

ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Chapter PI 1, Complaint Resolution and Appeals

Subject

Revising complaint and appeals procedures

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Chapter 20 , Stats. Appropriations Affected

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's Budget
 Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

Policy Problem Addressed by the Rule

The purpose of this rule would be to update the chapter, which has not been updated since 1987 with the exception of s. PI 1.01, to conform with statute. This rule covers all of the types of appeals and complaints that the Department is required by law to hear, unless another administrative rule or a statute provides more specific procedures (e.g.; ch. PI 11, children with disabilities). In addition, the rule addresses the procedures related to contested case hearings under s. 227.42, Stats., specify the requirements for a proper appeal, and specify who is responsible for paying for a transcript in a contested case hearing under s. 227.44 (8), Stats.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Local:

There is no economic impact on participating private schools or school districts with respect to the rule because the rule is created to align administrative code with statute and agency practice.

State:

The proposed rule specifies the procedures for the Department to hear the additional types of appeals and complaints which have been required since the last time the rule was updated. As such, the Department may be expected to adjust its procedures with respect to hearing appeals and complaints in accordance with the proposed rule. It is assumed such changes would be absorbed by the Department.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Chapter PI 1 specifies the procedures for the Department to hear appeals and complaints related to decisions by school districts. Since the rule was last updated, the Department has been charged with hearing additional types of complaints and appeals, not all of which relate to decisions by school districts. The revised rule would be

modeled after the existing ch. PI 1, the revised ch. PI 35 (CHR 16-004, which became effective on August 1, 2016), and approaches taken by other state agencies (e.g., ATCP Ch. 1). There is no policy alternative because the Department is required by law to hear appeals.

Long Range Implications of Implementing the Rule

The proposed rule will make any necessary changes to PI 1 as a result of recent changes to statute, and cover all appeals and complaints that the Department is required by law to hear. Statute, rule, and agency practice will be consistent.

Compare With Approaches Being Used by Federal Government

The federal government has established procedures to govern administrative appeals, such as those provided in Child and Adult Food Care Program appeals under 7 C.F.R. § 226.6 (k).

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Many other states establish procedures to govern administrative appeals (e.g., Minnesota Board of Teaching appeals under Minn. R. 8710.0900; Illinois Charter School Appeal Process under 105 ILCS 5/27A; Michigan Educator Effectiveness appeals under s. 380.1249(2)(1); Iowa appellate review by the state board of education, the director of education, or the department of education under 281—Iowa Administrative Code 6).

Name and Phone Number of Contact Person

Carl Bryan, Department of Public Instruction Administrative Rules Coordinator, (608) 267-9127.