



1995 ASSEMBLY BILL 212

March 17, 1995 – Introduced by Representatives Ward, Coleman, Duff, Porter, Goetsch, Plache, Jensen, Musser, Foti, Brandemuehl, Nass, Lazich, Lehman, Urban, Ainsworth, Olsen, Ott, Plombon, Ladwig, Albers, Hahn, Vrakas, Otte, F. Lasee, Seratti, Schneiders, Kaufert, Ryba, Harsdorf, Gunderson and Grothman, cosponsored by Senators Schultz, Drzewiecki, Panzer, Farrow and Darling. Referred to Committee on Education.

1 **AN ACT to create** 118.38 of the statutes; **relating to:** alternative compliance with
2 or exceptions to various school district requirements and granting rule-making
3 authority.

Analysis by the Legislative Reference Bureau

This bill provides that a school board may submit to the state superintendent of public instruction an alternative compliance plan for or a request for an exception to any administrative rule promulgated by the department of public instruction that imposes a requirement on school boards or school districts. The state superintendent may approve the plan or the request if he or she determines that:

1. The requirement addresses a problem that is not present in the school district;
2. The school board's application proposes a plan that adheres to the general intent of the requirement;
3. Implementation of an alternative plan or of the exception will result in financial savings and no loss of educational quality; or
4. Approval will facilitate the implementation of an innovative or experimental plan in the school district.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 118.38 of the statutes is created to read:

5 **118.38 Rules; alternative compliance and exceptions.** (1) A school board
6 may submit to the state superintendent an alternative compliance plan for or a

1 request for an exception to any school board or school district requirement in the
2 administrative rules promulgated under the authority of chs. 115 to 121.

3 **(2)** The state superintendent may approve the plan for alternative compliance
4 or request for an exception if he or she determines that any of the following applies:

5 (a) The requirement addresses a problem that is not present in the school
6 district.

7 (b) The school board's application proposes a plan that adheres to the general
8 intent of the requirement.

9 (c) The implementation by the school board of an alternative method of
10 complying with the requirement or of the exception will result in financial savings
11 and no loss of educational quality.

12 (d) Approval of an alternative method of compliance with or exception to a
13 requirement will facilitate the implementation of an innovative or experimental plan
14 in the school district.

15 **(3)** (a) The state superintendent shall grant or deny the plan or exception
16 within 30 days of receiving the plan or request. The decision shall be in writing and
17 shall include the reasons for the decision. The state superintendent may impose
18 conditions upon the approval of a plan or exception.

19 (b) The approved alternative compliance plan or exception is effective
20 indefinitely unless the state superintendent specifies otherwise.

21 **(4)** The state superintendent shall do all of the following:

22 (a) Include in the department's biennial report under s. 15.04 (1) (d) a
23 description of the plans and exceptions approved and the effects of the plans and
24 exceptions on educational quality and school district costs.

1 (b) Promulgate rules to implement and administer this section.

2 (END)