

Clearinghouse Rule 24-021

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 010-24, was published in Register No. 817B, on January 29, 2024, and approved by State Superintendent Jill K. Underly on February 13, 2024.

The State Superintendent of Public Instruction hereby proposes an order to create s. PI 8.01 (2) (v), relating to changes to PI 8 as a result of 2021 Wisconsin Act 30.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 121.02, Wis Stats.

Statutory authority: s. 121.02 (5), Wis Stats.

Explanation of agency authority:

Pursuant to s. 121.02 (5), Wis Stats., the state superintendent shall promulgate rules to implement and administer s. 121.02, Wis. Stats., the section of statute governing school district standards.

Related statute or rule:

N/A

Plain language analysis:

The proposed rule is a technical change to conform ch. PI 8 with the changes to statute as a result of 2021 Wisconsin Act 30, relating to incorporating the Holocaust and other genocides into the state model social studies standards and requiring instruction on the Holocaust and other genocides.

Summary of, and comparison with, existing or proposed federal regulations:

Because education in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to school district instructional standards. As a result, school district instructional standards vary by state.

Summary of any public comments and feedback on the statement of scope for the proposed rule that the agency received at a preliminary public hearing and comment period held and a description of how and to what extent the agency took those comments into account and drafting the proposed rule:

The Department held a preliminary public hearing and comment period on February 9, 2024, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

There are no comparable rules in adjacent states.

Summary of factual data and analytical methodologies:

Chapter PI 8 of the Wisconsin Administrative Code sets the minimum education standards for every school district in the state, including rules governing the establishment of school district curriculum plans. Since the rules were promulgated, 2021 Wisconsin Act 30 was adopted in spring 2021 and amended s. 121.02 (1) (L), Wis. Stats., to create requirements for instruction regarding the Holocaust and other genocides. The Act, in part, requires each school district to provide instruction on the Holocaust and other genocides at least once in grades 5-8 and at least once in grades 9-12 as part of its social studies curriculum. The proposed rule is a technical change to align ch. PI 8 with the statutory changes as a result of 2021 Wisconsin Act 30 and incorporate the requirement that each school district provide instruction on the Holocaust and other genocides in the rules governing school district standards. The rule change is designed to update department rules by conforming it with changes in statute. Without a rule change, the department will have rules that are not fully aligned with the statutes.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

N/A

Anticipated costs incurred by private sector:

N/A

Effect on small business:

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

Agency contact person: (including email and telephone)

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Place where comments are to be submitted and deadline for submission:

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. However, written comments on the rule may be submitted until March 19, 2024, by completing the form on the Legislature's website.

RULE TEXT

SECTION 1. PI 8.01 (2) (v) is created to read:

PI 8.01 (2) (v) *Instruction on the Holocaust and other genocides.* Each school district board shall comply with s. 121.02 (1) (L) 8. b., Stats., by including, as a part of the social studies curriculum, instruction on the Holocaust and other genocides at least once in grades 5 to 8 and at least once in grades 9 to 12.

SECTION 2. EFFECTIVE DATE:

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 _____, 2024

Jill K. Underly, PhD
State Superintendent