

**Report From Agency**  
**FINAL REPORT**  
**CLEARINGHOUSE RULE 16-016**  
**CHAPTER PI 8**  
**SCHOOL DISTRICT STANDARDS**

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**Analysis by the Department of Public Instruction**

**Statutory authority:** s. 121.02 (5), Stats.

**Statute interpreted:** s. 121.02 (1) (f), Stats.

The purpose of this rule change is to acknowledge innovative instructional methods used by school districts to provide direct instruction. The proposed rule provides a definition of innovative instructional design as an instructional program aligned to school district standards and used to improve student academic achievement through instruction offered virtually, in an alternative setting, or outside of the normal school day. Additionally, the proposed rule repeals the recommended minimum allocations of instructional time contained in Appendix A. By amending this rule, the proposed rule allows that hours of direct instruction provided through innovative instructional models count toward the required hours of direct instruction under s. 121.02 (1) (f), Stats.

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The hearing notice was published in the February 15, 2016 edition of the Wisconsin Administrative Register. A public hearing was held on March 1, 2016.

*The following persons testified at the March 1, 2016 hearing (some also provided written testimony as well):*

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
David Vitale	Watertown Unified School District	X		

*The following persons submitted written testimony:*

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Mary Pfeiffer	Neenah Joint School District	X		

*Summary of public comments relative to the rule and the agency's response to those comments:*

Comments on the Rule

- The comments in favor of the rule generally agree with the Department's proposal to create greater flexibility and autonomy for students, educators, and ultimately school districts via the rulemaking process. Bringing attention to innovative instructional approaches is a positive step because it allows the educational community to identify personalized learning approaches with higher academic integrity and rigor. The changes to PI 8 gets school districts closer to leverage strategies that reflect effective teaching and variety in learning.

- While the rule appears to recognize a current need to find innovative ways to educate students, additional changes are requested: 1) eliminate all minutes to allow schools to individualize education, 2) focus rule changes to support school-to-work initiatives, and 3) identify potential policies or rules that could be changed to give public schools the same advantage as private and charter schools, such as changing the school start date.

#### Agency Response

- The proposed changes to chapter PI 8 both recognize innovative instructional methods used by school districts and allow hours of direct instruction provided through those means to count toward hours of direct instruction as required in statute. While the school start date and hours of instruction are both required in statute, hours of instruction are no longer tied to individual students under the proposed rule, but rather to the school or grade level. As a result, individualized educational minutes can be addressed via innovative instructional practices under existing statutory provisions. School districts are given flexibility to provide innovative models of instruction to individual students for personalized learning and groups of students with regard to their minutes of instruction. For instance, statutes concerning curriculum modification (ss. 118.15 (1) (c) and (1) (d), Stats.) and alternative education (ss. 115.28 (7) (e) and 118.33 (1) (d), Stats.) accompany innovative strategies that are otherwise identified through Department guidance in the “Fostering Innovation in Wisconsin Schools” document, which can be found at the following link: <http://dpi.wi.gov/sites/default/files/imce/cal/pdf/fostering-innovation-credit-flexibility.pdf>

#### ***Changes made as a result of oral or written testimony:***

- No changes were made.

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

- No changes were made.

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

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

- Provided a specific deadline by which to submit public comments in the rule summary.
- Repealed the Note under s. PI 8.01 (2) (L) 1. per the repeal of Appendix A.

##### 5. Clarity, Grammar, Punctuation and Plainness:

- Included a sentence explaining that the rule repeals the recommended minimum allocations of instructional time contained in Appendix A.