

# Clearinghouse Rule 99-103

## CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF PUBLIC INSTRUCTION)

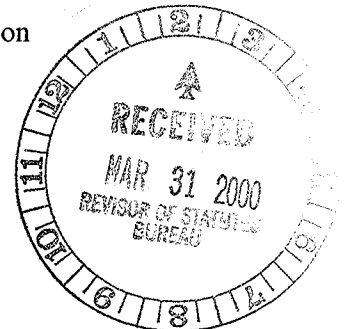
I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to summer school programs was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

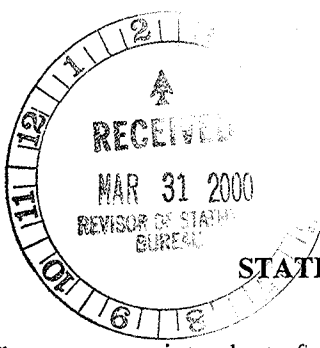
I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

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 31<sup>st</sup> day of March, 2000.

  
*John T. Benson*

John T. Benson  
State Superintendent  
State Department of Public Instruction





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

The state superintendent of public instruction hereby creates chapter PI 17, relating to summer school programs.

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**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

Statutory authority: ss. 121.14 (1) and 227.11 (2) (a), Stats.

Statute interpreted: ss. 118.04, 121.004 (8), 121.14

1997 Wisconsin Act 240 specifies that state aid shall be paid to each district or county handicapped children's education board only for those academic summer classes or laboratory periods that are for necessary academic purposes, as defined by the state superintendent by rule.

In accordance with the Act, the proposed rules define academic purposes as summer school learning experiences that are related or similar to instruction that is offered during the rest of the school year or for which credit toward graduation is given. The proposed rules give examples of summer school classes that are and are not necessary for academic purposes.

The rules also specify:

- That a school district may operate a summer school program in cooperation with a CESA or another school district under a 66.30 agreement.
- That a summer school membership report must be submitted annually to the department.
- That if a school district is audited under s. 115.28 (18), Stats., the audit shall include an examination of summer school membership.
- How summer school aid is to be calculated.
- What fees may or may not be charged as part of a summer school program.

Summer school programs will no longer require prior review and approval from the department, but may be audited as described above.

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**SECTION 1.** Chapter PI 17 is created to read:

**CHAPTER PI 17**

**SUMMER SCHOOL PROGRAMS**

**PI 17.01 Applicability and purpose.** This chapter establishes criteria for summer school programs receiving state aid, as authorized under s. 121.14, Stats.

**PI 17.02 Definitions.** In this chapter:

- (1) "CESA" means a cooperative educational service agency under ch. 116, Stats.
- (2) "Department" means the Wisconsin department of public instruction.
- (3) "Reasonable fees" means the fee charged does not exceed the actual cost to the school district or children with disabilities education board of the materials supplied to pupils or activities engaged in by pupils.
- (4) "School year" means the time commencing with July 1 and ending with the next succeeding June 30.
- (5) "State superintendent" means the state superintendent of public instruction.

**PI 17.03 Summer school programs.**

(1) Under 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, as specified under this chapter. A school district may operate a summer school program in cooperation with a CESA or another school district under an agreement as provided in s. 66.30, Stats. In this section, "academic purposes" means summer school learning experiences are related or similar to instruction that is offered during the rest of the school year or for which credit toward graduation is given.

(2) Summer school courses necessary for academic purposes may include all of the following:

(a) Music programs, lessons, sectionals or clinics, if taught by a department-licensed teacher.

(b) Swimming instruction programs, if taught or directed by a department-licensed teacher at the site of the instruction.

(c) Up to 270 minutes of instructional time, including field trips, per student, per day, if accompanied by a department-licensed teacher and if all pupils have equal access to field trips, regardless of their ability to pay.

(3) Summer school activities not necessary for academic purposes include all of the following:

(a) Travel time to events, including field trips.

(b) Performances, including band, orchestra, parades, and plays.

(c) Recreational programs and team sports.

(d) Participation in fairs or expositions by pupil organizations, such as future farmers of America.

(e) Any offering not provided by or directed on-site by a department-licensed teacher.

(4) A school district under sub. (1) shall annually submit to the department a summer school membership report.

NOTE: Form PI-1804, Summer School Membership Report, may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841.

(5) A school district under sub. (1) shall document and retain the calculation of summer school membership on a form provided by the department.

NOTE: Form PI-1804w, Summer School Membership Worksheet, may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841.

**PI 17.04 Summer school aid calculation.** (1) Summer school average daily membership equivalent shall be included as a full-time equivalency in the district's September official enrollment of the school district required under s. 121.05 (1) (a), Stats.

(2) The summer school average daily membership equivalent reported under sub. (1) shall be calculated using the district's total summer school resident pupil membership minutes, divided by 48,600 and rounding to the nearest whole number.

(3) If an audit is required under s. 115.28 (18), Stats., the audit shall include an examination of summer school membership under this chapter.

**PI 17.05 Fees charged for summer school courses.** (1) A school district or county children with disabilities education board offering a summer school program may charge reasonable fees for the following:

- (a) Personal use items, such as towels, gym clothes, or uniforms.
- (b) Social and extra-curricular activities if not necessary to the school's curriculum nor aided under s. 121.14 (1), Stats.

- (c) Books, except as specified under sub. (2) (b).
- (d) Nonresident tuition for pupils from another school district.

(2) A school district or county children with disabilities education board offering a summer school program may not charge fees for any of the following:

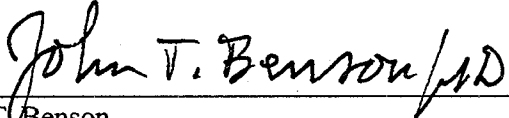
- (a) Instruction, registration or tuition, except as specified under sub. (1) (d).
- (b) Books for indigent children residing in the district.
- (c) Teacher salary.
- (d) Buildings, maintenance or equipment.
- (e) Courses credited for graduation.
- (f) Computers or microfilm readers.

(4) A school district or county children with disabilities education board offering a summer school program may not prohibit an eligible pupil from attending summer school, expel or otherwise discipline the pupil, or withhold or reduce the pupil's grades because the pupil or the pupil's family cannot pay or has not paid fees charged under sub. (1).

NOTE: One available remedy for collecting a valid nonpaid fee is small claims court.

The 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 31<sup>st</sup> day of March, 2000

  
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John T. Benson  
State Superintendent