

## CR 13-115

### ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING PERMANENT RULES

The scope statement for this rule, SS 094-13, was published in Register No. 692, on August 14, 2013, and approved by State Superintendent Tony Evers, on August 27, 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 amends PI 25.05(1)(intro), relating to the Children At Risk Plan and 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:** s. 118.153(3)(c)2., Stats.

**Statutory authority:** s. 118.153(7), Stats.

**Explanation of agency authority:**

Under s. 118.153(7), Stats., the State Superintendent must promulgate rules to implement the program for children at risk of not graduating from high school.

**Related statute or rule:** None.

**Plain language analysis:**

The proposed rule change will modify PI 25.05 to align it with the statutory change made in 2011 Wisconsin Act 32, which removed the statutory limitation on the number of children at risk a school district may contract with private agencies to provide services for.

**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. PI 25.05(1)(intro) is amended to read:**

**PI 25.05** (1) The board of a school district may contract with private, nonprofit, nonsectarian agencies to provide programs for children at risk ~~for not more than 30% of the children at risk enrolled in grades 5 through 12,~~ if the board determines that the agencies can adequately serve such children. A board contracting under this section shall take all of the following actions:

**SECTION 2. EFFECTIVE DATE:**

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 \_\_\_\_\_ day of \_\_\_\_\_, 201\_

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Tony Evers, PhD  
State Superintendent