



## 1995 ASSEMBLY BILL 373

May 10, 1995 - Introduced by Representatives PLACHE, LADWIG, KLUSMAN, KRUG, ZIEGELBAUER, MUSSER, PLOMBON, HARS DORF, OLSEN, GRONEMUS, F. LASEE and AINSWORTH, cosponsored by Senators LEEAN and ANDREA. Referred to Committee on Education.

1     **AN ACT to create** 118.38 of the statutes; **relating to:** the waiver of various school  
2     district requirements.

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### *Analysis by the Legislative Reference Bureau*

This bill provides that a school board may request the state superintendent to waive 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 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 an alternative plan that adheres to the general intent of the requirement;
3. Implementation of an alternative plan 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.

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

3     **SECTION 1.** 118.38 of the statutes is created to read:  
4     **118.38 Rule waivers.** (1) A school board may request the state  
5     superintendent to waive any school board or school district requirement in the  
6     administrative rules promulgated under the authority of chs. 115 to 121.

1           **(2)** The state superintendent may approve the request if he or she determines  
2 that any of the following applies:

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

5           (b) The school board’s application proposes an alternative plan that adheres to  
6 the general intent of the requirement.

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

10           (d) Approval of a waiver of a requirement will facilitate the implementation of  
11 an innovative or experimental plan in the school district.

12           **(3)** (a) The state superintendent shall grant or deny the waiver within 30 days  
13 after receiving the plan or request. The decision shall be in writing and shall include  
14 the reasons for the decision. The state superintendent may impose conditions upon  
15 the approval of a waiver.

16           (b) The waiver is effective indefinitely unless the state superintendent specifies  
17 otherwise.

18                               **(END)**