

**FINAL REPORT
CLEARINGHOUSE RULE 21-008
CHAPTER PI 17
SUMMER AND INTERIM SESSION CLASSES**

Analysis by the Department of Public Instruction

Statutory authority: s. 121.14 (1) (a), Stats.

Statute interpreted: s. 121.14, Stats.

The objective of the proposed rule is to expand options for school districts and county children with disabilities education boards. The proposed rule will amend ch. PI 17 of the Wisconsin Administrative Code to include virtual instruction taught to any grade level during summer classes or laboratory periods that are necessary for academic purposes. The proposed rule will create consistency between the rules governing how virtual courses are aided during the summer and interim session and the regular school year.

The hearing notice was published in the January 19, 2021 edition of the Wisconsin Administrative Register. A public hearing was held on February 15, 2021.

The following persons testified at the February 15, 2021 hearing:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Chris Olson	Baraboo School District	X		

The following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Shelley Joan Weiss	Sun Prairie Area School District	X		
Dan Rossmiller	Wisconsin Association of School Boards	X		

Summary of public comments relative to the rule and the agency's response to those comments:

Two respondents argued in support of the proposed rule, adding the proposed rule will create consistency between the rules governing how virtual courses are aided during the summer and interim session and the regular school year. The respondents believe the proposed rule will create more educational opportunities for students and help remove potential barriers to student learning.

Agency Response: These comments were forwarded to program staff for consideration during the rulemaking process. No changes are needed.

Another respondent suggested breaking up the proposed rule into two subsections to specify the extent to which the statutory criteria found in ss. 121.004 (8) (b) 3. and 4., Stats., need to be met in order for certain online classes to be aided

while eliminating the current rule's proration of academic credit based on the minutes of direct instruction. The respondent believes the suggested change would preserve the intent of the rule while eliminating ambiguity.

Agency Response: The department does not intend to eliminate the current rule's proration of academic credit based on the minutes of direct instruction. This provision is necessary to determine the membership equivalent for summer and interim session courses and to effectuate the purpose of the underlying statutes, specifically s. 121.004 (8), Stats. The department does, however, agree with the respondent's suggestion to eliminate ambiguity in the proposed rule and will break up the proposed changes into a separate subsection from the current s. PI 17.03 (2) (d). The department will create s. PI 17.03 (2) (e), which provides that online classes offered by a school district to pupils are considered necessary for academic purposes if they are taught by a teacher licensed by the department or authorized to teach under s. 118.19 (1b) or (1c), Stats.

Changes made as a result of oral or written testimony:

Rather than amend s. PI 17.03 (2) (d), the department will create s. PI 17.03 (2) (e) to clarify the intent of the proposed rule. Section 17.03 (2) (e) will provide online classes offered by a school district to pupils are considered necessary for academic purposes if they are taught by a teacher licensed by the department or authorized to teach under s. 118.19 (1b) or (1c), Stats. The current rule's proration of academic credit based on minutes of direct instruction under s. PI 17.03 (2) (d) will be maintained as it exists in the current rule.

Changes to the analysis or the fiscal estimate:

No changes were made.

Responses to Clearinghouse Report:

1. Statutory Authority:

The changes are accepted.

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

The changes are accepted.

Changes deemed necessary by the department to improve implementation of the rule:

Revised the newly created s. PI 17.03 (2) (e) to limit the applicability of the proposed rule change to pupils in grades 9 through 12 as a result of conversations with the Legislature.