

Clearinghouse Rule 13-116

**PROPOSED ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION REPEALING PERMANENT  
RULES**

The scope statement for this rule, SS 113-13, was published in Register No. 693, on September 14, 2013, and approved by State Superintendent Evers, on September 24, 2013. Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope or this rule.

The State Superintendent of Public Instruction hereby proposes an order to repeal PI 42, relating to the School Breakfast Program.

The rules are being adopted under s. 227.16(2)(b), Stats., which provides that rulemaking does not need to be preceded by notice and public hearing if the proposed rule brings an existing rule into conformity with a statute that has been changed.

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**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

**Statute interpreted:** None. 1999 Wisconsin Act 9 eliminated the grants awarded under the School Breakfast Program.

**Statutory authority:** None.

**Explanation of agency authority:**

The Department of Public Instruction is repealing a rule that no longer has any statutory authority.

**Related statute or rule:** None.

**Plain language analysis:**

This proposed rule change is a technical change that would repeal a rule that no longer has any statutory authority.

**Summary of, and comparison with, existing or proposed federal regulations:** N/A.

**Comparison with rules in adjacent states:** N/A.

**Summary of factual data and analytical methodologies:** N/A.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:** N/A.

**Anticipated costs incurred by private sector:** N/A.

**Effect on small business:**

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

**Agency contact person: (including email and telephone)**

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**Place where comments are to be submitted and deadline for submission:**

Comments can be submitted to Katie Schumacher using the contact information above. Comments must be submitted no later than 10 days after publication of the notice of submittal to the Rules Clearinghouse in the Administrative Register.

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**SECTION 1. Chapter PI 42 is repealed.**

**SECTION 2. EFFECTIVE DATE:**

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 \_\_\_\_\_, 2013

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Tony Evers, PhD  
State Superintendent