

Wisconsin Department of Public Instruction

**STATEMENT OF SCOPE FOR ADMINISTRATIVE RULES**

GENERAL INFORMATION

Rule No.: PI 11 and 18

Relating to: Technical Changes to PI 11 and 18 as a Result of 2011 Wisconsin Act 105

Rule Type: Permanent

The revised statement of scope modifies SS 115-13, which was published in Register No. 693 on September 14, 2013 and approved by the Superintendent of Public Instruction on September 24, 2013, relating to changes as a result of 2011 Wisconsin Act 105. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, No. 2013AP416, 2015 WL 686178 (Wis. Ct. App. Feb. 19, 2015).

1. Finding/nature of the emergency (Emergency Rule only).

N/A.

2. Detailed description of the objective of the proposed rule.

This proposed rule change will align PI 11 and 18 with the statutory changes made as a result of 2011 Wisconsin Act 105. Any other changes to PI 11 and 18 that are needed to align these rules with current statutes will also be made.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives.

This is a technical change to align these PI rule chapters with statutes.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language).

Under s. 227.11 (2) (a) (intro.), Stats., "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct

interpretation.” As such, PI 11 is required to effectively implement and provide transparency to the programs involving children with disabilities under Subchapter V of ch. 115, Stats.

PI 18 has statutory authority under s. 118.33 (2), Stats.

**118.33 High school graduation standards; criteria for promotion.**

**(2)** The state superintendent shall:

(c) Establish course requirements under sub. (1) (a) and approve any school board's high school graduation standards policy that is equivalent to the requirements under sub. (1).

(m) Adopt policies to accommodate pupils with exceptional educational interests, needs or requirements, not limited to children with disabilities, as defined under s. 115.76 (5).

**(4)**

(a) The state superintendent shall establish procedures for school boards to certify to the state superintendent whether they are in compliance with the requirements under sub. (1) and the rules promulgated under sub. (2).

(b) The state superintendent may periodically review school district high school graduation standards and shall notify any school board not in compliance with the requirements under sub. (1) or the rules promulgated under sub. (2), identifying the changes necessary.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule.

The amount of time needed for rule development by department staff and the amount of other resources necessary are minimal.

6. List with description of all entities that may be affected by the proposed rule.

No entities should be affected by this rule change since the change will only be done to align the PI rule chapters with the statutes.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

N/A.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses).

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