 1 school start date are both inflexible and outdated. Further, the increase in the number of school districts that have applied for an exemption to the September 1 school start date is evidence that greater autonomy is needed for school boards to meet the unique needs of their district. As a result, the department proposes to clarify the rules by which the department may grant exemptions to the September 1 school start date and provide greater flexibility for school boards to address local needs. The flexibilities provided in the rule will expand the types of extraordinary reasons in which the department may grant an exemption to the September 1 school start date. Additional extraordinary reasons may include, but are not limited to, implementing more frequent breaks throughout the school year to support the mental health needs of students and staff; reducing the length of the summer break to mitigate summer learning loss; or aligning the school district calendar with institutions of higher education due to high school juniors and seniors participating in dual credit classes at local colleges. Additional criteria may be identified through the department’s preliminary hearing process on this statement of scope. Without a rule change, the department would be required to implement ch. PI

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**NARRATIVE (cont'd)**

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27 as the rule currently exists, thus limiting the criteria by which schoolboards may request an exemption to the September 1 school start date to the criteria in current rule.

4. The statutory authority for the proposed rule.

Under s. 118.045 (3), Wis. Stats., the Superintendent of Public Instruction is required to promulgate rules governing procedures for school boards to request that a school term commence prior to September 1, including the extraordinary reasons that allow the department to grant such requests.

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 other resources necessary to develop the rule are indeterminate.

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

School districts may be affected by the proposed rule.

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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