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FORM 2



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 01-130

AN ORDER to create chapter PI 27, relating to the commencement of a school term.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

11-14-01 RECEIVED BY LEGISLATIVE COUNCIL.

12-05-01 REPORT SENT TO AGENCY.

RNS:JLK:jal;tlu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-130

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

a. Section 118.045 (2), Stats., specifies three activities that a school board is not prohibited from doing despite the general statutory prohibition against commencing the school term prior to September 1. These are: (a) holding athletic contests or practices before September 1; (b) scheduling in-service or work days before September 1; and (c) holding school year-round. Section PI 27.03 (2) lists these three activities but also includes a fourth activity; namely, s. PI 27.03 (2) (c) specifies that a school board is not prohibited from offering specialized programming for pupils before September 1.

There does not appear to be statutory authority for this fourth provision. Moreover, it is not clear what "specialized programming" means.

b. Section PI 27.02 (3) defines "school board." However, it omits reference to a board of school directors, which applies with respect to the Milwaukee Public Schools. It appears that it would be more appropriate to use the definition in s. 115.001 (7), Stats., inasmuch as s. 119.04 (1), Stats., specifies that s. 118.045, Stats., applies to the Milwaukee Public Schools.

2. Form, Style and Placement in Administrative Code

Section PI 27.03 (4) (intro.) should include introductory language for the subsequent paragraphs to make clear the relationship of s. PI 27.03 (4) (intro.) and the interrelationship of

pars. (a) to (c). For example, s. PI 27.03 (4) (intro.) could be changed to read as follows: "The request under sub. (3) shall do all of the following:".

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section PI 27.02 (2) indicates that "forces of nature" means an event that is outside the control of the parties and cannot be avoided by exercise of due care. The meaning of "parties" is not clear in this context. Should it refer to an event that is outside the control of the school board or of the school board and some other specified entity?

b. Section PI 27.03 (5) (c) lists as one of the extraordinary reasons for starting prior to September 1 "closure of school due to forces of nature, code violations, or environmental orders." On the surface, these appear to be reasons that a school term may be expected to begin later, rather than earlier. Is the closure of school for these reasons intended to be something projected to occur later in the school term that would necessitate an earlier start date?

c. Section PI 27.03 (5) (d) refers to "transportation of private school pupils who attend private schools." It appears that this provision could simply refer to "transportation of pupils who attend private schools."

REPORT TO
LEGISLATIVE COUNCIL RULES CLEARINGHOUSE
COMMENCEMENT OF A SCHOOL TERM
PI 27, Wisconsin Administrative Code

Wisconsin Statutory Authority - ss. 118.045 (3) and 227.11 (2) (a), Stats.

Federal Statutory Authority - None

Court Decisions Directly Relevant - None

Analysis of the Rule - Rule Effect - Reason for the Rule

2001 Wisconsin Act 16 requires school boards to start a school term after September 1 unless a school board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

The department is required to promulgate rules to implement and administer this provision. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

Agency Procedure for Promulgation

Notice to Legislative Council pursuant to s. 227.15, Stats., and proceeding under the ten day notice/hearing process pursuant to ss. 227.16 to 227.18, Stats.

Description of any Forms (attach copies if available) - None

Name and Telephone Number of Agency Liaison(s)

Anthony Evers, Deputy State Superintendent, 266-1771

Lori L. Slauson, Administrative Rules Coordinator, Policy and Budget, 267-9127

**PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING RULES**

The state superintendent of public instruction hereby proposes to create chapter PI 27, relating to the commencement of a school term.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 118.045 (3) and 227.11 (2) (a), Stats.
Statute interpreted: s. 118.045, Stats.

2001 Wisconsin Act 16 requires school boards to start a school term after September 1 unless a school board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

The department is required to promulgate rules to implement and administer this provision. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

SECTION 1. Chapter PI 27 is created to read:

CHAPTER PI 27

COMMENCEMENT OF SCHOOL TERM

PI 27.01 Applicability and purpose. This chapter establishes procedures for school boards to use in requesting that a school term commence prior to September 1 as provided for under s. 118.045, Stats. This chapter also establishes criteria used in determining whether an extraordinary reason exists for granting such a request.

PI 27.02 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of public instruction.
- (2) "Forces of nature" means an event that is outside the control of the parties and could not be avoided by exercise of due care.
- (3) "School board" means the school board in charge of the schools of a public school district.
- (4) "School term" means the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes.

PI 27.03 Commencement of school term. (1) Except as specified under subs. (2) and (3), beginning in the 2002-2003 school year, no public school may commence a school term until September 1.

- (2) The provisions in this chapter do not prohibit a school board from doing any of the following:
 - (a) Holding athletic contests or practices before September 1.
 - (b) Scheduling in-service days or work days before September 1.
 - (c) Offering specialized programming for pupils before September 1.

(d) Holding school year-round.

(3) (a) A school board may commence a school term prior to September 1, 2002, if it submits a written request to the department asking for an earlier school start date. The request shall be submitted at the earliest possible time prior to the beginning of the school term.

(b) 1. A school board may commence a school term prior to September 1 in subsequent years if it submits a written request to the department asking for an earlier school start date. The request shall be submitted annually by January 1 prior to the beginning of the school term.

2. If an extraordinary event occurs after the January 1 deadline, the school board shall submit the written request under this paragraph at the earliest possible time prior to the beginning of the school term.

(4) The request under sub. (3) shall:

(a) Specify the reasons and any other relevant facts relating to the request for an earlier school start date.

(b) Specify when an extraordinary event took place or a chronology of events leading to the request.

(c) Formally be adopted by the school board.

(5) The department may grant a request only if it determines that there are extraordinary reasons for granting the request. Extraordinary reasons include any of the following:

(a) Contracts that contain calendars for the 2002-2003 or 2003-2004 school year that were ratified by both parties prior to September 1, 2001.

(b) Construction projects that cause the school term to be altered.

(c) Closure of school due to forces of nature, code violations, or environmental orders.

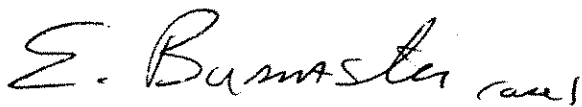
(d) Excessive costs associated with the transportation of private school pupils who attend private schools that start prior to September 1.

(6) (a) The department shall make its determination in writing as to whether an extraordinary reason exists and shall notify the school board of its determination. The determination shall be based on the information provided by the school board and any other information the state superintendent deems appropriate.

(b) At any time prior to the issuance of a final determination, the school board may withdraw its request.

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 14th day of November, 2001



Elizabeth Burmaster
State Superintendent

FISCAL ESTIMATE	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED)	LRB or Bill No./Adm. Rule No. Chapter PI 27, Wis. Admin. Code
DOA-2048 (R10/92)	<input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	Amendment No. If Applicable

Subject: Commencement of a School Term

Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs-May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local: <input type="checkbox"/> No local government costs (see below)	1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> VTAE Districts
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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	Affected Ch. 20 Appropriations
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Assumptions Used in Arriving at Fiscal Estimate

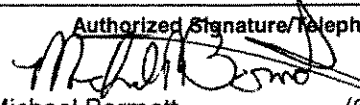
The proposed creation of chapter PI 27, rules relating to the commencement of a school term, is a result of statutory changes made under 2001 Wisconsin Act 16. The rules will not have a fiscal effect separate from the statutory changes made under the Act. The Act modified s. 118.045, Stats., requiring school boards to start a school term after September 1 unless a school board submits a request to the department stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

By law, school districts must provide 180 days of instruction. By starting school later, school districts will likely have to make up days by having shorter winter or spring breaks, or by extending the school year later into summer. If school is conducted during Thanksgiving or winter break when schools would normally be vacant, heating and electrical costs may increase. These costs are indeterminate.

Additionally, current law requires school districts to provide transportation for pupils in private schools. If private schools choose to begin the school year prior to September 1, transportation costs may increase if school districts are required to run additional bus lines or otherwise accommodate the transportation needs of private school pupils when public school is not in session. For example, one public school district has 40 percent of its elementary student population in private or parochial schools. The business manager of the public district estimated that if the private schools chose to start school prior to September 1, it would cost the school district an additional \$5,000 to \$6,000 per day in transportation costs. The private schools started on August 26 in 2001. If the new legislation would have been in effect this year, it would have cost the public school district \$25,000 to \$30,000. It should be noted that excessive private school transportation costs are listed as an extraordinary reason to allow a school to begin a school term prior to September 1.

It is assumed this rule will have no state fiscal effect. These rules may affect small businesses. However, any costs or benefits will vary on a case-by-case basis depending on when such businesses need to employ pupils (at the beginning or end of summer).

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.) Department of Public Instruction Lori Slauson (608) 267-9127	Authorized Signature/Telephone No.  Michael Bormett (608) 266-2804	Date 11/14/01
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State of Wisconsin
Department of Public Instruction



**NOTICE OF PUBLIC HEARING
COMMENCEMENT OF SCHOOL TERM
(SCHOOL START DATE)**

NOTICE IS HEREBY GIVEN That pursuant to ss. 118.045 (3) and 227.11 (2) (a), Stats., and interpreting ss. 118.045, Stats., the Department of Public Instruction will hold public hearings as follows to consider the creation of Chapter PI 27, relating to the commencement of a school term.

The hearings will be held as follows:

DATE AND TIME

LOCATION

December 7, 2001
5:00 - 6:30 p.m.

Oshkosh
CESA 6
2300 State Road 44
Large Conference Room

December 13, 2001
4:00 - 5:30 p.m.

Tomahawk
CESA 9
304 Kaphaem Road
Conference Rooms 1 and 2

December 20, 2001
1:00 - 2:30 p.m.

Milwaukee
MPS Administration Building
5225 W. Vliet Street
Auditorium

January 3, 2002
3:00 - 4:30 p.m.

West Salem
CESA 4
923 E. Garland Street
Heritage Room A and B

January 4, 2002
2:00 - 4:00 p.m.

Madison
GEF 3 Building
125 South Webster St.
Room 041

The hearing sites are fully accessible to people with disabilities. If you require reasonable accommodation to access any meeting, please call Lori Slauson, at (608) 267-9127 or leave a message with the Teletypewriter (TTY) at (608) 267-2427 at least 10 days prior to the hearing date. Reasonable accommodation includes materials prepared in an alternative format, as provided under the Americans with Disabilities Act.

Copies of Rule and Contact Person

The administrative rule is available on the internet at <http://www.dpi.state.wi.us/dpi/dfm/pb/schstart.html>. A copy of the proposed rule and the fiscal estimate may be obtained by sending an email request to lori.slauson@dpi.state.wi.us or by writing to:

Lori Slauson, Administrative Rules and Federal Grants Coordinator
Department of Public Instruction
125 South Webster Street
P.O. Box 7841
Madison, WI 53707

Written comments on the proposed rules received by Ms. Slauson at the above email or street address no later than January 9, 2002, will be given the same consideration as testimony presented at the hearing.

Analysis by the Department of Public Instruction

2001 Wisconsin Act 16 requires school boards to start a school term after September 1 unless a school board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

The department is required to promulgate rules to implement and administer this provision. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

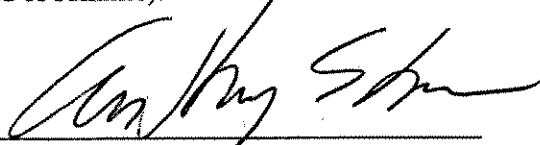
Fiscal Estimate

The proposed creation of Chapter PI 27, rules relating to the commencement of a school term, is a result of statutory changes made under 2001 Wisconsin Act 16. The rules will not have a fiscal effect separate from the statutory changes made under the Act. The Act modified s. 118.045, Stats., requiring school boards to start a school term after September 1 unless a school board submits a request to the department stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

By law, school districts must provide 180 days of instruction. By starting school later, school districts will likely have to make up days by having shorter winter or spring breaks, or by extending the school year later into summer. If school is conducted during Thanksgiving or winter break when schools would normally be vacant, heating and electrical costs may increase. These costs are indeterminate.

Additionally, current law requires school districts to provide transportation for pupils in private schools. If private schools choose to begin the school year prior to September 1, transportation costs may increase if school districts are required to run additional bus lines or otherwise accommodate the transportation needs of private school pupils when public school is not in session. For example, one public school district has 40 percent of its elementary student population in private or parochial schools. The business manager of the public district estimated that if the private schools chose to start school prior to September 1, it would cost the school district an additional \$5,000 to \$6,000 per day in transportation costs. The private schools started on August 26 in 2001. If the new legislation would have been in effect this year, it would have cost the public school district \$25,000 to \$30,000. It should be noted that excessive private school transportation costs are listed in the rule as an extraordinary reason to allow a school to begin a school term prior to September 1.

It is assumed this rule will have no state fiscal effect. These rules may affect small businesses. However, any costs or benefits will vary on a case-by-case basis depending on when such businesses need to employ pupils (at the beginning or end of summer).



State Superintendent or Designee



State of Wisconsin
Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

Elizabeth Burmaster
State Superintendent

January 22, 2002

The Honorable Fred Risser
President, Wisconsin Senate
Room 220 South State Capitol
Madison, WI 53702

The Honorable Scott Jensen
Speaker, Wisconsin Assembly
Room 211 West State Capitol
Madison, WI 53702

Dear Gentlemen:

The following rule is in final draft form and is submitted to you for referral to the appropriate standing committees:

CHR 01-130

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Burmaster".

Elizabeth Burmaster
State Superintendent

cc: Reel 6
Lattera
Ed Sandoz

NOTICE OF RULES IN FINAL DRAFT FORM

NOTICE IS HEREBY GIVEN To the presiding officers of each house of the legislature that the proposed rules are in final draft form according to the procedure set forth in s. 227.19, Stats.

**PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING RULES**

The state superintendent of public instruction hereby proposes to create chapter PI 27, relating to the commencement of a school term.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 118.045 (3) and 227.11 (2) (a), Stats.

Statute interpreted: s. 118.045, Stats.

2001 Wisconsin Act 16 requires school boards to start a school term after September 1 unless a school board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

The department is required to promulgate rules to implement and administer this provision. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

SECTION 1. Chapter PI 27 is created to read:

CHAPTER PI 27

COMMENCEMENT OF SCHOOL TERM

PI 27.01 Applicability and purpose. This chapter establishes procedures for school boards to use in requesting that a school term commence prior to September 1 as provided for under s. 118.045, Stats. This chapter also establishes criteria used in determining whether an extraordinary reason exists for granting such a request.

PI 27.02 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of public instruction.
- (2) "Forces of nature" means an event that is outside the control of the school board and could not be avoided by exercise of due care.
- (3) "School board" has the meaning defined in s. 115.001 (7), Stats.
- (4) "School term" means the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes.

PI 27.03 Commencement of school term. (1) Except as specified under subs. (2) and (3), beginning in the 2002-2003 school year, no public school may commence a school term until September 1.

(2) The provisions in this chapter do not prohibit a school board from doing any of the following:

(a) Holding athletic contests or practices before September 1.

(b) Scheduling in-service days or work days before September 1.

(c) Offering specialized programming for pupils before September 1. Specialized programming allows pupils to engage in specific activities such as gifted and talented classes, remedial education, migrant programs, or the youth option program. In addition, new learning strategies to address a school in need of improvement under s. 115.38 (4), Stats., may be considered specialized programming. While this provision allows certain activities for targeted groups of pupils to begin before September 1, it does not allow the school board to officially begin its school term before September 1.

(d) Holding school year-round.

(3) (a) A school board may commence a school term prior to September 1, 2002, if it submits a written request to the department under sub. (4) asking for an earlier school start date, and such request is granted by the department. The request shall be submitted at the earliest possible time prior to the beginning of the school term.

(b) 1. A school board may commence a school term prior to September 1 in subsequent years if it submits a written request to the department under sub. (4) asking for an earlier school start date, and such request is granted by the department. The request shall be submitted annually by January 1 prior to the beginning of the school term.

2. If an extraordinary event occurs after the January 1 deadline, the school board shall submit the written request under this paragraph at the earliest possible time prior to the beginning of the school term.

(4) The request under sub. (3) shall be adopted as a written resolution by the school board at a school board meeting that complies with the open meetings law under ss. 19.83 and 19.84, Stats. The request and resolution shall include all of the following:

(a) The reasons and any other relevant facts relating to the request for an earlier school start date.

(b) When an extraordinary event took place or a chronology of events leading to the request.

(5) The department may grant a request only if it determines that there are extraordinary reasons for granting the request. Extraordinary reasons include any of the following:

(a) Calendars for the 2002-2003 or 2003-2004 school year that were ratified by both parties 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 2002-2003 or 2003-2004 school year.

(b) Construction projects that cause the school term to be altered.

(c) Closure of school due to forces of nature, code violations, or environmental orders.

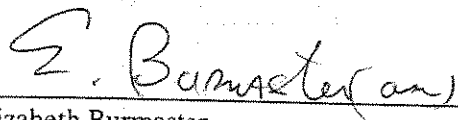
(d) Excessive costs associated with the transportation of pupils who attend private schools that start prior to September 1.

(6) (a) The department shall make its determination in writing as to whether an extraordinary reason exists and shall notify the school board of its determination. The determination shall be based on the information provided by the school board and any other information the state superintendent deems appropriate.

(b) At any time prior to the issuance of a final determination, the school board may withdraw its request.

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 22nd day of January, 2002



Elizabeth Burmaster
State Superintendent

FISCAL ESTIMATE

ORIGINAL UPDATED)

LRB or Bill No./Adm. Rule No.
Chapter PI 27, Wis. Admin. Code

DOA-2048 (R10/92)

CORRECTED SUPPLEMENTAL

Amendment No. If Applicable

Subject: Commencement of a School Term

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

- Increase Costs-May be possible to Absorb
Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs (see below)

- 1. Increase Costs
 Permissive Mandatory
- 2. Decrease Costs
 Permissive Mandatory

- 3. Increase Revenues
 Permissive Mandatory
- 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts VTAE Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The proposed creation of chapter PI 27, rules relating to the commencement of a school term, is a result of statutory changes made under 2001 Wisconsin Act 16. The rules will not have a fiscal effect separate from the statutory changes made under the Act. The Act modified s. 118.045, Stats., requiring school boards to start a school term after September 1 unless a school board submits a request to the department stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

By law, school districts must provide 180 days of instruction. By starting school later, school districts will likely have to make up days by having shorter winter or spring breaks, or by extending the school year later into summer. If school is conducted during Thanksgiving or winter break when schools would normally be vacant, heating and electrical costs may increase. These costs are indeterminate.

Additionally, current law requires school districts to provide transportation for pupils in private schools. If private schools choose to begin the school year prior to September 1, transportation costs may increase if school districts are required to run additional bus lines or otherwise accommodate the transportation needs of private school pupils when public school is not in session. For example, one public school district has 40 percent of its elementary student population in private or parochial schools. The business manager of the public district estimated that if the private schools chose to start school prior to September 1, it would cost the school district an additional \$5,000 to \$6,000 per day in transportation costs. The private schools started on August 26 in 2001. If the new legislation would have been in effect this year, it would have cost the public school district \$25,000 to \$30,000. It should be noted that excessive private school transportation costs are listed as an extraordinary reason to allow a school to begin a school term prior to September 1.

It is assumed this rule will have no state fiscal effect. These rules may affect small businesses. However, any costs or benefits will vary on a case-by-case basis depending on when such businesses need to employ pupils (at the beginning or end of summer).

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Department of Public Instruction

Lori Slauson (608) 267-9127

Authorized Signature/Telephone No.

Michael Bormett
Michael Bormett

(608) 266-2804

Date

11/14/01

**FINAL REPORT
CLEARINGHOUSE RULE 01-130
CHAPTER PI 27
COMMENCEMENT OF A SCHOOL TERM
(SCHOOL START DATE)**

Analysis by the Department of Public Instruction

Statutory authority: ss. 118.045 (3) and 227.11 (2) (a), Stats.
Statute interpreted: s. 118.045, Stats.

2001 Wisconsin Act 16 requires school boards to start a school term after September 1 unless a school board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

The department is required to promulgate rules to implement and administer this provision. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

Public hearings to consider the proposed rule were conducted by the department on December 7, 13, 20, 2001 and January 3 and 4, 2002, in Oshkosh, Tomahawk, Milwaukee, West Salem, and Madison, respectively. Persons were asked to register in favor, generally in favor (except for . . .), against, generally against (except for . . .), or for information only.

Oshkosh Hearing, December 7, 2001

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
John Benz	Wautoma Area School District		X	
Karen Bowen	Oshkosh Area School District School Board		X	
Mike J. Dricken	Lake Lenwood Beach and Campground	X		
Chet Gerlach	Wisconsin Tourism Federation		X	
Gary Hansen	Rosendale-Brandon School District		X	
Ron Heilmann, Jr	Self	X		
Daniel M. Lange	Wis. Assoc. of Campground Owners	X		

Tomahawk Hearing, December 13, 2001

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Richard Burby	Elcho School Board CESA 9 Board of Control	X		
Cindy Flannery	Elcho Support Staff		X	
John D. Haugen	Elcho Schools		X	

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Carol B. Ory	Elcho Teachers Assoc.		X	
Trisha Pugal	Wisconsin Innkeepers Assoc.	X		
Marcia Sattelberg	Tomahawk Ed. Assoc.		X	
Dennis Schoeneck	Elcho Board of Education		X	
Larry Stordahl	Spencer Public Schools		X	
David Wessel	Athens Public Schools	X		
Kari Zambon	Holiday Acres Resort	X		

Milwaukee Hearing, December 20, 2001

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Keith Brandstetter	Waterford High School	X		
Sam Carmen	Milwaukee Teachers' Education Assoc.		X	
Kirk A. Drusch	Embassy Suites Hotel-Brookfield	X		
Dick Feldhausen	Green Bay Education Assoc.	X		
Bob Lehmann	Milwaukee Teachers' Education Assoc.		X	
Dave Lodes	Arrowhead Union High School		X	
Edward J. Lump	Wisconsin Restaurant Assoc.	X		
Elliott Moeser	Nicolet High School			X
Jennifer Morales	Self		X	
Trisha Pugal	Wisconsin Innkeepers Assoc.	X		
Helen K. Schaal	Green Bay Education Assoc.		X	
Allen Tomaszewski	Nicolet High School		X	

West Salem Hearing, January 3, 2002

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Jacalyn Broughton	Menomonie Teachers' Unit WCEA		X	
Richard E. Cody	Christ-St. John's Lutheran School		X	
Roger Derrickson	Arcadia School District			X
Linda Dowling	Westby Area School District		X	
Neil Duresky	Wisconsin Assoc. of School Boards	X		
Fred Frick	Holmen School District		X	
Bill Geist	Wisconsin Assoc. of Convention and Visitors Bureaus	X		
Jesse L. Harness	Menomonie Area School District		X	
Ron Perry	Melrose-Mindoro Schools		X	
Eric Prise	Tomah Area Convention and	X		

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
	Visitors Bureau			
Carol Popelka	Distance Learning Network CESA 4			X
Tom Tourville	LACVB	X		
D. Jerry Trochinski	Westby Area School District			X

Madison Hearing, January 4, 2002

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Brandi Browskowski-Durow	Self	X		
Ken Cole	Wisconsin Assoc. of School Boards	X		
Michael G. Ecker	Weston School District		X	
Douglas Flygt	Wisconsin Dells Visitor and Convention Bureau			X
Daniel Gantz	Noah's Ark Family Park	X		
Kevin Gruber	Noah's Ark Family Park	X		
Kathleen Kilgore	Wisconsin Restaurant Assoc.	X		
John Matthews	Madison Teachers' Union	X		
Joseph H. Quick	Madison Metropolitan School District	X		
Connie Schiestl	Fennimore Community School District	X		
Mark Schwingle	Self			X
Scott Smith	Self		X	
Jeff Tortomasi	Self	X		
Miles Turner	School Administrators' Alliance	X		

The following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Christine M. Adams	Self			
Janet Allen	Self			X
Vickie Bedard	Self			X
Jeri Bitney	Self			X
John Borkowski	Self			X
Keith Brandstetter	Self			X
Sue Bryan	Self			X
John and Kathy Carrier	Self			X
JP Champion	Campbellsport School District			X

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
David L. Cronin	Self	X		
Kathleen M. Decker	Self			X
Anne and Bob Dirkman	Self			X
Vida Djuric	Self			X
Michael D. Ehrlich	Self			X
Ingrid Forgy	Self			X
Linda Garfield	Self			X
Bev Glaus	Self			X
Reg Gobin	Wrightstown Community School District			X
Don Gutkowski	Self			X
Sue Jakusz	Self			X
William Jensen	Self			X
Larry and Sheree Johansen	Self			X
Aaron Juhl	Self		X	
Kathy L. Keenum	Self			X
Vicki Knowles	Self			X
Bruce Kyes	Self			X
Bill La Chapell	Self			X
Laurie Larsen	Self			X
Barbara Lofton	Self			X
Barbara Lundgren	Self			X
Carrie McDonald	Self			X
Alison H. Page	Self			X
Ron Rindfleisch	Self	X		
Ed and Deb Rollman	Self			X
Cheryl Romig	Self			X
Lynn Rotolo-Johnson	Self			X
John E. Schommer	Self			X
Judy Schwarzmeier	Self			X
Jamie Skjeveland	Self			X
Nadine M. Slowinski	Self			X
Jennifer Spahn	Self			X
Karen Strangberg	Self			X
Milton Strauss	Self			X
DeAnne Swenson	Self			X
Jack and Tim Taddy	Self			X
Steve Warner	Self			X
Arnold C. Widdes	Self			X
Eleane Wokwicz	Self			X
Judy Wynstra	Self			X

Changes made as a result of oral or written testimony:

Sections PI 27.03 (3) (a) and (b) 1. have been modified to clarify that a request for an earlier start date must be granted by the department and not just be submitted in order to be approved.

Section PI 27.03 (4) (intro.) has been modified to clarify that a request for an earlier start date must be adopted as a written resolution by the school board at a school board meeting that complies with the open meetings law.

Section PI 27.03 (5) (a) has been modified to clarify that the provision that allows an earlier start date for schools if their calendars have been approved for the 2002-2003 or 2003-2004 also pertains to union high school districts and their K-8 elementary schools when one of these districts has a ratified calendar.

Responses to Clearinghouse Report:

1. Statutory Authority:

a. Specialized programming allows pupils to engage in specific activities such as gifted and talented classes, remedial education, migrant programs, or the youth options program. In addition, new learning strategies to address a school in need of improvement under s. 115.38 (4), Stats., may be considered specialized programming. While this provision allows certain activities for targeted groups of pupils to begin before September 1, it does not allow the school board to officially begin its school term before September 1. This language has been added to s. PI 27.03 (2) (c) for clarity and should not conflict with statutory intent.

b. Recommendation accepted. The definition of "school board" under s. PI 27.02 (3) now refers to the statutory definition under s. 115.001 (7), Stats.

2. Form, Style and Placement in Administrative Code:

Recommendation accepted. The introductory language to s. PI 27.03 (4) has been modified to read, "The request and the resolution shall include all of the following."

5. Clarity, Grammar, Punctuation and Plainness:

a. Recommendation accepted. The definition of "forces of nature" under s. PI 27.02 (2) has been modified. The term "parties" has been replaced with "school board."

b. The extraordinary reason "closure of school due to forces of nature, code violations, or environmental orders" was created to allow for an earlier start date due to unforeseen circumstances that may not be related to construction. An example is as follows:

- Mold, pesticide or anthrax is detected in a school building in August.
- The contractor cannot begin decontaminating the school until September.
- The school can use an alternate site during August but the site is not available in September (perhaps another public or private school building).
- The school board may want to start the school year in August to make up for the time the school may have to be closed in September for clean up.

c. Recommendation accepted, changes made.

FINAL REGULATORY FLEXIBILITY ANALYSES

Summary of Final Regulatory Flexibility Analysis:

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

Summary of Comments:

No comments were reported.



State of Wisconsin
Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

Elizabeth Burmaster
State Superintendent

February 21, 2002

The Honorable Rick Skindrud, Chair
Assembly Committee on Tourism and Recreation
Room 18 West
State Capitol
P.O. Box 8953
Madison 53708-8953

Dear Representative Skindrud:

Thank you for meeting with department staff on February 20 to discuss the issues relating to the school start date rule. Based on the issues discussed at that meeting, the hearings on February 12 and 19, and pursuant to s. 227.19 (4) (b) 2., Stats., the department intends to revise Clearinghouse Rule 01-130, relating to commencement of a school term. The modified rule is attached for further consideration.

Under s. 227.19 (4) (b) 2., Stats., the review period of both committees is extended for 10 working days following receipt of this modified rule. Thank you for your consideration of this proposed rule. If you have any questions or concerns about these modifications, please contact Anthony Evers, Deputy State Superintendent, at 266-1771.

Sincerely,

E. Burmaster (case)

Elizabeth Burmaster
State Superintendent

Attachment

*Sen Robinson
Revised Start
everyone should be
confident*



State of Wisconsin
Department of Public Instruction

Elizabeth Burmaster
State Superintendent

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

February 21, 2002

The Honorable Richard Grobschmidt, Chair
Senate Committee on Education
Room 104 South
State Capitol
P.O. Box 7882
Madison 53707-7882

Dear Senator Grobschmidt:

Thank you for meeting with department staff on February 20 to discuss the issues relating to the school start date rule. Based on the issues discussed at that meeting, the public hearings on February 12 and 19, and pursuant to s. 227.19 (4) (b) 2., Stats., the department intends to revise Clearinghouse Rule 01-130, relating to commencement of a school term. The modified rule is attached for further consideration.

Under s. 227.19 (4) (b) 2., Stats., the review period of both committees is extended for 10 working days following receipt of this modified rule. Thank you for your consideration of this proposed rule. If you have any questions or concerns about these modifications, please contact Anthony Evers, Deputy State Superintendent, at 266-1771.

Sincerely,

A handwritten signature in cursive script that reads "E. Burmaster (ase)".

Elizabeth Burmaster
State Superintendent

Attachment



STATE REPRESENTATIVE

Rick Skindrud

Committee Assignments:
Chair, State Affairs Committee

Member:
Agriculture Committee
Insurance Committee
Small Business Committee
Tourism Committee
Governor's Council on Tourism

February 20, 2002

Elizabeth Burmaster
State Superintendent of Schools
125 South Webster St.
Madison, WI 53702

Dear Ms. Burmaster,

The Assembly Committee on Tourism and Recreation, which I chair, held public hearings on February 12 and 19 to consider the following administrative rules:

Clearinghouse Rule 01-130, relating to the commencement of a school term.

A couple of substantive concerns regarding these rules were raised during these public hearings. Therefore, the Committee voted in favor of a motion which requests that the Department of Public Instruction (DPI) agrees to modify CR 01-130 to take into account the concerns raised at the hearings. If the Department agrees, then the legislative review period is extended to the 10th working day following receipt of the modified proposed rule by the appropriate Senate and Assembly committees.

We are aware that there are some time considerations with regard to the local school calendars affected by the rules, and therefore, we are willing to expedite the review process in order to seek agreed-upon modifications.

Sincerely,

Rep. Rick Skindrud
Chairman, Assembly Committee on Tourism and Recreation

Serving the Seventy-Ninth. New ideas for a new future...

Office: P.O. Box 8953, State Capitol • Madison, WI 53708-8953
(608) 266-3520 • Fax: (608) 266-7038 • Rep.Skindrud@legis.state.wi.us
District: 1261 LaFollette Road • Mt. Horeb, WI 53572 • (608) 832-4843

NOTICE OF RULES IN FINAL DRAFT FORM

NOTICE IS HEREBY GIVEN To the presiding officers of each house of the legislature that the proposed rules are in final draft form according to the procedure set forth in s. 227.19, Stats.

**PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING RULES**

The state superintendent of public instruction hereby proposes to create chapter PI 27, relating to the commencement of a school term.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 118.045 (3) and 227.11 (2) (a), Stats.

Statute interpreted: s. 118.045, Stats.

2001 Wisconsin Act 16 requires school boards to start a school term after September 1 unless a school board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

The department is required to promulgate rules to implement and administer this provision. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

SECTION 1. Chapter PI 27 is created to read:

CHAPTER PI 27

COMMENCEMENT OF SCHOOL TERM

PI 27.01 Applicability and purpose. This chapter establishes procedures for school boards to use in requesting that a school term commence prior to September 1 as provided for under s. 118.045, Stats. This chapter also establishes criteria used in determining whether an extraordinary reason exists for granting such a request.

PI 27.02 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of public instruction.
- (2) "Forces of nature" means an event that is outside the control of the school board and could not be avoided by exercise of due care.
- (3) "School board" has the meaning defined in s. 115.001 (7), Stats.
- (4) "School term" means the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes.

PI 27.03 Commencement of school term. (1) Except as specified under subs. (2) and (3), beginning in the 2002-2003 school year, no public school may commence a school term until September 1.

(2) The provisions in this chapter do not prohibit a school board from doing any of the following:

(a) Holding athletic contests or practices before September 1.

(b) Scheduling in-service days or work days before September 1.

(c) Offering specialized programming for pupils before September 1. Specialized programming allows pupils to engage in specific activities such as gifted and talented classes, remedial education, migrant programs, or the youth option program. In addition, new learning strategies to address a school in need of improvement under s. 115.38 (4), Stats., may be considered specialized programming. While this provision allows certain activities for targeted groups of pupils to begin before September 1, it does not allow the school board to officially begin its school term before September 1.

(d) Holding school year-round.

(3) (a) A school board may commence a school term prior to September 1, 2002, if it submits a written request to the department under sub. (4) asking for an earlier school start date, and such request is granted by the department. The request shall be submitted at the earliest possible time prior to the beginning of the school term.

(b) 1. A school board may commence a school term prior to September 1 in subsequent years if it submits a written request to the department under sub. (4) asking for an earlier school start date, and such request is granted by the department. The request shall be submitted annually by January 1 prior to the beginning of the school term.

2. If an extraordinary event occurs after the January 1 deadline, the school board shall submit the written request under this paragraph at the earliest possible time prior to the beginning of the school term.

(4) The request under sub. (3) shall be adopted as a written resolution by the school board at a school board meeting that complies with the open meetings law under ss. 19.83 and 19.84, Stats. The request and resolution shall include all of the following:

(a) The reasons and any other relevant facts relating to the request for an earlier school start date.

(b) When an extraordinary event took place or a chronology of events leading to the request.

(5) The department may grant a request only if it determines that there are extraordinary reasons for granting the request. Extraordinary reasons include any of the following:

(a) Calendars for the 2002-2003 or 2003-2004 school year that were ratified by both parties 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 2002-2003 or 2003-2004 school year.

(b) Major construction projects that cause the school term to be altered and necessitate an earlier start date for the entire district.

(c) Closure of school due to forces of nature, code violations, or environmental orders.

(d) Excessive costs associated with the transportation of pupils who attend private schools that start prior to September 1. If an earlier start date is requested under this paragraph, the school board shall provide sufficient

documentation to establish that it has made a good faith effort to persuade the private school to start its school term on or after September 1.

(6) (a) The department shall make its determination in writing as to whether an extraordinary reason exists and shall notify the school board of its determination. The determination shall be based on the information provided by the school board and any other information received by the state superintendent department deems appropriate.

(b) At any time prior to the issuance of a final determination, the school board may withdraw its request.

PI 27.04 Reporting requirements. The state superintendent shall provide, annually by November 1, a report on the operation of the rule to the assembly committee having jurisdiction over tourism and the senate committee having jurisdiction over education. The report shall include the following information:

(1) The districts that made a request.

(2) The extraordinary reason cited for each request.

(3) The department's determination and the reasons for granting or denying each request.

(4) The nature and extent of information received from non-school board sources received by the department under s. PI 27.03 (6) (a).

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this _____ day of January, 2002

Elizabeth Burmaster
State Superintendent



State of Wisconsin
Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

Elizabeth Burmaster
State Superintendent

March 12, 2002

The Honorable Richard Grobschmidt, Chair
Senate Committee on Education
Room 104 South
State Capitol
P.O. Box 7882
Madison 53707-7882

Dear Senator Grobschmidt:

Pursuant to s. 227.19 (4) (b) 3., Stats., the department requests that s. PI 27.03 (5) (d) of Clearinghouse Rule 01-130, relating to the commencement of a school term, be modified as follows:

PI 27.03 (5) (d) Excessive costs associated with the transportation of pupils who attend private schools that start prior to September 1. If an earlier start date is requested under this paragraph, the school board shall provide sufficient documentation to establish that it has made a good faith effort to ~~persuade work with the private school to start its school term~~ coordinate a school start date on or after September 1.

This request is being made to alleviate possible concerns resulting from the modifications requested in our February 21, 2002, correspondence to you and Representative Skindrud, Chair, Assembly Committee on Tourism and Recreation.

Under s. 227.19 (4) (b) 3., Stats., the review period of both committees is extended for 10 working days following receipt of this modified rule. Thank you again for your consideration of this proposed rule. If you have any questions or concerns about these modifications, please contact Anthony Evers, Deputy State Superintendent, at 266-1771.

Sincerely,

Elizabeth Burmaster
State Superintendent

cc: Representative Rick Skindrud, Chair, Assembly Committee on Tourism and Recreation



State of Wisconsin
Department of Public Instruction

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Internet Address: www.dpi.state.wi.us

Elizabeth Burmaster
State Superintendent

March 13, 2002

Members of the Wisconsin Senate
State Capitol
Madison, WI 53702

Dear Senator:

Attached, pursuant to s. 227.24 (3), Stats., is a copy of emergency rules relating to the commencement of a school term for your information.

2001 Wisconsin Act 16 requires school boards to start a school term after September 1 unless a school board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

The department is required to promulgate rules to implement and administer this provision. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

- School boards are attempting to establish school calendars for the 2002-2003 school year and desire to have rules in place so proper procedures can be followed and requests can be approved or denied.
- School calendars are a mandatory subject of bargaining and more than 300 teacher contracts remain unsettled. Rules need to be in place so school calendars can be set and contracts can be ratified.
- Teacher contracts that have been settled and ratified prior to September 1, 2001, are listed in the rule as a reason school boards may begin the school term prior to September 1. Rules need to be in place so school boards and unions don't have to renegotiate these contracts.

If you have any questions on these emergency rules, or the proposed permanent rules, please contact me at (608) 266-1771 or Lori Slauson, Administrative Rules Coordinator, Policy and Budget, at (608) 267-9127.

Sincerely,

Anthony S. Evers
Deputy State Superintendent

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES**

The state superintendent of public instruction hereby creates chapter PI 27, relating to the commencement of a school term.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 118.045 (3) and 227.11 (2) (a), Stats.

Statute interpreted: s. 118.045, Stats.

2001 Wisconsin Act 16 requires school boards to start a school term after September 1 unless a school board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

The department is required to promulgate rules to implement and administer this provision. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

SECTION 1. Chapter PI 27 is created to read:

CHAPTER PI 27

COMMENCEMENT OF SCHOOL TERM

PI 27.01 Applicability and purpose. This chapter establishes procedures for school boards to use in requesting that a school term commence prior to September 1 as provided for under s. 118.045, Stats. This chapter also establishes criteria used in determining whether an extraordinary reason exists for granting such a request.

PI 27.02 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of public instruction.
- (2) "Forces of nature" means an event that is outside the control of the school board and could not be avoided by exercise of due care.
- (3) "School board" has the meaning defined in s. 115.001 (7), Stats.
- (4) "School term" means the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes.

PI 27.03 Commencement of school term. (1) Except as specified under subs. (2) and (3), beginning in the 2002-2003 school year, no public school may commence a school term until September 1.

- (2) The provisions in this chapter do not prohibit a school board from doing any of the following:
 - (a) Holding athletic contests or practices before September 1.
 - (b) Scheduling in-service days or work days before September 1.

(b) At any time prior to the issuance of a final determination, the school board may withdraw its request.

PI 27.04 Reporting requirements. The state superintendent shall provide, annually by November 1, a report on the operation of the rule to the assembly committee having jurisdiction over tourism and the senate committee having jurisdiction over education. The report shall include the following information:

(1) The districts that made a request.

(2) The extraordinary reason cited for each request.

(3) The department's determination and the reasons for granting or denying each request.

(4) The nature and extent of information received from non-school board sources received by the department under s. PI 27.03 (6) (a).

FINDING OF EMERGENCY

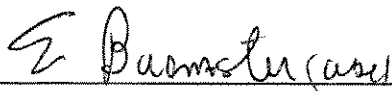
Beginning in the 2002-2003 school year, school boards are required to start a school term on or after September 1 unless the board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

- School boards are attempting to establish school calendars for the 2002-2003 school year and desire to have rules in place so proper procedures can be followed and requests can be approved or denied.
- School calendars are a mandatory subject of bargaining and more than 300 teacher contracts remain unsettled. Rules need to be in place so school calendars can be set and contracts can be ratified.
- Teacher contracts that have been settled and ratified prior to September 1, 2001, are listed in the rule as a reason school boards may begin the school term prior to September 1. Rules need to be in place so school boards and unions don't have to renegotiate these contracts.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this 13th day of March, 2002



Elizabeth Burmaster
State Superintendent

FISCAL ESTIMATE	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED)	LRB or Bill No./Adm. Rule No. Chapter PI 27, Wis. Admin. Code
DOA-2048 (R10/92)	<input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	Amendment No. If Applicable

Subject: Commencement of a School Term

Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs-May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
---	---

Local: <input type="checkbox"/> No local government costs	(see below)	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> VTAE Districts

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	Affected Ch. 20 Appropriations
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Assumptions Used in Arriving at Fiscal Estimate


The proposed creation of chapter PI 27, rules relating to the commencement of a school term, is a result of statutory changes made under 2001 Wisconsin Act 16. The rules will not have a fiscal effect separate from the statutory changes made under the Act. The Act modified s. 118.045, Stats., requiring school boards to start a school term after September 1 unless a school board submits a request to the department stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

By law, school districts must provide 180 days of instruction. By starting school later, school districts will likely have to make up days by having shorter winter or spring breaks, or by extending the school year later into summer. If school is conducted during Thanksgiving or winter break when schools would normally be vacant, heating and electrical costs may increase. These costs are indeterminate.

Additionally, current law requires school districts to provide transportation for pupils in private schools. If private schools choose to begin the school year prior to September 1, transportation costs may increase if school districts are required to run additional bus lines or otherwise accommodate the transportation needs of private school pupils when public school is not in session. For example, one public school district has 40 percent of its elementary student population in private or parochial schools. The business manager of the public district estimated that if the private schools chose to start school prior to September 1, it would cost the school district an additional \$5,000 to \$6,000 per day in transportation costs. The private schools started on August 26 in 2001. If the new legislation would have been in effect this year, it would have cost the public school district \$25,000 to \$30,000. It should be noted that excessive private school transportation costs are listed as an extraordinary reason to allow a school to begin a school term prior to September 1.

It is assumed this rule will have no state fiscal effect. These rules may affect small businesses. However, any costs or benefits will vary on a case-by-case basis depending on when such businesses need to employ pupils (at the beginning or end of summer).

Long-Range Fiscal Implications

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