

Wisconsin Department of Public Instruction

**STATEMENT OF SCOPE  
FOR ADMINISTRATIVE RULES**

**GENERAL INFORMATION**

Rule No.: PI 17

Relating to: Expanding virtual summer and interim session courses

Rule Type: Emergency

**NARRATIVE**

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

Emergency Order #1, which was published effective on March 18, 2020, ordered the closure of all public and private Wisconsin schools for the purposes of pupil instruction and extracurricular activities in order to suppress and control the spread of the infectious coronavirus disease (“COVID-19”). The proposed rule under this statement of scope will provide options for school districts and county children with disabilities education boards by allowing them to provide virtual instruction during summer and interim sessions in the event that school closures prevent students from meeting all academic requirements during the regular school year. However, a permanent will not be completed in time before the end of the school year. An emergency rule is therefore needed to ensure that schools may be able to use summer and interim sessions to provide virtual instruction as a means of making up instruction that was lost due to the emergency declaration.

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

The objective of the emergency rule is to expand the grade levels in which school districts and county children with disabilities education boards may receive state aid in providing virtual instruction during summer and interim session courses.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

PI 17 of the Wisconsin Administrative Code establishes criteria for summer and interim session classes receiving state aid, as authorized under s. 121.14, Stats. Pursuant to s. 121.14, Stats., a school district or county children with disabilities education board may count pupils for aid membership for those academic summer classes or laboratory periods that are necessary for academic purposes. Summer and interim session classes necessary for academic purposes include: 1) music programs, lessons, sectionals or clinics, if taught by a department-licensed teacher; 2) swimming instruction programs, if taught or directed by a department-licensed teacher at the site of the instruction; 3) instructional minutes, per pupil, per day, including field trips if accompanied by a department-licensed teacher and if all pupils have equal access to the field trips, regardless of their ability to pay; and 4) online classes offered to high school pupils and

pupils in grades 7 and 8 that meet the requirements of s. 121.004 (8) (b), Stats., and s. PI 36.11 (1) and in which at least 8,100 minutes of direct instruction are required to earn one credit (to be prorated accordingly if fewer minutes of direct instruction are provided).

The department proposes to expand options for school districts and county children with disabilities education boards for which they may be able to receive state aid by providing virtual instruction during summer classes or laboratory periods. The emergency rule will amend PI 17 to include online virtual instruction taught to any grade level during summer classes or laboratory periods that are necessary for academic purposes. Without an emergency rule, students and schools will have fewer options in making up missed instruction and the department will be required to implement PI 17 as the rules currently exist.

4. The statutory authority for the proposed rule.

The department is given rulemaking authority to establish criteria for summer and interim session classes under s. 121.14 (1) (a), Stats.:

121.14 State aid for summer classes and interim session classes.

(1)

(a) State aid shall be paid to each district or county children with disabilities education board for all of the following:

1. Subject to par. (b), those academic summer classes or laboratory periods that are for necessary academic purposes, as defined by the state superintendent by rule.

2. Subject to par. (b), for a school district or county children with disabilities education board that provides year-round school, those interim session classes or laboratory periods that are for necessary academic purposes, as defined by the state superintendent by rule.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

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

6. A description of all of the entities that will be affected by the proposed rule.

School districts and county children with disabilities education boards will be impacted by this emergency rule.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or 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.

Contact information

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