

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

The state superintendent of public instruction hereby creates chapter PI 27, relating to the commencement of a school term.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 118.045 (3) and 227.11 (2) (a), Stats.

Statute interpreted: s. 118.045, Stats.

2001 Wisconsin Act 16 requires school boards to start a school term after September 1 unless a school board submits a request to the Department of Public Instruction stating the reasons it would like the school term to start earlier. The department may grant a request only if it determines there are extraordinary reasons for granting it.

The department is required to promulgate rules to implement and administer this provision. The rules establish a procedure for school boards to use in requesting an earlier start date and gives examples of extraordinary reasons for granting such requests.

SECTION 1. Chapter PI 27 is created to read:

CHAPTER PI 27

COMMENCEMENT OF SCHOOL TERM

PI 27.01 Applicability and purpose. This chapter establishes procedures for school boards to use in requesting that a school term commence prior to September 1 as provided for under s. 118.045, Stats. This chapter also establishes criteria used in determining whether an extraordinary reason exists for granting such a request.

PI 27.02 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of public instruction.
- (2) "Forces of nature" means an event that is outside the control of the school board and could not be avoided by exercise of due care.
- (3) "School board" has the meaning defined in s. 115.001 (7), Stats.

(4) "School term" means the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes.

PI 27.03 Commencement of school term. (1) Except as specified under subs. (2) and (3), beginning in the 2002-2003 school year, no public school may commence a school term until September 1.

(2) The provisions in this chapter do not prohibit a school board from doing any of the following:

(a) Holding athletic contests or practices before September 1.

(b) Scheduling in-service days or work days before September 1.

(c) Offering specialized programming for pupils before September 1. Specialized programming allows pupils to engage in specific activities such as gifted and talented classes, remedial education, migrant programs, or the youth option program. In addition, new learning strategies to address a school in need of improvement under s. 115.38 (4), Stats., may be considered specialized programming. While this provision allows certain activities for targeted groups of pupils to begin before September 1, it does not allow the school board to officially begin its school term before September 1.

(d) Holding school year-round.

(3) (a) A school board may commence a school term prior to September 1, 2002, if it submits a written request to the department under sub. (4) asking for an earlier school start date, and such request is granted by the department. The request shall be submitted at the earliest possible time prior to the beginning of the school term.

(b) 1. A school board may commence a school term prior to September 1 in subsequent years if it submits a written request to the department under sub. (4) asking for an earlier school start date, and such request is granted by the department. The request shall be submitted annually by January 1 prior to the beginning of the school term.

2. If an extraordinary event occurs after the January 1 deadline, the school board shall submit the written request under this paragraph at the earliest possible time prior to the beginning of the school term.

(4) The request under sub. (3) shall be adopted as a written resolution by the school board at a school board meeting that complies with the open meetings law under ss. 19.83 and 19.84, Stats. The request and resolution shall include all of the following:

(a) The reasons and any other relevant facts relating to the request for an earlier school start date.

(b) When an extraordinary event took place or a chronology of events leading to the request.

(5) The department may grant a request only if it determines that there are extraordinary reasons for granting the request. Extraordinary reasons include any of the following:

(a) Calendars for the 2002-2003 or 2003-2004 school year that were ratified by both parties prior to September 1, 2001. This provision applies to union high school districts and the school districts operating only elementary grades whose territory is included in the union high school district when one of these districts has a ratified calendar for the 2002-2003 or 2003-2004 school year.

(b) Major construction projects that cause the school term to be altered and necessitate an earlier start date for the entire district.

(c) Closure of school due to forces of nature, code violations, or environmental orders.

(d) Excessive costs associated with the transportation of pupils who attend private schools that start prior to September 1. If an earlier start date is requested under this paragraph, the school board shall provide sufficient documentation to establish that it has made a good faith effort to persuade the private school to start its school term on or after September 1.

(6) (a) The department shall make its determination in writing as to whether an extraordinary reason exists and shall notify the school board of its determination. The determination shall be based on the information provided by the school board and any other information received by the department.

(b) At any time prior to the issuance of a final determination, the school board may withdraw its request.

PI 27.04 Reporting requirements. The state superintendent shall provide, annually by November 1, a report on the operation of the rule to the assembly committee having jurisdiction over tourism and the senate committee having jurisdiction over education. The report shall include the following information:

(1) The districts that made a request.

(2) The extraordinary reason cited for each request.

(3) The department's determination and the reasons for granting or denying each request.

(4) The nature and extent of information received from non-school board sources received by the department under s. PI 27.03 (6) (a).

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 March, 2002

Elizabeth Burmaster
State Superintendent