

Report From Agency
FINAL REPORT
CLEARINGHOUSE RULE 16-027
CHAPTER PI 11 and 18
CHANGES NEEDED AS A RESULT OF 2011 WISCONSIN ACT 105

Analysis by the Department of Public Instruction

Statutory authority: Subchapter V of ch. 115 and s. 227.11 (2) (a) (intro.), Stats. (PI 11); and s. 118.33 (2), Stats. (PI 18)

Statute interpreted: ss. 115.88 (1) and 118.33 (1) (e), Stats.

2011 Wisconsin Act 105 makes various changes for school districts to include changes to both special education services and high school graduation requirements. Among these changes, the Act expands the number of services for which a school board may contract with private or public agencies for the purpose of serving children with disabilities, thereby repealing the previous law limitation to only special physical or occupational therapy services for children with disabilities. Additionally, the Act permits a school board to allow a pupil who participates in sports or in another organized physical activity to complete an additional 0.5 credit in English, social studies, mathematics, science or health education in lieu of 0.5 credit of physical education. As a result, this proposed rule change will align PI 11 and 18 with the statutory changes made as a result of 2011 Wisconsin Act 105. By repealing the limitation on the state superintendent's authority to approve only special physical or occupational therapy services for children with disabilities from the rule, as well as repealing and recreating high school credit requirements in lieu of changes to the underlying statutes, this technical change will align PI rule chapters with statutes.

A list of the persons who appeared or registered for or against the proposed rule at a public hearing:

As provided in s. 227.16 (2) (b), Stats., there is no requirement that a public hearing be held for this rule because the proposed rule brings an existing rule into conformity with a statute that has been changed.

Summary of public comments relative to the rule, the agency's response to those comments, and changes made as a result of those comments:

No public hearing was held and no comments were received.

Changes to the plain language analysis or the fiscal estimate:

See below.

Responses to Clearinghouse Report:

2. Form, Style and Placement in Administrative Code

- Provided more detail in the "plain language analysis" section of the rule summary to explain 2011 Wisconsin Act 105 in relation to the context of the proposed rule.
- Included a comparison to rules in adjacent states relating to high school graduation standards.