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Chapter PI 8

SCHOOL DISTRICT STANDARDS

PI 8.001 Definitions.
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PI 8.001 Definitions. In this chapter:

(1) "Access" means an opportunity to study through school district course offerings, independent study, cooperative educational service agencies, or cooperative arrangements between school district boards under s. 66.0301, Stats., and postsecondary education institutions.

(2) "Career exploration and planning" means the process by which elementary and secondary pupils identify and evaluate life and work choices, explore and plan career goals, and acquire realistic life and work decision−making skills.

(2m) "Charter school" means a school established under s. 118.40, Stats.

(3) "Children at risk" has the meaning set forth in s. 118.153 (1) (a), Stats.

(4) "Days" means calendar days unless otherwise specified.

(5) "Department" means the Wisconsin department of public instruction.

(5m) "Direction" includes planning, consultation, inservice training and periodic review.

(6) "Hours" means clock hours.

(6m) "Instructional staff" for the purposes of charter schools, means all professional employees who have as part of their responsibility direct contact with students or with the instructional program of the school. Instructional staff includes, but is not limited to, teachers, librarians, pupil services staff, and administrative staff who supervise licensed staff.

(7) "Kindergarten" means 5−year old kindergarten unless otherwise specified.

(8) "Licensed" means holding a valid license issued by the department as required under ss. 118.19 and 121.02 (1) (a), Stats.

(8m) "Middle level format" means an organizational pattern which includes part or all of grades 5 to 9.

(9) "Postsecondary education institutions" means public and private colleges and universities, and vocational and technical institutions and schools.

(10) "School district board" means the school board in charge of the schools of a public school district.

(11) "School term" has the meaning set forth in s. 115.001 (12), Stats.

(12) "State superintendent" means the state superintendent of public instruction.

(13) "Vocational education" means instructional programs designed to assist pupils in achieving mastery of the skills set forth in s. 118.01 (2) (b), Stats.

History: Cr. Register, November, 1986, No. 371, eff. 12−1−86; cr. (5m) and (8m), Register, December, 1987, No. 384, eff. 1−1−88; cr. (2m), (6m), Register, October, 1994, No. 466, eff. 11−1−94; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register October 2001 No. 550.

PI 8.01 School district standards. (1) PURPOSE. To assure that the children of Wisconsin will have available an educational program meeting statutory standards and pursuant to s. 121.02, Stats., each school district board shall meet all of the school district standards set forth in sub. (2). A school district board may request approval from the state superintendent to comply in an alternative manner with any of the school district standards as specified in sub. (3).

(2) SCHOOL DISTRICT STANDARDS. (a) *Licensure.* 1. Each school district board shall certify annually that every teacher, supervisor, administrator, and other professional staff member has been issued a valid certificate, license or permit by the department for the position for which he/she is employed before entering on duties for such position and that a copy of the valid certificate, license, or permit is on file in the district.

2. a. Each school district board shall ensure that all instructional staff of charter schools located in the school district hold a department issued license or permit to teach at the level and in the subject of their assignments or a charter school instructional staff license or permit issued under s. PI 34.34 (1) or (2).

b. The district administrator or designated official of the employing school district may request a charter school instructional staff license or permit be issued as specified under s. PI 34.34 (1) or (2) to an instructional staff member to work in a charter school in an assignment outside of his or her department issued license or permit.

c. A charter school instructional staff license shall allow the holder to perform any instructional duty in a charter school if the holder volunteers for that assignment and may be issued to an individual as specified under s. PI 34.34 (1) or (2).

d. The liability immunity provisions of ss. 115.31 (5) (b), 118.126 (2), 118.257 and 118.295, Stats., shall apply to charter school instructional staff.

(b) *Staff development.* Each school district board shall annually establish a professional staff development plan designed to meet the needs of individuals or curriculum areas in each school. The plan shall be developed with the cooperative efforts of licensed support staff, instructional staff, and administrative staff.

(c) *Remedial reading.* 1. In this paragraph "state minimum performance standard" means the state minimum performance standard on the test administered under s. 121.02 (1) (r), Stats.

2. Each school district shall identify, diagnose, serve and monitor each pupil in reading in grades kindergarten through fourth if either of the following apply:

a. The pupil fails to meet district grade level objectives in reading as identified in curriculum plans developed under s. 121.02 (1) (k), Stats.

b. The pupil fails to score above the state minimum performance standard and a teacher in the school district and the pupil's parent or guardian agree that the pupil's test performance accurately reflects the pupil's reading ability; or a teacher in the school district determines, based on other objective evidence of the pupil's reading comprehension, that the pupil's test performance accurately reflects the pupil's reading ability.

3. Identification and diagnosis of reading deficiencies shall be directed or performed by the district reading specialist required under s. 118.015, Stats., or by licensed personnel who have earned at least 6 semester credits in courses dealing with the measurement of reading skills and achievement or the diagnosis of reading difficulties. Children with identified and diagnosed reading deficiencies shall receive instruction and services directed toward the

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removal of the deficiencies. The instruction and services shall be coordinated with all other reading instruction. Monitoring of pupil progress shall occur on a regular basis and include parental involvement.

4. If fewer than 80% of the pupils score above the state minimum performance standards, either in the district or in any individual school in the district, the district shall develop a written plan which includes the following:

a. A description of how the district will provide remedial reading services.

b. A description of how the district intends to evaluate the effectiveness of efforts to remove reading deficiencies.

c. An assessment of the school district or individual school's reading program.

5. The department shall provide upon request technical assistance to districts required to develop a plan to provide remedial reading services.

(d) *Kindergarten.* Each school district shall operate a kindergarten program in which all 5 year old children of the district may be enrolled. The teachers shall be licensed by the department to teach kindergarten. Physical facilities, equipment and materials shall be provided for a program which includes opportunities for learning basic concepts and skills in language arts, fine arts, social studies, science, mathematics, health and physical education.

(e) *Guidance and counseling services.* Each school district board shall provide a program of guidance and counseling services for all pupils, which meets all of the following requirements:

1. The school district shall maintain a school board approved plan for the provision of a program of guidance and counseling services.

2. The program shall be developmentally based and available to every pupil in every grade of the school district.

3. The program shall be:

a. Systematically planned by licensed school counselors in collaboration with other licensed pupil services staff, teachers, parents and community health and human service professionals.

b. Provided by licensed school counselors in collaboration with other licensed pupil services staff, teachers, parents and community health and human service professionals.

4. The program shall provide developmentally appropriate educational, vocational, career, personal and social information to assist pupils in problem solving and in making decisions.

5. The program shall include pupil appraisal, post−secondary planning, referral, research and pupil follow−up activities.

(f) *Days and hours of instruction.* 1. Each school district board shall schedule at least 180 school days annually. A maximum of 5 days may be counted to meet this requirement if they are used for parent conferences or if school is closed by the school district administrator because of inclement weather. School days are further defined in s. 115.01 (10), Stats. The 180 days requirement may be reduced for any days during which the state superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employees.

2. Each school district board shall annually schedule and hold at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 through 6, and at least 1,137 hours of direct pupil instruction in grades 7 through 12. The school hours are computed as the period from the start to the close of each pupil's daily instructional schedule. Scheduled hours under this subdivision include recess and time for pupils to transfer between classes but do not include the lunch period. No more than 30 minutes per day may be counted for recess. In computing the minimum number of instructional hours under this subdivision, days and parts of days on which parent and teacher conferences are held, staff development or inservice programs are held, schools are closed for inclement weather, or when classes are not held may not be counted.

(g) *Emergency nursing services.* Each school district board shall provide emergency nursing services under a written policy adopted and implemented by the school district board which meets all of the following requirements.

1. The emergency nursing policies shall be developed by a professional nurse or nurses registered in Wisconsin in cooperation with other school district personnel and representatives from community health agencies and services as may be designated by the board.

2. Policies for emergency nursing services shall include protocols for dealing with pupil accidental injury, illness and administration of medication at all school sponsored activities including but not limited to curricular, co−curricular and extra−curricular activities and a method to record each incident of service provided.

3. Arrangements shall be made with a licensed physician to serve as medical advisor for the emergency nursing service.

4. The emergency nursing services shall be available during the regular school day and during all school sponsored activities of pupils.

5. Pupil emergency information cards, equipment, supplies and space for the emergency nursing services shall be appropriate and readily accessible.

6. A review and evaluation by the school board shall be made of the emergency nursing services program at least annually.

(h) *Library media services.* Each school district board shall:

1. Have on file a written, long−range plan for library services development which has been formulated by teachers, library and audiovisual personnel and administrators, and approved by the school district board.

2. Designate a licensed library media person to direct and coordinate the district's library media program.

3. Provide library facilities within the school building and make available to all pupils a current, balanced collection of books, basic reference materials, texts, periodicals, and audiovisual materials which depicts in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.

4. Provide library media services to all pupils as follows: to pupils in grades kindergarten through 6, library media services which are performed by or under the direction of licensed library and audiovisual personnel; and to pupils in grades 7 through 12, library media services which are performed by licensed library and audiovisual personnel.

(i) *Safe and healthful facilities.* A long−range plan shall be developed, adopted, and recorded by the school board which defines the patterns and schedule for maintaining the district operated facilities at the level of the standards established for safe and healthful facilities. The school board shall comply with all regulations, state codes, and orders of the department of commerce and the department of health services and all applicable local safety and health codes and regulations. The facilities shall be inspected at least annually for potential or demonstrated hazards to safety and health, and hazardous conditions shall be corrected, compensating devices installed or special arrangements made to provide for safe and healthful facilities. Maintenance procedures and custodial services shall be conducted in such a manner that the safety and health of persons using the facilities are protected. Responsibility for coordinating all activities related to the safety and health considerations of the facilities for the entire district shall be assigned to one individual.

(j) *Health, physical education, art and music.* The school district board shall provide instruction in health, physical education, art and music as follows:

1. Health instruction shall be provided in accordance with a written comprehensive health education curriculum which

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includes the curricular areas defined in ss. 115.35 and 118.01 (2), Stats. A professional staff member shall be designated as coordinator of health education. Health education in grades kindergarten through 6 shall be under the direction of a licensed health teacher. In grades 7 through 12 health education shall be conducted by or under the direction of a licensed health teacher and shall include one structured course in health taught by a licensed health teacher.

2. Physical education instruction shall be provided in accordance with a developmental, sequential, comprehensive physical education curriculum and program of instruction for all pupils. Instruction in grades kindergarten through 6 shall be provided at least 3 times weekly, except that days on which special activities are conducted may be exempt; and shall be conducted by or under the direction of a licensed physical education teacher. Pupils in grade 6 may be scheduled in accordance with the criteria for scheduling grades 7 through 12 if the pupils are attending a school that includes any of those grades. All pupils in grades 7 through 12 shall participate in the instructional program of physical education taught by a licensed physical education teacher, except that in senior high schools one year or the equivalent may be optional to pupils.

3. Art instruction shall be provided in accordance with a written comprehensive art curriculum which is based upon concepts developed through sensory awareness, aesthetic discrimination and skill development in the creation of art and the knowledge of human art heritage. Art instruction shall be provided for all pupils in grades kindergarten through 6 and shall be performed by or under the direction of a licensed art teacher. Art instruction shall be available to all pupils in grades 7 through 12 and shall be taught by a licensed art teacher.

4. Music instruction shall be provided in accordance with a written comprehensive music curriculum including developmental experiences involving singing, playing instruments, listening, movement, creative expression and music reading. Music instruction shall be provided for all pupils in grades kindergarten through 6 and shall be performed by or under the direction of a licensed music teacher. Music instruction including general music, vocal music and instrumental music shall be available to all pupils in grades 7 through 12 and shall be taught by a licensed music teacher.

(k) *Curriculum plan.* 1. In this paragraph:

a. "Computer literacy" means the ability to use computer programs to assist learning, handling information and problem solving, and the ability to make informed judgments concerning social and ethical issues involving computers and information systems.

b. "School district curriculum plan" means the composite of the sequential curriculum plans.

c. "Sequential curriculum plan" means an organized set of learning experiences that build upon previously acquired knowledge and skills.

2. Each school district board shall develop, adopt and implement a written school district curriculum plan which includes the following:

a. A kindergarten through grade 12 sequential curriculum plan in each of the following subject areas: reading, language arts, mathematics, social studies, science, health, computer literacy, environmental education, physical education, art and music.

b. A grade 7 through 12 sequential curriculum plan in vocational education.

3. Each sequential curriculum plan shall specify objectives, course sequence, course content, resources, an objective process of determining whether pupils attain the specified objectives, and an allocation of instructional time by week, semester and school term. The school district board shall establish in the school district curriculum plan the allocation of instructional time, by week, semester and school term, among all subject areas.

4. Each sequential curriculum plan shall include a program evaluation method which provides that components of the sequential curriculum plan shall be monitored continuously. The overall program evaluation method shall be reviewed at least once every 5 years and revised as appropriate to ensure that pupils meet the curriculum objectives.

5. The school district curriculum plan shall be consistent with the approved education for employment program under ch. PI 26.

6. The school district board shall develop sequential curriculum plans in at least 3 of the subject areas specified in subd. 2. by September 1, 1988; in at least 3 more of the subject areas specified in subd. 2. by September 1, 1989; and in all of the remaining subject areas specified in subd. 2. by September 1, 1990. The computer literacy and environmental education curriculum plans shall be developed as follows:

a. Computer literacy objectives and activities shall be integrated into the kindergarten through grade 12 sequential curriculum plans.

b. Environmental education objectives and activities shall be integrated into the kindergarten through grade 12 sequential curriculum plans, with the greatest emphasis in art, health, science and social studies education.

(L) *Instruction.* Each school district board shall provide instruction as follows:

1. In grades kindergarten through 4, regular instruction shall be provided in reading, language arts, social studies, mathematics, science, health, physical education, art and music. In this subdivision, "regular instruction"means instruction each week for the entire school term in sufficient frequency and length to achieve the objectives and allocation of instructional time identified in the curriculum plans developed and adopted under par. (k).

Note: Appendix A to this chapter contains the department's recommendations for minimum allocations of instruction for grades kindergarten through grade 6.

2. In grades kindergarten through 8, include instruction in the social studies curriculum in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in the state in at least 2 grade levels and in at least one grade level in grades 9 through 12 beginning September 1, 1991.

3. In grades 5 through 8, regular instruction shall be provided in reading, language arts, social studies, mathematics, science, physical education, health, art and music. In this subdivision, "regular instruction" means instruction each week for the entire school term in sufficient frequency and length to achieve the objectives and allocation of instructional time identified in the curriculum plans developed and adopted under par. (k), except that in middle level formats which offer or require a variety of exploratory experiences for pupils, such as foreign language, business education, vocational agriculture, technology education, home economics education and marketing education, regular instruction in health, art and general music may be provided as follows:

a. In grades 5 and 6, each week for the entire school term, or the equivalent in instructional time and course content, and in sufficient frequency and length to achieve the objectives and allocation of instructional time identified in the curriculum plan developed and adopted under par. (k).

b. In grades 7 and 8, in sufficient frequency and length to achieve the objectives and allocation of instructional time identified in the curriculum plans developed and adopted under par. (k).

4. In grades 7 and 8, provide regular instruction in foreign language beginning in the 1994–95 school year. In this subdivision regular instruction in foreign language means access to instruction in sufficient frequency and length to achieve the objectives and time allocations of a written, sequential curriculum plan in foreign language. The foreign language curriculum shall follow

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the requirements of other curriculum documents required under par. (k).

5. An introduction to career exploration and planning, through a one semester course or the equivalent in instructional time and course content, shall be integrated within grades 5 through 8.

6. In grades 9 through 12, access shall be provided without charge for tuition, to an educational program which enables pupils each year to study English, social studies, mathematics, science, vocational education, foreign language, physical education, art and music. The school district board shall make all courses as widely available to all pupils as possible, however an individual pupil's scheduling conflict does not constitute denial of access to a course.

(m) *Education for employment.* Each school district board shall comply with s. 121.02 (1) (m), Stats., and ch. PI 26, relating to education for employment.

(n) *Children at risk.* Each school district board shall comply with s. 118.153, Stats., and ch. PI 25, relating to plans and programs for children at risk.

(o) *Performance disclosure reports.* Each school district board shall annually distribute the performance disclosure report under s. 115.38 (2), Stats. The school district board may include additional information in the report.

(p) *High school graduation standards.* 1. Each school district board shall comply with s. 118.33, Stats., and ch. PI 18, relating to high school graduation standards.

(q) *Personnel evaluation.* 1. Each school district board shall establish specific criteria and a systematic procedure to measure the performance of licensed school personnel. The written evaluation shall be based on a board adopted position description, including job related activities, and shall include observation of the individual's performance as part of the evaluation data. Evaluation of licensed school personnel shall occur during the first year of employment and at least every third year thereafter.

2. The school district board shall ensure that evaluations, including those for purposes of discipline, job retention or promotion, shall be performed by persons who have the training, knowledge and skills necessary to evaluate professional school personnel. The school district board shall be responsible for the evaluation of the school district administrator under this subdivision.

(r) *Third grade reading tests.* 1. The department shall develop a standardized reading test for pupils in grade 3. The department shall annually provide the test to all school district boards and score and report the results. Each school district board shall annually administer the test to all pupils in the school district enrolled in grade 3. Standardized refers to test objectives and items, test related materials, test administration procedures, the testing schedule, and the scoring and reporting procedures and formats. The department shall provide guidelines to assist school districts in testing and excluding from testing pupils with special needs, including pupils with exceptional educational needs under subch. V of ch. 115, Stats., and pupils with limited English proficiency under subch. VII of ch. 115, Stats. Each school district shall develop and adopt a district policy related to the testing and exclusion from testing of pupils with exceptional educational needs under subch. V of ch. 115, Stats., and pupils with limited English proficiency under subch. VII of ch. 115, Stats.

2. The department shall report each school district's test results, for the school district and for each school in the district, to the school district board.

3. The department shall report aggregate statewide pupil achievement data to each school district for the purpose of local evaluation of school district test performance in relation to statewide performance.

4. The department shall establish achievement performance standards and shall report the achievement level to each school district board in relation to the standards.

(s) *Achievement tests.* 1. a. Each school district board shall, beginning the 1993–94 school year, administer the examinations required by the state superintendent under s. 118.30, Stats.

b. The school district board may exempt a pupil enrolled in a special education program under subch. V of ch. 115, Stats., or a pupil with limited English proficiency under subch. VII of ch. 115, Stats., from taking a test under this subdivision, as specified under ch. PI 13.

2. a. The school district board may administer additional examinations only if they are aligned with the school district's curriculum and measure pupil achievement in relation to curriculum objectives identified under par. (k).

b. The department shall provide guidelines to assist school districts in testing and excluding from testing under subpar. a pupils with special needs, including pupils with exceptional educational needs under subch. V of ch. 115, Stats., and pupils with limited English proficiency under subch. VII of ch. 115, Stats.

3. Each school district shall develop and adopt a district policy related to the testing and exclusion from testing of pupils with exceptional educational needs under subch. V of ch. 115, Stats., and pupils with limited English proficiency under subch. VII of ch. 115, Stats.

(t) *Gifted and talented pupils.* 1. In this paragraph:

a. "Appropriate program" means a systematic and continuous set of instructional activities or learning experiences which expand the development of the pupils identified as gifted or talented.

b. "Gifted and talented pupils" has the meaning set forth in s. 118.35 (1), Stats.

2. Each school district board shall establish a plan and designate a person to coordinate the gifted and talented program. Gifted and talented pupils shall be identified as required in s. 118.35 (1), Stats. This identification shall occur in kindergarten through grade 12 in general intellectual, specific academic, leadership, creativity, and visual and performing arts. A pupil may be identified as gifted or talented in one or more of the categories under s. 118.35 (1), Stats. The identification process shall result in a pupil profile based on multiple measures, including but not limited to standardized test data, nominations, rating scales or inventories, products, portfolios, and demonstrated performance. Identification tools shall be appropriate for the specific purpose for which they are being employed. The identification process and tools shall be responsive to factors such as, but not limited to, pupils' economic conditions, race, gender, culture, native language, developmental differences, and identified disabilities as described under subch. V of ch. 115, Stats. The school district board shall provide access, without charge for tuition, to appropriate programming for pupils identified as gifted or talented as required under ss. 118.35 (3) and 121.02 (1) (t), Stats. The school district board shall provide an opportunity for parental participation in the identification and resultant programming.

Note: A Gifted and Talented Resource Guide is available at http://dpi.wi.gov/cal/gifted.html.

(3) ALTERNATIVE COMPLIANCE. (a) A school district board may request that the state superintendent approve a plan for alternative compliance with any of the school district standards under sub. (2). A school district requesting approval of alternative compliance under this subsection shall submit a written request to the state superintendent by September 1, if the alternative compliance plan is to be implemented during the spring semester; by March 1, if the alternative compliance plan is to be implemented during the fall semester. The request shall include all of the following information, as appropriate:

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1. The school district standard addressed by the alternative compliance plan.

2. The means by which the alternative compliance plan addresses the objectives of the school district standard including all of the following information:

a. The program objectives and anticipated outcomes of the alternative compliance plan.

b. The rationale and research or other information supporting the alternative compliance plan.

c. The staffing patterns which may be affected by the alternative compliance plan.

d. The number of students by grade level to be affected by the alternative compliance plan.

e. Any needed staff development to support the alternative compliance plan.

f. Timelines for implementation of the alternative compliance plan.

g. A description of how the alternative compliance will be evaluated, including a description of how progress toward meeting program objectives and anticipated outcomes identified under subd. 2. a. will be monitored and measured at regular intervals and at the conclusion of the year for which the plan is approved.

(b) 1. The state superintendent may approve a school district board's plan for alternative compliance with a school district standard, if he or she determines the alternative compliance plan will meet the objectives of the school district standard, maintains educational equity and will result in any of the following:

a. Improved efficiency in school administration or instruction.

b. Innovation in school district management or instruction, including but not limited to, progress towards outcome−based instruction and assessment; enhancement of educational opportunities; enhancement of education professions; and flexibility in staffing, programming and scheduling.

c. Other educational improvements.

2. The plan approval under subd. 1. may be subject to conditions specified by the state superintendent.

3. The state superintendent shall provide for the review of the requests for alternative compliance plans made under par. (a) and shall notify the school district board of his or her decision within 60 days from the date the request is received. The decision shall be in writing and shall include the reasons for the decision.

4. The state superintendent may either hold a public hearing or request that the school district board hold a public hearing on the alternative compliance being proposed.

(c) 1. An initial alternative compliance plan may be approved for a 2 year period.

2. An alternative compliance plan may be renewed every 3 years after the initial plan approval only if an evaluation of the alternative compliance plan is provided by the school district board and is approved by the state superintendent.

3. The evaluation shall include the information specified in par. (a) 2. g. and is subject to the same timelines specified under par. (a).

History: Cr. Register, October, 1974, No. 226, eff. 11−1−74; emerg. am. (2) (l) 2., eff. 12−24−79; am. (2) (l) 2., Register, September, 1980, No. 297, eff. 10−1−80; r. (1), (2) (b) (h) and (m), renum. (2) (intro.) to be (1) and am., renum. (2) (c) to (e), (g), (i) to (l) to be (b) to (d), (e) and (g) to (j), cr. (2) (n), r. and recr. (2) (f), Register, November, 1986, No. 371, eff. 12−1−86; r. and recr. (2) (b), cr. (2) (f) 2., (k) to (m) and (o) to (t), eff. 9−1−88; r. and recr. (2) (h), cr. (2) (j) (intro.), am. (2) (j), Register, December, 1987, No. 384, eff. 1−1−88; am. (2) (c), (d), (e), (f) 2., cons. (2) (l) 2. intro. and a. and am., renum. (2) (l) 2. b., c., d. and 3 to be (2) (l) 2. a., b., 3. and 4. and am. 2. a. and b., r. and recr. (2) (k) 6. intro., eff. 9−1−88; am. (2) (c), (d), (h) 3., (i), (k) 3. and 4., (r) 1., (s) and (t) 2., r. and recr. (2) (e) and (g), renum. (2) (l) 2. to 4. to be 3., 5. and 6., cr. (2) (l) 2. and 4., Register, February, 1991, No. 422, eff. 3−1−91; except (2) (c) (d), (e), (g), (n) 3., (i), (k) 3. and 4., (l) 2. and (t) 2., eff. 9−1−91 and (2) (l) 4., eff. 9−1−94; am. (1), cr. (3), Register, November, 1992, No. 443, eff. 12−1−92; renum. (2) (a) to be (2) (a) 1., cr. (2) (a) 2., r. and recr. (2) (o), am. (2) (s), Register, October, 1994, No. 466, eff. 11−1−94; corrections in (2) (i) and (m) made under s. 13.93 (2m) (b) 6. and 7., Stats., Register October 2001 No. 550; corrections in (2) (a) 2. made under s. 13.93 (2m) (b) 7., Stats., Register June 2004 No. 582; **CR 07−057: am. (2) (t) 2. Register March 2008 No. 627, eff. 4−1−08; correction in (2) (s) 1. b. made under s. 13.92 (4) (b) 7., Stats., Register March 2008 No. 627; correction in (2) (i) made under s. 13.92 (4) (b) 6., Stats.**

PI 8.02 Compliance audits. (1) The department shall conduct an inquiry into compliance with the standards upon receipt of a complaint and may, on its own initiative, conduct an audit of a school district.

(2) The department shall notify the school district board at least 90 days prior to beginning the on−site audit.

(3) The department shall provide a report to the school district board in writing within 60 days of the end of the on−site visit. If the report indicates that the district is not in compliance with s. 121.02 (1), Stats., or s. PI 8.01 (2), the school district board or the electors of the school district as provided under s. 121.02 (3), Stats., may petition the state superintendent for a public hearing within 45 days of receipt of the audit report. The state superintendent shall hold the public hearing prior to any finding of noncompliance.

History: Cr. Register, November, 1986, No. 371, eff. 9−1−88; am. (1), Register, October, 1994, No. 466, eff. 11−1−94; CR 03−073: am (1) Register January 2004 No. 577, eff. 2−1−04.

PI 8.03 Noncompliance hearings. (1) Upon request of the school board or upon receipt of a petition signed by the number of electors under s. 121.02 (3), Stats., the state superintendent, or a person designated by the state superintendent as the hearing officer, shall conduct a public hearing in the school district prior to any finding that a school district is not in compliance with the standards under s. 121.02 (1), Stats., or s. PI 8.01 (2).

(2) The department shall mail notice of the hearing to the interested parties or their representatives and to representative media in the geographical area of the school district at least 10 days before the public hearing. The notice shall include the time and place of the hearing, and a deadline for submitting written statements.

(3) At the public hearing, all interested persons or their representatives shall be given an opportunity to present facts, opinions or arguments relative to the allegation of noncompliance in the report under s. PI 8.02 (3) or in the petition of the electors under s. 121.02 (3), Stats. The hearing officer may administer oaths or affirmations to those persons interested in giving testimony, and may question persons giving testimony. The hearing officer may limit the length of oral presentations at his or her discretion and may continue or postpone the hearing to such time as he or she deems appropriate. The department shall keep minutes or a taped record of the hearing.

(4) Any interested person may present written statements of facts, opinions or arguments on the issue of the hearing to the state superintendent, whether or not the person presented oral testimony. The state superintendent or hearing officer shall set a reasonable deadline for the submission of any written statements.

(5) After the public hearing and not later than 90 days after the deadline for submission of written statements, the state superintendent shall issue a written decision on whether the district is in compliance with the standards.

(6) If the state superintendent finds the school district board is not in compliance with the standards, the state superintendent may develop with the school district board a plan for compliance which specifies a time period, not to exceed 90 days, in which compliance must be achieved. Prior to the expiration of the time period, a school district board may submit a written request to the state superintendent for an extension of the time period. The request shall set forth the extenuating or mitigating circumstances that support granting the request and a date by which compliance will be achieved. The state superintendent may grant one extension of the time period, not to exceed one year. The state superintendent shall withhold up to 25% of state aid from any school district which fails to achieve compliance within the specified period, as required under s. 121.02 (3), Stats.

History: Cr. Register, November, 1986, No. 371, eff. 9−1−88.