

Report From Agency
FINAL REPORT
CLEARINGHOUSE RULE 16-038
CHAPTER PI 24
STATE AID FOR ACHIEVEMENT GUARANTEE CONTRACTS AND
PARTIAL DEBT SERVICE REIMBURSEMENT

Analysis by the Department of Public Instruction

Statutory authority: ss. 118.43 (6m) and 118.44 (6) (e), Stats.

Statute interpreted: ss. 118.43 (6) and 118.44 (6), Stats.

This proposed rule change will align PI 24 with the statutory changes made as a result of 2011 Wisconsin Act 105, related to the Student Achievement Guarantee in Education program, and 2015 Wisconsin Act 53 with respect to the calculation and payment of state aid under the newly created Achievement Gap Reduction program. Any other revisions to PI 24 that are needed to align these rules with current statutes will also be made. Changes in the proposed rule include:

- Inserted references to the new Achievement Gap Reduction Program throughout the rule chapter where necessary
 - Eliminated outdated or unnecessary references to statute under the Student Achievement Guarantee in Education program
 - Determined a method for calculating state aid under both programs
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The hearing notice was published in the August 8th, 2016 edition of the Wisconsin Administrative Register. A public hearing was held on August 25th, 2016.

No persons provided oral or written testimony at the August 25th hearing.

Changes made as a result of oral or written testimony:

- No changes were made.

Changes to the analysis or the fiscal estimate:

- No changes were made.

Responses to Clearinghouse Report:

1. Statutory Authority

- a) Replaced the statutes cited under “statute interpreted” with “ss. 118.43 (6) and 118.44 (6), Stats.” Because the proposed rule does not amend the rule chapter for which it is given authority to promulgate rules under s. 118.43 (8), Stats., the Department has omitted this reference from the statutes cited under “statute interpreted.”
- b) Clarified the Department’s obligation under ss. 118.43 (6m) and 118.44 (6) (e), Stats., to promulgate rules under the “explanation of statutory authority.”

2. Form, Style and Placement in Administrative Code:

- a) Revised the enumeration of provisions treated from “consolidate, number and amend” to “consolidate, renumber and amend.”
- b) Added the designation “(title)” after “PI 24.03 (2)” in both the enumeration of provisions treated and the treatment clause for SECTION 5 of the proposed rule.
- c) Added the designation “(intro.)” between “PI 24.03 (3)” and “and (a)” in both the enumeration of provisions treated and the treatment clause for SECTION 7 of the proposed rule.
- d) Inserted a plain language analysis of the proposed rule. In addition, revised the “summary of factual data and analytical methodologies section.”
- e) Added the deadline for which individuals may submit comments on the proposed rule. In addition, revised the contact information for which individuals may submit electronically written comments on the proposed rule.
- f) Replaced the colon following the heading “SECTION 3” with a period. In addition, revised the treatment clause to read “PI 24.03 (1) (a) 1. is renumbered PI 24.03 (1) and amended to read:” and corrected the treatment of this section in the enumeration of treated provisions.

4. Adequacy of References to Related Statutes, Rules and Forms

- a) Replaced the citation to s. 118.43 (6) (b) 10., Stats., in s. PI 24.02 with s. 118.43 (6) (b) 11., Stats.
- b) Removed the citation to s. 118.43 (7), Stats., in s. PI 24.015 (1).
- c) The Clearinghouse citation in the report is inaccurate. The Department refers to s. 118.43 (1) (b), Stats., in s. PI 24.015 (4) of the rule (not s. 118.42 (1) (b), Stats.), which is still in effect. Therefore, both references in the proposed rule will be retained.

5. Clarity, Grammar, Punctuation and Plainness:

- a) Clarified the calculation of aid under s. PI 24.03 (1) to state that the amount of aid appropriated under s. 20.255 (2) (cu), Stats., shall be divided by the sum of low income pupils in the state enrolled in a grade eligible for funding to determine the amount of aid generated per each low-income pupil. The amount generated by each low income pupil shall be multiplied by the sum of low income pupils within a school district enrolled in a grade eligible for funding in each eligible school to determine the amount of aid to be paid to the school district.
- b) Clarified the recalculation of aid language under s. PI 24.03 (2m) to state that aid for school that withdraw from a contract under s. 118.43 or 118.44, Stats., shall receive payment of a prorated amount per day that the school was operating under a contract. Additionally, the last sentence was clarified to state that the funds that would have otherwise been paid to a school district that withdraws from a contract shall be calculated under s. PI 24.03 (1) and disbursed proportionately to all remaining eligible schools with contracts.
- c) Replaced all references to “low income pupil” to “low-income pupil” with a hyphen throughout the proposed rule.