

## Report From Agency

### FINAL REPORT CLEARINGHOUSE RULE 14-045 CHAPTER PI 80 COMMUNITY PROGRAMS AND SERVICES

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#### Analysis by the Department of Public Instruction

Statutory authority: s. 120.13 (19), Stats.

Statute interpreted: s. 120.13 (19), Stats.

***The basis and purpose of the proposed rule, including how the proposed rule advances relevant statutory goals or purpose:***

Under 2013 Wisconsin Act 306, the Department is required by statute to define ineligible costs related to community programs and services.

The role of Community Programs and Services (Fund 80) is to provide access to community activities that are not limited to pupils enrolled in the district's K-12 educational programs. Other funds, such as the General Fund and Special Projects Fund, carry out the day to day K-12 educational operations of the district. All activities associated with a well-rounded curriculum (curricular and extra-curricular activities) are to be accounted for in these funds and the Pupil Activity Fund (Fund 60).

Excluded from a Community Service Fund are any academic subjects and extra-curricular activities available only to pupils enrolled in the district. Student activities such as inter-scholastic athletics and other extra-curricular activities, pupil clubs, dances, field trips, student seminars and symposiums also may not be funded through Community Service.

A school board may, under s. 120.13 (17), Stats., grant the temporary use of school grounds, buildings, facilities or equipment, under conditions, including fees as determined by the school board. A Community Service Fund should not be established for providing access to district property for organizations such as youth, theater, and other groups not under the control of the school board unless the district is incurring additional direct cost that will not be recovered through fees and therefore requires a tax levy subsidy.

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***A list of the persons who appeared or registered for or against the proposed rule at a public hearing:***

The hearing notice was published in the July 31, 2014 edition of the Wisconsin Administrative Register. A public hearing was held on September 4, 2014.

***The following persons testified at the September 4, 2014 hearing (some also provided written testimony as well):***

Bernard Nikolay	Testified and provided written comments	School District of Cambridge
Bridgette Hermanson	Testified and provided written comments	School District of Cambridge

Joan Erickson	Testified and provided written comments	School District of Menomonee Falls
Katy Kraemer	Testified and provided written comments	Columbus Public Schools
Diane Pertzborn	Testified	DeForest Area School District
Chuck Theisenhusen	Testified and provided written comments	Big Foot Recreation District
Deb Stolz	Testified and provided written comments	Shorewood School District

***The following persons submitted written testimony:***

Joan Erickson/Jeff Gross	Provided written comments	School District of Menomonee Falls
Marie Collins	Provided written comments	Badger Community education
Jennifer Smith	Provided written comments	Baldwin-Woodville School District
Brad Anderson	Provided written comments	Franklin Public School District
Scott Lein	Provided written comments	Oregon School District
Sue Schnorr/Al Wenig	Provided written comments	Oshkosh Area School District
Kathryn Stutz Murray	Provided written comments	Plymouth Joint School District
Mark Heck	Provided written comments	Pulaski Area Community Education
Mark Gruen	Provided written comments	Royall School District
Chad Holpher	Provided written comments	School District of Cambridge
Jim Heiden/Tina Kreitlow	Provided written comments	School District of Cudahy
Nancy P. Kraft	Provided written comments	School District of Flambeau
Kale Proksch	Provided written comments	School District of Menomonie Area
Bryan Hansen/Mary Blaha	Provided written comments	School District of Sheboygan Falls
Joseph Sheehan/Mark Boehlke /John Koehler	Provided written comments	Sheboygan Area School District
Deb Stolz/Nich Phalin/Kristin Serpe/Megan Welch /Bobby Wood/Nara Rangel-kubacki/Barb Xistris	Provided written comments	Shorewood School District

***Summary of public comments relative to the rule, the agency's response to those comments, and changes made as a result of those comments:***

*Summary of public comments*

The Value of Community Education Programs

1. Fund 80 allows communities to provide programming for their youth, senior citizens and all members of their community. A community program improves the lives of citizens in the community. This also results in a connection between the school and community.
2. Fund 80 is especially valuable for smaller districts that would not otherwise be able to have a recreation program in their communities. Unlike larger districts, there are very limited alternatives for community members to receive the services offered through a community education program.

### Comments on Restricting the Fund 80 Levy

3. The local community is able to vote annually on funds designated for community recreation and enrichment. Forcing the state's will on local communities is over-reaching; local taxpayers should be able to determine how to allocate their local tax dollars for community enrichment.
4. The levy freeze will prevent the creation of new programming and restrict the ability to maintain the current quality of programming. It will also prevent the community program from being responsive to the immediate needs of the community.
5. The rules should allow school districts that do not currently have a community education program to establish such a program and should give school districts the right to increase the annual Fund 80 levy to expand community education opportunities.

### Comments on the Rule

6. Any rules governing how Fund 80 is used should result in an improvement in the quality of life in Wisconsin communities.
7. Responsible use of Fund 80 to support community programming should be permitted. Transparency in the use of Fund 80 is needed.
8. All school districts should not be punished for a few that are taking advantage, misusing or abusing their Fund 80 privileges.
9. Clear guidelines, standards, and oversight on how Fund 80 dollars are allocated by school districts is important. Affected schools that have been in violation of Fund 80 guidelines should be given the time, resources, and financial tools to ease their dependency on Fund 80.
10. Any rules governing Fund 80 should consider the different needs and values of each community and allow districts the flexibility to serve its citizens. There is not any standard formula for successful community programs. Narrowing the guidelines already in place for using Fund 80 may result in a negative impact on some community programs.
11. If PI 80 rules are too restrictive, it may prohibit school districts from expanding any community programs.

### *Agency Response:*

#### The Value of Community Education Programs

The Department recognizes the important role that community education programs play in their communities. The Department knows that many community education programs' expenditures already conform to the Department's guidelines. This rule codifies the Department's guidelines. No changes to the rule were made as the Department believes the general principles in the rule reflect the need for robust community education programs and allow for differences in programs from community to community.

#### Comments on Restricting the Fund 80 Levy

This change was part of the biennial budget (2013 Wisconsin Act 20). The Department has no statutory authority to make any changes in the PI 80 rule to address the Fund 80 levy.

### Comments on the Rule

The rule codifies the guidance the Department has already provided to districts on Fund 80. The Department is required by statute to define Fund 80 “ineligible costs.” Through this rule, the Department has tried to provide consistency to districts, recognizing that community education programs vary, while also being cognizant of the need to distinguish Fund 80 expenditures from general school fund expenditures. No changes were made in the PI 80 rule as the Department believes the rule maintains the right balance between consistency for districts and the need for some foundational principles regarding what is permitted under Fund 80.

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### ***Changes to the plain language analysis or the fiscal estimate:***

No changes were made.

### ***Responses to Clearinghouse Report:***

#### 2. Form, Style and Placement in Administrative Code:

The Department revised the rule to eliminate the definition section of the rule and instead describe ineligible costs.

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language:

All of the recommendations under this section were accepted.