

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input type="checkbox"/> Original <input checked="" type="checkbox"/> Updated <input type="checkbox"/> Corrected		2. Date 11/17/2021
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) PI 36, Public school inter-district open enrollment		
4. Subject General updates to open enrollment procedures		
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget		
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)		
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s.227.137 (3) (b) 1., Stats \$0		
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137 (3) (b) 2., Stats.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
11. Policy Problem Addressed by the Rule The objective of the proposed rule is to make the following updates that are necessary for improving the administration of ch. PI 36 of the Wisconsin Administrative Code: <ol style="list-style-type: none">1) Clarifying s. PI 36.04 (3) (d) and (e) to specify that, in cases where it would ordinarily be required to guarantee approval of a student's open enrollment application, the nonresident school district is not required to do so if the special education services that student requires are not available in the nonresident school district.2) Clarifying s. PI 36.06 (1) (b) to specify that a parent is prohibited from submitting multiple applications to the same nonresident school district for the same school year if their initial application has been denied.3) Conforming s. PI 36.06 (1) (b) to recent changes in statute under 2021 Wisconsin Act 19 and specifying that applications to virtual charter schools do not count toward the 3 nonresident school district maximum.4) Creating s. PI 36.09 (5) to specify that school attendance enforcement responsibility goes back to the resident school district after a pupil's open enrollment is terminated.5) Clarifying s. PI 36.13 (4) to specify that open enrollment transportation reimbursement claims submitted after July 15 of the school year in which transportation was provided will not be paid.		
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments The department held a preliminary public hearing and comment period on the scope statement for the proposed rule. No comments were received for consideration in the development of this economic impact analysis.		
13. Identify the Local Governmental Units that Participated in the Development of this EIA None.		
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) State: No fiscal effect.		

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Local:

The proposed rule clarifies procedures for school districts, parents, and pupils in the handling of applications and transportation reimbursement claims under the open enrollment program. Additionally, the proposed rule will align Chapter PI 36 of the Wisconsin Administrative Code with the statutory changes under 2021 Wisconsin Act 19 to specify that applications to virtual charter schools do not count toward the 3 nonresident school district application limit. School districts may be expected to adjust their practices to conform with this rule change, but the Department does not anticipate any local fiscal impacts to result from this rule.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The revisions under the proposed rule will clarify and improve the rule's implementation of the open enrollment program. These revisions include minor updates which do the following: specifying that a student's open enrollment application does not need to be guaranteed approval if special education services are not available in the nonresident school district; specifying that a parent is prohibited from submitting multiple applications to the same nonresident school district for the same school year if their initial application has been denied; specifying that school attendance enforcement responsibility goes back to the resident school district after a pupil's open enrollment is terminated; and specifying that open enrollment transportation reimbursement claims submitted after July 15 will not be paid. Additionally, the proposed rule will align Chapter PI 36 of the Wisconsin Administrative Code with the statutory changes under 2021 Wisconsin Act 19 to specify that applications to virtual charter schools do not count toward the 3 nonresident school district application limit. Without these rule changes, the Department will be required to implement rules governing the open enrollment program as they currently exist in PI 36; however, portions of rule will conflict with statute.

16. Long-Range Implications of Implementing the Rule

The revisions under the proposed rule will clarify and improve the rule's implementation of the open enrollment program. Additionally, this proposed rule will align Chapter PI 36 of the Wisconsin Administrative Code with the statutory changes under 2021 Wisconsin Act 19.

17. Compare With Approaches Being Used by Federal Government

N/A

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois rules and statutes are silent as it relates to procedures for transferring pupils via interdistrict open enrollment.

Iowa: Under Iowa Admin. Code r. 281-17.3, on or before March 1 of the school year preceding the school year for which open enrollment is requested, a parent or guardian shall formally notify both the district of residence and the receiving district of the request for open enrollment. The request for open enrollment shall be made on forms provided by the department of education. Failure by the parent to send the form to the resident district and receiving district by the deadline may cause the application to be considered untimely. The parent or guardian is required to indicate on the form if the request is for a pupil requiring special education, as provided by Iowa Code chapter 256B. The forms for open enrollment application are available from each public school district and area education agency and from the state department of education. Further, under Iowa Admin. Code r. 281-17.10, open enrollment options shall be made available for pupils at no instructional cost to their parents or guardians. Open enrollment pupils shall be considered enrolled resident pupils in the resident district and shall be included in the certified enrollment count of that district for the purposes of generating school foundation aid.

Michigan: Michigan rules are silent as it relates to procedures for transferring pupils via interdistrict open enrollment. However, Mich. Comp. Laws Ann. § 388.1705 is the statute governing the procedures for counting nonresident pupils in membership and applications for enrollment by nonresident pupils.

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Minnesota: Minnesota rules are silent as it relates to procedures for transferring pupils via interdistrict open enrollment. However, Minn. Stat. § 124D.03 is the statute governing the enrollment options program which enables any pupil to attend a school or program in a district in which the pupil does not reside.

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