

CR 88-9

CERTIFICATE

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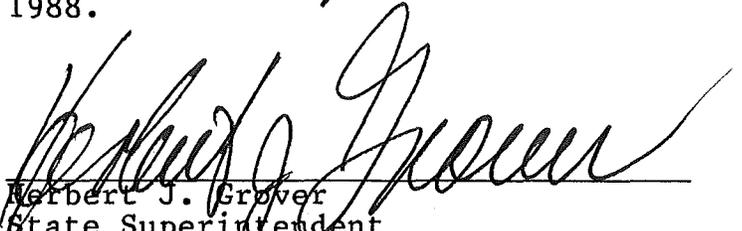
STATE OF WISCONSIN)
DEPARTMENT OF PUBLIC INSTRUCTION) SS

APR 28 1988
1:55 pm
Revisor of Statutes
Bureau

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said department, do hereby certify that the annexed rule relating to minimum uniform provisions for contracts between 2 or more school districts under s. 66.30, Stats., was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 25th day of April, 1988.


Herbert J. Grover
State Superintendent
State Department of Public Instruction

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES**

1 To renumber PI 14.03(1)(c), (d), (f) and (g); to repeal and recreate PI 14.02; and to
2 create PI 14.001 (title) and (intro.), relating to minimum uniform provisions for
3 contracts between 2 or more school districts under s. 66.30, Stats.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory Authority: SECTION 1614, Chapter 29, Laws of 1977; and s. 227.11, Stats.

Statute Interpreted: s. 66.30, Stats.

SECTION 1614 of Chapter 29, Laws of 1977, directed the department to promulgate administrative rules to ensure uniformity in contracts and proper reporting of contracts between school districts under s. 66.30, Stats. Section PI 14.02 contains the minimum uniform contract provisions for these agreements.

This proposed rule will amend the required method of prorating costs between participating school districts. Currently s. PI 14.02 (2) (d) requires that costs and state aids must be prorated between school districts based on pupil participation in the cooperative program. However, there are some cooperative programs which do not lend themselves to the proration of costs on a per pupil basis. These programs might be for administrative services or other noninstructional programs, as well as for some instructional programs. For this reason, the rule is being amended to allow school districts to use other "fair and equitable means" to prorate costs and state aids.

In addition, the format of s. PI 14.02 is being changed to reflect current rule drafting requirements.

4 **SECTION 1.** PI 14.001 (title) and (intro.) are created to read:

5 **PI 14.001 DEFINITIONS.** In this chapter:

6 **SECTION 2.** PI 14.02 is repealed and recreated to read:

7 **PI 14.02 MINIMUM UNIFORM PROVISIONS FOR CONTRACTS BETWEEN 2 OR**
8 **MORE SCHOOL DISTRICTS UNDER S. 66.30, STATS.** (1) DEFINITIONS. In this section:

9 (a) "Cooperative program" means the program operated in accordance with an
10 agreement under this section.

1 (b) "Municipality" has the meaning set forth in s. 66.30 (1) (a), Stats.

2 (2) MINIMUM UNIFORM CONTRACT PROVISIONS. Section 66.30 (2), Stats.,
3 permits any municipality to contract with other municipalities for the receipt or
4 furnishing of services or the joint exercise of any power or duty required or authorized by
5 law. This section sets forth minimum uniform contract requirements for agreements
6 between 2 or more school districts under s. 66.30, Stats., except that this section does not
7 apply to agreements entered into under s. 66.30 (6), Stats. Any cooperative program
8 between 2 or more school districts under this section shall meet all of the following
9 requirements:

10 (a) The school board of each participating school district shall approve the contract
11 by adoption of a resolution.

12 (b) The contract shall provide for and describe the cooperative program being
13 entered into under s. 66.30, Stats., and this section.

14 (c) The contract shall specify one participating school district to be the operator
15 and fiscal agent of the cooperative program, and shall require the fiscal agent to do all of
16 the following:

17 1. Establish and maintain records in accordance with the uniform financial
18 accounting system prescribed by the department under s. 115.28 (13), Stats.

19 2. File all required financial reports with the department.

20 3. Upon request of the department, file a copy of the contract and the plan of
21 operation with the department.

22 (d) The contract shall specify that pupil membership, for state aid purposes, shall
23 be counted by each pupil's school district of residence.

24 (e) The annual budget for the cooperative program shall be approved by the school
25 board of each participating school district prior to the beginning of the fiscal year. The
26 annual budget shall include all of the applicable direct instructional costs, and all

1 applicable support service and non-program costs, such as administrative salaries and
2 services, audit costs, fiscal services, custodial services, utilities, maintenance services,
3 space rental, and building administration.

4 (f) The contract shall specify that the proration of costs to each participating
5 school district shall be determined prior to June 30 each year. The proration of costs to
6 each participating school district in cooperative programs which provide services directly
7 to pupils shall be based on the number of pupils from each school district participating in
8 the cooperative program. The proration of costs to each participating school district in
9 cooperative programs which do not provide services directly to pupils, or which provide
10 services directly to pupils but on a specified time basis in each of the school districts,
11 shall be made on a basis which is fair and equitable to each participating school district,
12 such as the percentage of employe time spent in or on behalf of each school district. The
13 contract shall provide that state aid reimbursements shall be prorated to the participating
14 school districts on the same basis as the proration of costs.

15 (g) Unless transportation is included in the cooperative program, any transportation
16 of pupils shall be furnished by the school district of residence and the applicable transpor-
17 tation state aid shall be claimed by the school district of residence.

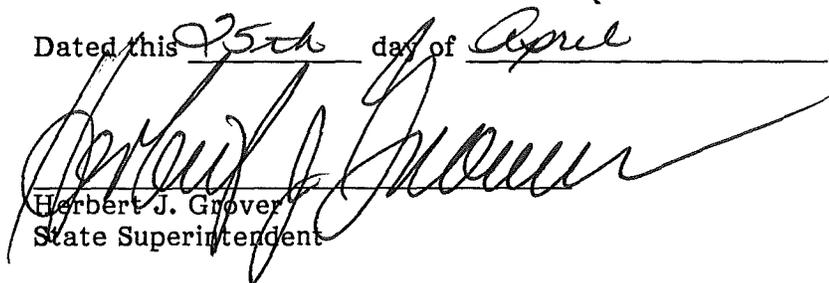
18 (h) The contract shall provide that prior approval from the school board of each
19 participating school district shall be required prior to any budget variations.

20 (i) The contract shall be signed and dated by the president and clerk of the school
21 board of each participating school district.

22 **SECTION 3.** PI 14.03 (1) (c), (d), (f) and (g) are renumbered PI 14.001 (1) to (4).

These rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Dated this 25th day of April, 1988.

A large, stylized handwritten signature in black ink, which appears to read "Herbert J. Grover". The signature is written over a horizontal line that is part of the signature line.

Herbert J. Grover
State Superintendent

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