

PI 38 - GRANTS - PEER REVIEW /
98-113

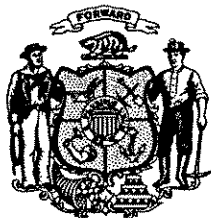
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-113

AN ORDER to create chapter PI 38, relating to grants for peer review and mentoring.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

08-12-98 RECEIVED BY LEGISLATIVE COUNCIL.

09-08-98 REPORT SENT TO AGENCY.

RS:JRH;jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

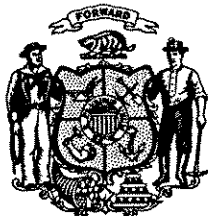
Comment Attached YES NO

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CLEARINGHOUSE RULE 98-113

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

Section 115.405, Stats., authorizes grants to provide technical assistance and training for teachers to implement "peer review and mentoring programs." The department may wish to review whether "orientation" under s. PI 3.03 (4) (a) and, more particularly, "seminars" as described in proposed s. PI 3.03 (4) (b) fall within the common meaning of either "peer review" and "mentoring," and, thus, whether providing grants for such purposes is consistent with legislative intent and the authorization for grants under s. 115.405, Stats.

2. Form, Style and Placement in Administrative Code

a. The portions of the definition of "mentor" in s. PI 38.02 (3), which state that a mentor "will have input into the confidential formative assessment of the initial educator" and that a mentor "is not to be considered as part of the formal evaluation process" are substantive provisions which should not be included in a definition. These portions of the definition should be moved to a section of the rule setting forth substantive requirements for funded programs. Also see comment 5. b., below.

b. Clearinghouse Rule 98-113 should include a reference to Form PIF-1653 in a note to the rule. [s. 1.09 (2), Manual; s. 227.14 (3), Stats.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In the analyses contained in the Report to the Legislative Council Rules Clearinghouse and on page 1 of Clearinghouse Rule 98-113, the references to "115.192, Stats." should be replaced with references to "118.192, Stats."

b. The definition of “initial educator” in s. PI 38.02 (2) refers to an “institution of higher education’s approved program” and an individual who is “licensed by the department of public instruction for the first time.” However, neither “approved program” nor “licensed for the first time” is defined. The reference to “approved program” could be clarified by a cross-reference to s. PI 3.03 (6). The reference to an individual licensed by the department for the first time could be clarified by replacing it with a reference to an individual who holds an initial license, as defined under s. PI 3.01 (19).

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The reference to “colleague” in s. PI 38.02 (3) needs to be clarified to indicate of whom the mentor is a colleague (presumably, the mentor is a colleague of the initial educator).

b. The requirements contained in s. PI 38.02 (3), that the mentor “will have input into the confidential formative assessment of the initial educator and is not to be considered part of the formal evaluation process” need to be clarified. First, if it is intended that any assessment of the initial educator provided by the mentor may be disclosed to no one other than the mentor and the initial educator, that should be explicitly stated. If a wider disclosure is intended, then that should be explicitly stated. Second, the statement that the mentor is not to be considered part of the formal evaluation process should be reworded to state that a mentor may not participate in the school district’s formal evaluation of the initial educator, if that is what is intended.

c. It might be helpful if s. PI 38.03 (2) included a requirement that the application include a statement of need. Such a statement is required by the Form PIF-1653, but not explicitly stated in the rule. Similarly, the form implies that a single local educational agency (LEA) or cooperative educational service agency (CESA) would administer the program funded by the grant. However, that requirement is not explicitly stated in the rule or on the application form.

d. Section PI 38.03 (2) (a) states that an application must include the signatures, names and titles of individuals who “developed” the grant application. However, the form contains spaces for the names of the district administrators of the LEAs that are participating in the program funded by the grant.

e. Section PI 38.03 (2) (c) would be clarified by substituting “its” for the second occurrence of “the.”

f. As drafted, the second sentence of s. PI 38.03 (4) (intro.) uses the word “include.” As a result, program components which may be funded under the grant program are not limited to those listed in pars. (a) to (e) of sub. (4). If it is intended to limit funded program components to those items, then the second sentence of s. PI 38.03 (4) (intro.) could be replaced with: “Funding may be provided under this subsection for any combination of the following program components:”. If, on the other hand, it is intended that other program components may be funded, then consideration should be given to replacing “all of the following” with “any combination of the following.”

g. It is not clear whether “which” in s. PI 38.03 (4) (b) (intro.) refers back to “seminars,” “needs and concerns” or “Wisconsin’s standards.” Also, it is not clear how any of

these items (seminars, needs and concerns or Wisconsin standards) can “demonstrate” the items listed in subds. 1. to 10. of s. PI 38.03 (4) (b). (Also, whichever reference is intended, it appears that “include” should be substituted for “includes.”)

h. The items listed in pars. (d) and (e) of s. PI 38.04 do not appear to be “program components” appropriate for funding. Paragraph (e) might be an appropriate program component if it were reworded to refer to “the development of” a professional development plan for the initial educator. It is simply not clear what is intended by the description referred to in par. (d). Should this be an application requirement rather than a program component?

i. Under s. 15.405, Stats., more than one CESA may participate in a consortium which applies for a peer review and mentoring grant. However, in the “General Information” section on page 1 of Form PIF-1653, the box asking “If Consortium, Number of Participating School Districts” appears to imply that multiple CESAs will not be participating in a consortium. Also, the signature lines on page 3 of the form appear to indicate that only a single CESA will be participating and, if it does, it will be the administering agency for the funded program. Specifically, see the section titled “Participating LEA” and the use only of “LEA” and “District Administrator” in the signature lines in that section.

**PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING RULES**

The state superintendent of public instruction hereby proposes to create ch. PI 38, relating to grants for peer review and mentoring.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.405(3) and 227.11(2)(a), Stats.

Statute interpreted: s. 115.405, Stats.

1997 Wisconsin Act 237 created s. 115.405, Stats., which establishes a grant for peer review and mentoring. Under s. 115.405(2), Stats., the state superintendent shall allocate \$500,000 annually, for one-year grants that allow a participating CESA, consortium of school districts, or a combination thereof to provide assistance and training for teachers who are licensed or have been issued a permit under ss. 115.28(7) and 115.192, Stats., to implement peer review and mentoring programs.

The proposed rules establish application requirements and criteria for awarding grants under the peer review and mentoring program.

A grant application under this program must be developed with significant input from teachers. A grant recipient may not use funds awarded to supplant or replace funds otherwise available for the program and must provide a match of 20 percent.

The grant award period begins the 1998-99 school year. Since the timelines would be too stringent to implement this grant program by September 1, 1998, the department is requiring applications to be submitted by November 1, 1998. The grant award period will be from December 1, 1998 to June 30, 1999. Applications submitted in subsequent years will be due May 1 with grant periods of July 1 to June 30.

These rules were promulgated as emergency rules effective August 15, 1998.

SECTION 1. Chapter PI 38 is created to read:

CHAPTER PI 38

GRANTS FOR PEER REVIEW AND MENTORING

PI 38.01 PURPOSE. Under s. 115.405, Stats., the state superintendent shall award grants to eligible applicants for peer review and mentoring programs. This chapter sets forth criteria and procedures for awarding grants under this program.

PI 38.02 DEFINITIONS. In this chapter:

- (1) "CESA" means a cooperative educational service agency created under ch. 116, Stats.
- (2) "Initial educator" means an individual who has successfully completed an institution of higher education's approved program and who is licensed by the department of public instruction for the first time.

(3) "Mentor" means an educator and colleague who primarily provides support and assistance to initial educators, will have input into the confidential formative assessment of the initial educator and (is not to be considered as part of the formal evaluation process.)

(4) "State superintendent" means the state superintendent of public instruction for the state of Wisconsin.

PI 38.03 GRANTS FOR PEER REVIEW AND MENTORING. (1) ELIGIBILITY. Annually, by November 1, 1998, and by May 1 in subsequent years, eligible applicants may apply to the state superintendent to fund a peer review and mentoring program described under sub. (4). Eligible applicants include the following:

- (a) A CESA.
- (b) A consortium consisting of 2 or more school districts.
- (c) A consortium consisting of 2 or more CESAs.
- (d) A combination of pars. (a) to (c).

(2) APPLICATION REQUIREMENTS. An application submitted under sub. (1) shall be developed with significant input from teachers and shall include the following information:

- (a) Signatures, names and titles of individuals who developed the grant application.
- (b) A list of school districts and CESAs that will participate in the program.
- (c) A description of the proposed program including the rationale, goals and objectives.
- (d) A description of how the proposed program will assist initial educators and enhance instruction.
- (e) A description of the program activities to be completed during the duration of the program, with a timetable for completion of each major activity.
- (f) A description of how the program will enhance pupil achievement.
- (g) A description of the evaluation plan including the indicators used to measure the achievement of the program goals and objectives.
- (h) A description of the applicant's capacity to continue the program after the grant period is complete.
- (i) A description of how the grant award will be allocated, including how the applicant will match at least 20% of the grant awarded as required under s. 115.405(1), Stats. (The matching funds may be in the form of money or in-kind services or both. } *should be moved*)

(3) ASSURANCES. A grant recipient under this chapter shall provide for all of the following:

- (a) An assurance that the grant awarded under this chapter will not be used to supplant or replace funds otherwise available for professional development.
- (b) An assurance that program information and related materials under this chapter will be made available to interested schools and other educational institutions at a reasonable cost.

(4) PROGRAM COMPONENTS. A one-year grant of not more than \$25,000 may be made to fund a comprehensive peer review and mentoring program for initial and professional educators. Program components which may be funded under this subsection include all of the following:

(a) An ongoing orientation for initial educators that is collaboratively developed and delivered by administrators, teachers, support staff and parents.

(b) Seminars that meet the needs and concerns of the initial educator and reflect the Wisconsin standards for teacher development and licensure which includes demonstration of all of the following:

1. The teacher understands the central concepts, tools of inquiry, and structures of the disciplines he or she teaches and can create learning experiences that make these aspects of subject matter meaningful for students.

2. The teacher understands how children learn and develop, and can provide learning opportunities that support their intellectual, social, and personal development.

3. The teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners.

4. The teacher understands and uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills.

5. The teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

6. The teacher uses knowledge of effective verbal, nonverbal, and media communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom.

7. The teacher plans and delivers instruction based upon knowledge of subject matter, students, the community, and curriculum goals.

8. The teacher understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social, and physical development of the learner.

9. The teacher is a reflective practitioner who continually evaluates the effects of his or her choices and actions on others, such as students, parents, and other professionals in the learning community and who actively seeks out opportunities to grow professionally.

10. The teacher fosters relationships with school colleagues, parents, and agencies in the larger community to support students' learning and well being.

(c) A mentor for all initial educators.

(d) A description of the selection, training, roles and responsibilities of the mentors.

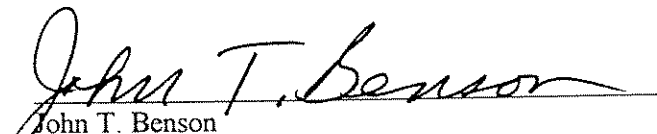
(e) A professional development plan for the initial educator which includes a list of activities, timelines for achievement, and assessments based on the standards described under par. (b).

PI 38.05 REVIEW OF APPLICATIONS AND AWARDING OF GRANTS. The state superintendent shall review the applications submitted under this chapter and shall determine which of the applications eligible for funding will receive grants based on the following criteria:

- (1) The extent to which teachers are involved in the program development and activities.
- (2) The extent to which the goals and objectives relate to the purpose of the program.
- (3) The extent to which the program activities are appropriate to the goals and objectives of the proposed program.
- (4) The adequacy of the timeline for completion of each major activity and the extent to which continuation of program activities is ensured after the grant period is completed.
- (5) The extent to which the program activities will enhance instruction and ultimately enhance student achievement.

The proposed 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 12th day of August, 1998


John T. Benson
State Superintendent

DATE: July 9, 1998

FILE REF:

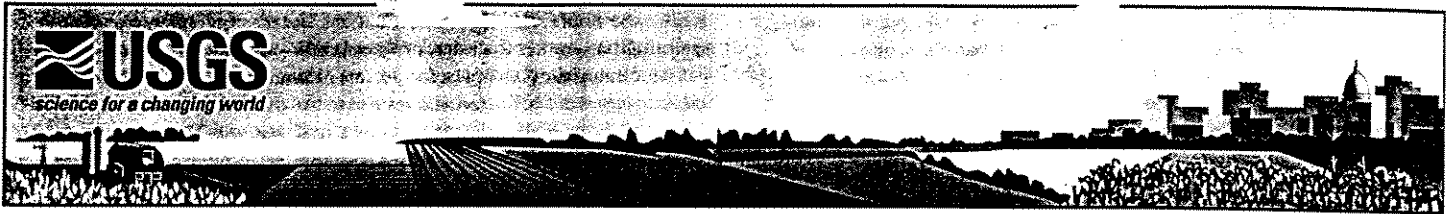
TO: Wisconsin Legislators

FROM: George E. Meyer, Secretary

George

SUBJECT: Nonpoint Source Water Pollution

We are all aware of the importance of maintaining excellent water quality in Wisconsin. The next great challenge that we face in this mission is nonpoint source pollution. At times, questions have been addressed to the DNR concerning the effectiveness of, and the continuing need for our nonpoint source program. Please find attached a fact sheet from the United States Geological Survey which summarizes some of the success from use of best management practices in protecting Wisconsin's water quality from nonpoint source pollutants. As land use changes, these issues will continue to require legislative attention. I appreciate your commitment to protecting Wisconsin's important water resources.



Effectiveness of Barnyard Best Management Practices in Wisconsin

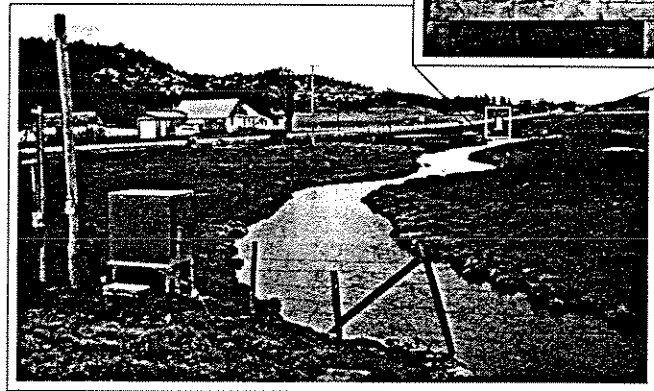
Introduction

In 1978, the Wisconsin Legislature committed to protecting water quality by enacting the Nonpoint Source Water Pollution Abatement Program. Through this program, cost-share money is provided—within priority watersheds—to control sources of nonpoint pollution. Most of the cost-share dollars for rural watersheds have been used to implement barnyard Best Management Practices (BMPs) because barnyards are believed to be a major source of pollutants, most notably phosphorus. Reductions in phosphorus loads of as much as 95 percent have been predicted for the barnyard BMPs recommended for priority watersheds.

Previous studies of barnyard BMPs have often focused on individual BMPs, such as a filter strip below a concrete feedlot. Study results have been sufficient to predict the potential benefits of several individual barnyard BMPs, and the combined benefits of these BMPs have been estimated with the computer model BARNY (Wisconsin Department of Natural Resources, 1994). The output from the model has been used to develop management recommendations for phosphorus reduction in priority watersheds. The best way to evaluate the true benefits of a combination of barnyard BMPs is to monitor changes in the receiving water. However, very little information has been collected in Wisconsin to document such benefits.

The U.S. Geological Survey (USGS), in cooperation with the Wisconsin Department of Natural Resources, investigated the effectiveness of barnyard BMPs in two rural watersheds—Otter Creek and Halfway Prairie Creek. The purpose of this investigation was to determine how much pollutant reduction could be achieved by a system of barnyard BMPs. An upstream-downstream (above-and-below) experimental design was used to isolate the pollutant loads coming from a critical barnyard on each creek. Automated, intensive streamwater sampling was conducted during storm-runoff periods before and after the BMP systems were implemented. The concentrations of selected constituents in the streamwater samples and streamflow data were used to compute loads for the constituents contributed to the creeks by each barnyard during pre- and post-BMP storm-runoff periods. The data were analyzed to determine how effective each barnyard BMP system was in improving water quality.

View of upstream and downstream sampling stations at Halfway Prairie Creek (below) and close-up of upstream sampling station (right).



Description of Study Area

Otter Creek is within the Sheboygan River Priority Watershed (fig. 1). The drainage area is 9.2 square miles at the downstream sampling station, and land use is 67 percent agricultural (Bachhuber and Foye, 1993). Halfway Prairie Creek is within the Black Earth Creek Priority Watershed (fig. 1). The drainage area is 16.1 square miles at the downstream sampling station, and 60 percent of the land is used for agriculture (Eagan and Morton, 1989). Each stream (especially Halfway Prairie Creek) is typified by degraded aquatic habitat due to excessive sediment and nutrient loading from nonpoint sources—mainly cropland and dairy operations—and recreation is limited by low fish

populations and by high concentrations of fecal coliform bacteria.

The investigated barnyards were identified by watershed managers as critical nonpoint-pollution sources based on output from BARNY. BARNY estimated total phosphorus loads produced by each barnyard in the watershed and then ranked each barnyard. Barnyards with the highest ranks (greatest total phosphorus loads) were considered to be critical sources within the watershed. Inputs for the BARNY model included lot size and surface type, additional contributing drainage area, and herd size. At the time of the modeling, the Otter Creek barnyard had a 0.2-acre concrete feedlot and an additional contributing

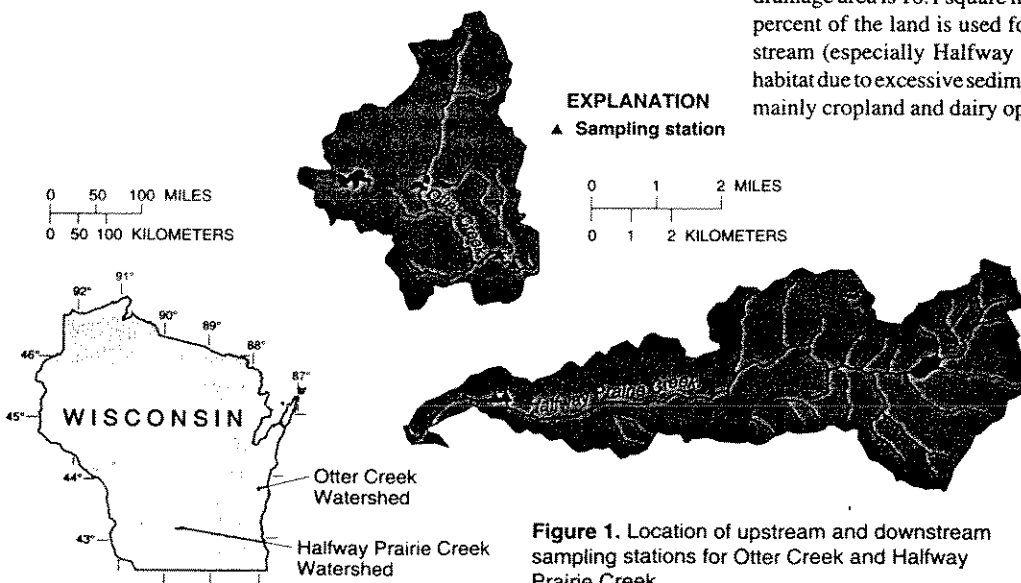


Figure 1. Location of upstream and downstream sampling stations for Otter Creek and Halfway Prairie Creek.

drainage area of 0.5 acres; the Halfway Prairie Creek barnyard measured 0.7 acres (concrete surface) and 1.1 acres, respectively. During the study, approximately 50 cows were kept in the Otter Creek barnyard, and approximately 100 cows were kept in the Halfway Prairie Creek barnyard.

Barnyard Best Management Practices

All of the recommended BMPs were implemented at both the Otter Creek and Halfway Prairie Creek barnyards, and the systems are similar. Surface runoff is diverted away from the livestock areas of each barnyard, and direct precipitation is conveyed by a sloped concrete surface and retaining wall to a screened collection box where most of the large solids are trapped. The effluent is gravity-piped to a concrete pad and graveled area, which evenly distributes the liquid onto a grass filter strip. The filter strip at Otter Creek borders the stream, whereas the filter strip at Halfway Prairie Creek is located on the opposite side of a highway, approximately 200 feet away from the stream. Cows that were previously allowed to roam the stream and banks at each site have been fenced in and can cross the stream only at a gravel-lined channel crossing. Sampling stations were established close to the barnyards to minimize non-barnyard inflows; however, a field near the barnyard at Otter Creek could have contributed to the instream loads between the upstream and downstream sampling stations, especially during periods of intense runoff. As part of the barnyard BMP system, a grassed swale was installed downgradient from this field to help minimize runoff.

Sampling Methods

Sampling stations were established on Otter Creek in April 1994 and on Halfway Prairie Creek in April 1995. At each stream, one station was upstream, and another station was downstream from the investigated barnyard. At the upstream sampling stations, streamwater levels and precipitation were continuously monitored, and discrete streamwater samples were collected automatically with a refrigerated water sampler. At the downstream stations, only streamwater samples were collected.

The drainage area of a single barnyard-runoff source is typically small compared to the drainage area upstream from that barnyard. Consequently, it may be difficult to detect measurable differences between the upstream and downstream streamwater-sample concentrations because the amount of pollutants contributed by a single barnyard-runoff source can be a small percentage of the amount of pollutants contributed from upstream areas (Spooner and

others, 1985). The sampling design at Halfway Prairie Creek was modified to reduce the potential for this problem. First, the water samplers were activated by precipitation—rather than streamwater levels—and were programmed to collect time-integrated samples for an initial three-hour period. After this period, samples were collected in response to the rise and fall of streamwater levels, as in the pre-BMP setup at the Otter Creek stations. This modification was also made to the Otter Creek sampling design for the post-BMP monitoring period. The second modification at Halfway Prairie Creek was the direct electronic connection between the upstream and downstream stations, which allowed the collection of concurrent samples at the two stations.

Streamwater samples were collected during storm-runoff periods at both Otter Creek and Halfway Prairie Creek when the channels were free of ice. With the exception of one snowmelt period each for the pre- and post-BMP monitoring periods at Otter Creek, all of the runoff was produced by rainfall. Table 1 shows the number of pre- and post-BMP storm-runoff periods sampled, as well as the dates of collection. Samples were analyzed for concentrations of suspended solids, total phosphorus, ammonia, biochemical oxygen demand (BOD), and fecal coliform bacteria.

	Otter Creek		Halfway Prairie Creek	
	Pre-BMP	Post-BMP	Pre-BMP	Post-BMP
Number of storm-runoff periods sampled	12	15	11	11
Dates	4/94–10/95	4/96–6/97	4/95–7/95	4/96–6/97

Table 1. Number of pre- and post-BMP storm-runoff periods sampled and dates of collection for Otter and Halfway Prairie Creek

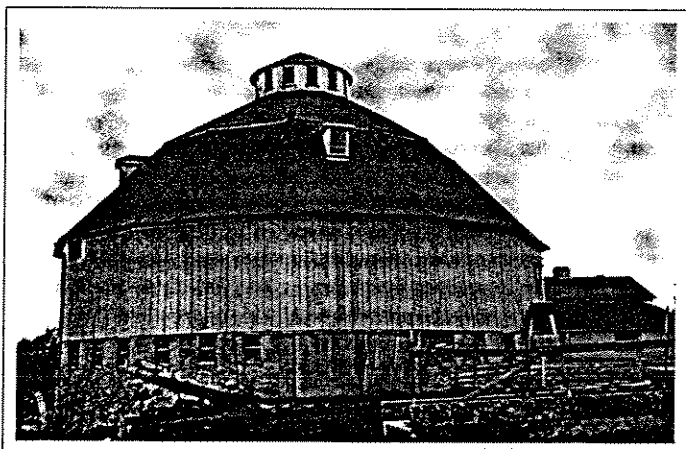
Continuous streamflow (calculated from the recorded streamwater levels) and instantaneous concentration data were used to estimate loads of suspended solids, total phosphorus, ammonia, and BOD for individual storm-runoff periods. Loads (in pounds) were computed by summing the product of streamwater-sample concentration and streamflow rate for each storm-runoff period (Porterfield, 1972). Microbial loads of fecal coliform bacteria were computed similarly; however, the units are in total colony-forming units (in the volume of water that flowed past the sampling station during a storm-runoff period).

Testing of Experimental Design

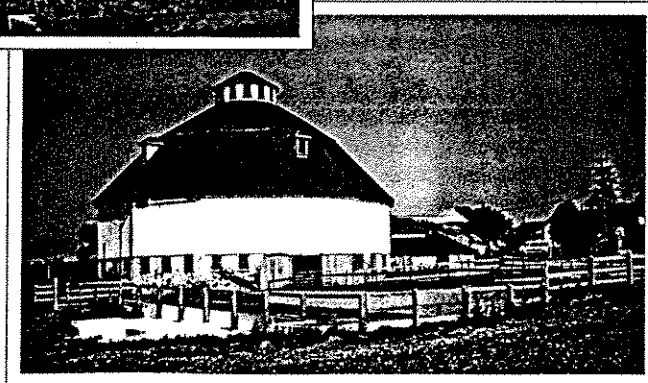
A critical aspect of obtaining useful conclusions for this study was the ability to document that downstream loads were significantly greater than upstream loads before the BMP systems were implemented. Results from statistical tests revealed that, for the pre-BMP period at both creeks, downstream loads of total phosphorus, ammonia, BOD, and microbial loads of fecal coliform bacteria were significantly greater than upstream loads. At Otter Creek, pre-BMP downstream loads of suspended solids also were significantly greater than those upstream. These significant differences indicated that each barnyard was an important contributor to the instream loads of total phosphorus, ammonia, BOD, and fecal coliform bacteria for the storm-runoff periods monitored; in addition, the barnyard at Otter Creek was also an important source of suspended solids.

Differences Between Pre- and Post-BMP Barnyard Loads

The difference between upstream and downstream constituent loads was computed for each pre- and post-BMP storm-runoff period. These differences were considered to be the load contributed by each barnyard. In some instances, these differences were negative because inherent sampling and laboratory analysis errors were larger than the actual differences between the upstream and downstream loads. Barnyard contributions of total phosphorus for



Photos of investigated barnyard at Otter Creek both before (above) and after (right) implementation of Best Management Practices.



pre- and post-BMP runoff periods at Otter and Halfway Prairie Creeks are shown in figure 2.

Large differences in meteorological conditions—such as rainfall—between the pre- and post-BMP storm-runoff periods could potentially bias the results of data analyses. To test whether meteorological conditions differed, rainfall, rainfall intensity, runoff volume, and rainfall-runoff ratio for the pre- and post-BMP storm-runoff periods were statistically compared. No significant differences between pre- and post-BMP monitoring periods were detected for either Otter Creek or Halfway Prairie Creek. Any differences between pre- and post-BMP barnyard loads are therefore most likely due to the implementation of the barnyard BMP systems and not to differences in meteorological conditions.

A comparison of upstream and downstream loads after the BMPs were implemented indicates that both BMP systems improved water quality, at least for total phosphorus (fig. 2). In fact, at both creeks, post-BMP loads of total phosphorus, ammonia, and BOD contributed by the barnyard were statistically lower than pre-BMP loads. In addition, post-BMP loads of suspended solids and microbial loads of fecal coliform bacteria at Otter Creek were also statistically lower than in the pre-BMP period. The pre-BMP data analyses at Halfway Prairie Creek showed that the barnyard was not a significant contributor of suspended solids to the stream; therefore, a significant decrease in post-BMP suspended solids was neither anticipated nor detected. Halfway Prairie Creek was an important contributor to the stream loading of fecal coliform bacteria for the pre-BMP period; however, a significant decrease between pre- and post-BMP periods was not observed. It is probable that a source of fecal coliform bacteria was not controlled during implementation of the BMPs.

Pollutant Reductions Achieved By Barnyard Best Management Practices

The bar graphs in figure 3 (on back page) indicate that both barnyard BMP systems have reduced loads in the stream for each constituent. Each bar represents the median of all the differences between upstream and downstream constituent loads for both pre- and post-BMP storm-runoff periods. Although these medians could have been used to determine the percentage reduction achieved by each barnyard BMP system, it was decided that use of the Hodges-Lehmann estimator would be a more accurate approach (Helsel and Hirsch, 1992, p. 132).

The Hodges-Lehmann estimator is the median of all possible pairwise differences between pre- and post-BMP barnyard loads. This median difference was then divided by the pre-BMP median barnyard load for each constituent. The result was a percentage load reduction for each constituent.

The Hodges-Lehmann estimator greatly improved the accuracy of percentage reductions for suspended solids and fecal coliform bacteria at Halfway Prairie Creek, where the difference between the two methods of calculation was more than 40 percent each. Use of the Hodges-Lehmann estimator did little to improve the accuracy of percentage reductions for the remainder of the constituents at Otter Creek and Halfway Prairie Creek, however, where the difference between the two methods was generally less than three percent.

The barnyard BMP system at Otter Creek has reduced loads of suspended solids by 85 percent, total phosphorus by 85 percent, ammonia by 94 percent, BOD by 83 percent, and microbial loads of fecal coliform bacteria by 81 percent; the respective loads at Halfway Prairie Creek have been reduced by 47, 87, 95, 92, and 9 percent.

Watershed planners for Otter Creek and

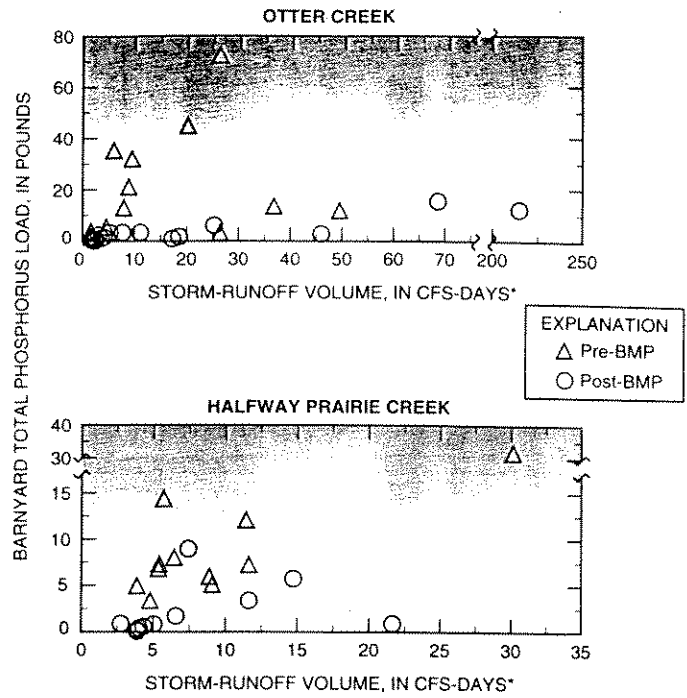
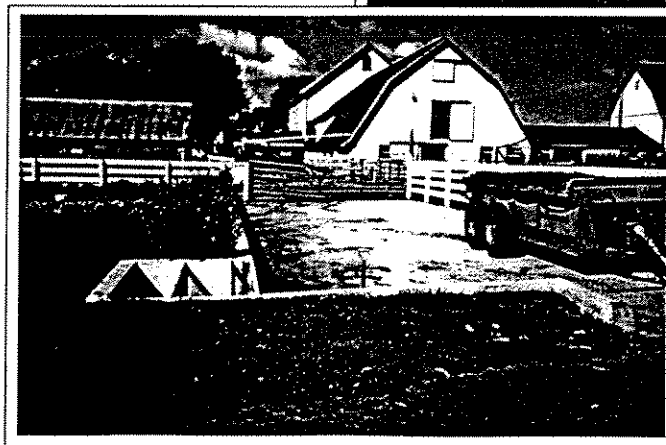


Figure 2. Total phosphorus load contributed by Otter Creek and Halfway Prairie Creek barnyards as a function of storm-runoff volume for the monitored pre- and post-BMP storm-runoff periods.

*CFS-day (cubic foot per second-day) is equivalent to 86,400 cubic feet or 646,317 gallons.

Halfway Prairie Creek assumed that implementation of the designed barnyard BMP systems could lead to phosphorus load reductions of approximately 95 percent for each barnyard (Pat Sutter, Dane County Land Conservation Department, written commun., 1997). The reductions in phosphorus found in this study—nearly 90 percent for both barnyards investigated—indicate that this assumption is reasonable, at least for open-water periods.

The percentage reductions in loads for Otter Creek might have been lower if sampling had included all runoff periods occurring with frozen ground, when filter strips are not expected to work efficiently (Schellinger and Clausen, 1992). If the ground was assumed to be frozen between December 15 and March 15 of each year, one out of the three runoff periods occurring



Photos of investigated barnyard at Halfway Prairie Creek both before (above) and after (left) implementation of Best Management Practices.

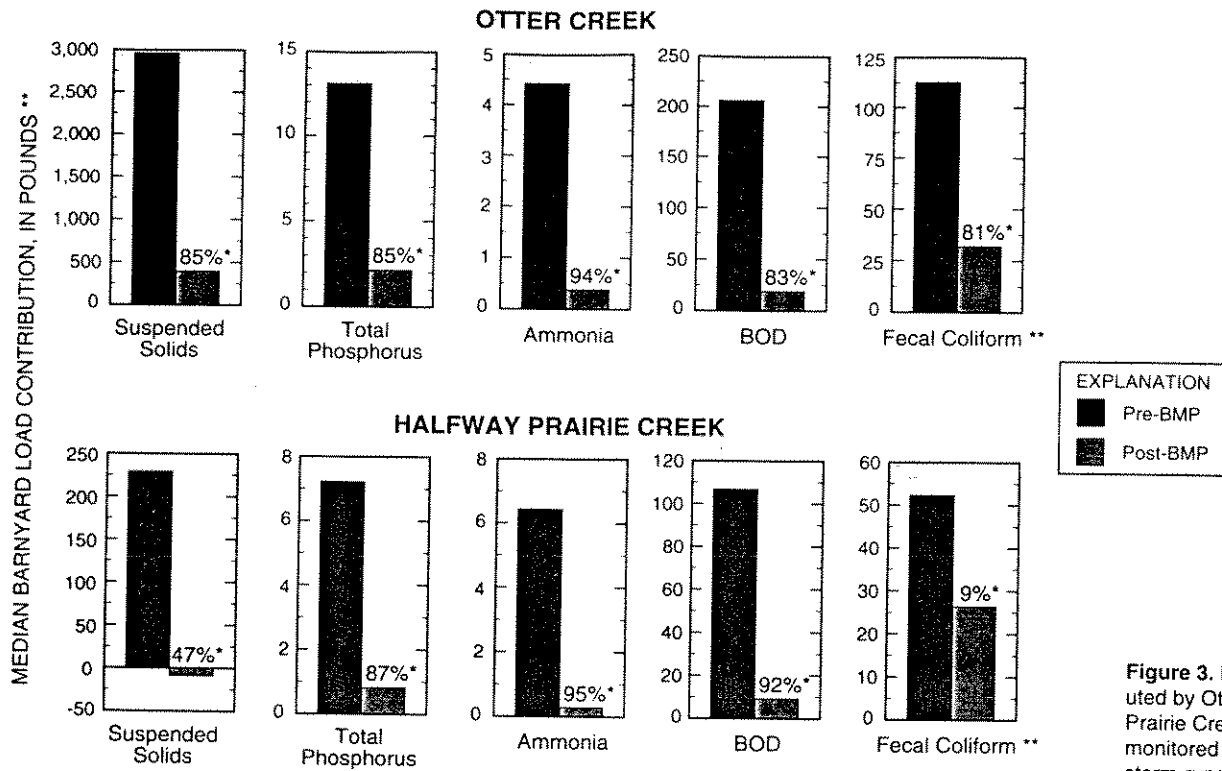


Figure 3. Median loads contributed by Otter Creek and Halfway Prairie Creek barnyards for the monitored pre- and post-BMP storm-runoff periods, and percentage reduction in loads achieved by barnyard BMPs. *

* Percentage reduction is computed by dividing the Hodges-Lehmann estimator for pre- and post-BMP barnyard loads by the pre-BMP median barnyard load.

** Fecal Coliform microbial load in 10¹¹ colonies.

with frozen ground was sampled during the pre-BMP period at Otter Creek. None of the 18 runoff periods occurring with frozen ground were sampled during the post-BMP period at Otter Creek. Because the filter strip at Halfway Prairie Creek is located on the opposite side of a highway and approximately 200 feet from the creek, the absence of data for runoff events during frozen ground conditions would likely have no affect on the measured efficiency of the BMP system.

Summary

At both Otter Creek and Halfway Prairie Creek, post-BMP loads of total phosphorus, ammonia, and BOD contributed by the investigated barnyards were significantly less than pre-BMP loads. Post-BMP loads of suspended solids and microbial loads of fecal coliform bacteria were significantly less than pre-BMP loads at Otter Creek, but not at Halfway Prairie Creek. The high reductions observed during open-water periods for phosphorus at each barnyard were similar to those described for barnyard systems in each priority watershed plan.

The upstream-downstream experimental design worked well, not only for measuring the magnitude of loads contributed by the investigated barnyards but also for documenting the load reductions resulting from BMP system implementation. This technique will most likely have merits in studies of other rural nonpoint BMPs, such as streambank erosion, rotational grazing and buffer strips, and their effectiveness in improving water quality.

By: Todd D. Stuntebeck, U.S. Geological Survey; and
Roger T. Bannerman, Wisconsin Department of Natural Resources

For more information, please contact:

District Chief
U.S. Geological Survey
8505 Research Way
Middleton, WI 53562
(608) 828-9901
www: <http://www.dwmndn.er.usgs.gov>

References

- Bachhuber, J., and Foye, K., 1993, Nonpoint source control plan for the Sheboygan River Priority Watershed Project: Wisconsin Department of Natural Resources Publication WR-265-93 [variously paginated].
- Eagan, L.L., and Morton, A., 1989, A plan for the control of nonpoint sources and related resource management in the Black Earth Creek Priority Watershed: Wisconsin Department of Natural Resources Publication WR-218-89 [variously paginated].
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- Schellinger, G.R., and Clausen, J.C., 1992, Vegetative filter treatment of dairy barnyard runoff in cold regions. *Journal of Environmental Quality*, v. 21, p. 40-45.
- Spooer, J., Maas, R.P., Dressing, S.A., Smolen, M.D., and Humenik, F.J., 1985, Appropriate designs for documenting water quality improvements from agricultural NPS control programs, in *Perspectives on nonpoint source pollution*: Washington, D.C., U.S. Environmental Protection Agency, EPA 440/5-85-001, p. 30-34.
- Wisconsin Department of Natural Resources, 1994, BARNY 2.2-The Wisconsin barnyard runoff model, inventory instructions and user's manual: Report WR-285-91, 35 p.

Acknowledgments

We would like to thank the Howard Laack (Otter Creek) and Rick Wipperfurth (Halfway Prairie Creek) families for allowing us to put our monitoring stations on their land and investigate their barnyards. Without their cooperation and patience, this study would not have been possible.

Design and illustrations: Michelle Greenwood
Banner graphic: Karen Lonsdorf

U.S. Department of the Interior
U.S. Geological Survey
Fact Sheet FS-051-98

Memorandum

STATE OF WISCONSIN
DEPARTMENT OF PUBLIC INSTRUCTION



DATE: July 31, 1998

TO: Senator Welch and Representative Grothman, Co-Chairs JCRAR

FROM: Lori L. Slauson, Administrative Rules and Federal Grants Coordinator *lls*

SUBJECT: Emergency Rules

Attached for your review are emergency rules relating to grants for peer review and mentoring. The statement of emergency is included in the rule draft. The department will be submitting these rules for publication in the *Wisconsin State Journal* on August 15, 1998. These emergency rules will be promulgated as proposed permanent rules.

If you have any questions, please call me at 267-9127.

Thank you.

lls

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES**

The state superintendent of public instruction hereby proposes to create ch. PI 38, relating to grants for peer review and mentoring.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.405(3) and 227.11(2)(a), Stats.

Statute interpreted: s. 115.405, Stats.

1997 Wisconsin Act 237 created s. 115.405, Stats., which establishes a grant for peer review and mentoring. Under s. 115.405(2), Stats., the state superintendent shall allocate \$500,000 annually, for one-year grants that allow a participating CESA, consortium of school districts, or a combination thereof to provide assistance and training for teachers who are licensed or have been issued a permit under ss. 115.28(7) and 115.192, Stats., to implement peer review and mentoring programs.

A grant application under this program must be developed with significant input from teachers. A grant recipient may not use funds awarded to supplant or replace funds otherwise available for the program and must provide a match of 20 percent.

The grant award period begins the 1998-99 school year. Since the timelines would be too stringent to implement this grant program by September 1, 1998, the department is requiring applications to be submitted by October 1, 1998. The grant award period will be from November 1, 1998 to June 30, 1999. Applications submitted in subsequent years will be due May 1 with grant periods of July 1 to June 30.

The proposed rules establish application requirements and criteria for awarding grants under the peer review and mentoring program.

SECTION 1. Chapter PI 38 is created to read:

CHAPTER PI 38

GRANTS FOR PEER REVIEW AND MENTORING

PI 38.01 PURPOSE. Under s. 115.405, Stats., the state superintendent shall award grants to eligible applicants for peer review and mentoring programs. This chapter sets forth criteria and procedures for awarding grants under this program.

PI 38.02 DEFINITIONS. In this chapter:

- (1) "CESA" means a cooperative educational service agency created under ch. 116, Stats.
- (2) "Initial educator" means an individual who has successfully completed an institution of higher education's approved program and who is licensed by the department of public instruction for the first time.
- (3) "Mentor" means an educator and colleague who primarily provides support and assistance to initial educators, will have input into the confidential formative assessment of the initial educator and is not to be considered as part of the formal evaluation process.

(4) "State superintendent" means the state superintendent of public instruction for the state of Wisconsin.

PI 38.03 GRANTS FOR PEER REVIEW AND MENTORING. (1) **ELIGIBILITY.** Annually, by October 1, 1998, and by May 1 in subsequent years, eligible applicants may apply to the state superintendent to fund a peer review and mentoring program described under sub. (4). Eligible applicants include the following:

- (a) A CESA.
- (b) A consortium consisting of 2 or more school districts.
- (c) A consortium consisting of 2 or more CESAs.
- (d) A combination of pars. (a) to (c).

(2) **APPLICATION REQUIREMENTS.** An application submitted under sub. (1) shall be developed with significant input from teachers and shall include the following information:

- (a) Signatures, names and titles of individuals who developed the grant application.
- (b) A list of school districts and CESAs that will participate in the program.
- (c) A description of the proposed program including the rationale, goals and objectives.
- (d) A description of how the proposed program will assist initial educators and enhance instruction.
- (e) A description of the program activities to be completed during the duration of the program, with a timetable for completion of each major activity.
- (f) A description of how the program will enhance pupil achievement.
- (g) A description of the evaluation plan including the indicators used to measure the achievement of the program goals and objectives.
- (h) A description of the applicant's capacity to continue the program after the grant period is complete.
- (i) A description of how the grant award will be allocated, including how the applicant will match at least 20% of the grant awarded as required under s. 115.405(1), Stats. The matching funds may be in the form of money or in-kind services or both.

(3) **ASSURANCES.** A grant recipient under this chapter shall provide for all of the following:

- (a) An assurance that the grant awarded under this chapter will not be used to supplant or replace funds otherwise available for professional development.
- (b) An assurance that program information and related materials under this chapter will be made available to interested schools and other educational institutions at a reasonable cost.

(4) **PROGRAM COMPONENTS.** A one-year grant of not more than \$25,000 may be made to fund a comprehensive peer review and mentoring program for initial and professional educators. Program components which may be funded under this subsection include all of the following:

- (a) An ongoing orientation for initial educators that is collaboratively developed and delivered by administrators, teachers, support staff and parents.

(b) Seminars that meet the needs and concerns of the initial educator and reflect the Wisconsin standards for teacher development and licensure which includes demonstration of all of the following:

1. The teacher understands the central concepts, tools of inquiry, and structures of the disciplines he or she teaches and can create learning experiences that make these aspects of subject matter meaningful for students.
2. The teacher understands how children learn and develop, and can provide learning opportunities that support their intellectual, social, and personal development.
3. The teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners.
4. The teacher understands and uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills.
5. The teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
6. The teacher uses knowledge of effective verbal, nonverbal, and media communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom.
7. The teacher plans and delivers instruction based upon knowledge of subject matter, students, the community, and curriculum goals.
8. The teacher understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social, and physical development of the learner.
9. The teacher is a reflective practitioner who continually evaluates the effects of his or her choices and actions on others, such as students, parents, and other professionals in the learning community and who actively seeks out opportunities to grow professionally.
10. The teacher fosters relationships with school colleagues, parents, and agencies in the larger community to support students' learning and well being.

(c) A mentor for all initial educators.

(d) A description of the selection, training, roles and responsibilities of the mentors.

(e) A professional development plan for the initial educator which includes a list of activities, timelines for achievement, and assessments based on the standards described under par. (b).

PI 38.05 REVIEW OF APPLICATIONS AND AWARDING OF GRANTS. The state superintendent shall review the applications submitted under this chapter and shall determine which of the applications eligible for funding will receive grants based on the following criteria:

- (1) The extent to which teachers are involved in the program development and activities.
- (2) The extent to which the goals and objectives relate to the purpose of the program.
- (3) The extent to which the program activities are appropriate to the goals and objectives of the proposed program.

(4) The adequacy of the timeline for completion of each major activity and the extent to which continuation of program activities is ensured after the grant period is completed.

(5) The extent to which the program activities will enhance instruction and ultimately enhance student achievement.

FINDING OF EMERGENCY

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

Under s. 115.405(2), Stats., the state superintendent shall allocate \$500,000 annually, for one-year grants that allow a participating CESA, consortium of school districts, or a combination thereof to provide assistance and training for teachers who are licensed or have been issued a permit under ss. 115.28(7) and 115.192, Stats., to implement peer review and mentoring programs.

The grant award period begins the 1998-99 school year. Since the timelines would be too stringent to implement this grant program by September 1, 1998, the department is requiring applications to be submitted by October 1, 1998. The grant award period will be from November 1, 1998 to June 30, 1999. In order for applicants to develop proposals and for the state superintendent to review the proposals and make grant awards in time for the upcoming school year, rules must be in place as soon as possible.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this _____ day of August, 1998

John T. Benson
State Superintendent



State of Wisconsin
Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

77228

John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent



August 19, 1998

The Honorable Robert Welch
Co-Chair, JCRAR
One East Main
Room 201
Madison, WI 53703

ROUTE TO:
BOB _____ ✓
LW _____ ✓
FILE _____
RETURN _____
BF _____
ML _____
TOSS _____

Dear Bob:

Attached, pursuant to s. 227.24(3), Stats., are a fiscal note and emergency rules relating to grants for peer review and mentoring. These emergency rules were promulgated by the department effective August 15, 1998, in order to implement the provisions under 1997 Wisconsin Act 237 in time for the 1998-99 school year. These emergency rules will be promulgated as proposed permanent rules.

1997 Wisconsin Act 237 created s. 115.405, Stats., which establishes a grant for peer review and mentoring. Under s. 115.405(2), Stats., the state superintendent shall allocate \$500,000 annually, for one-year grants that allow a participating CESA, consortium of school districts, or a combination thereof to provide assistance and training for teachers who are licensed or have been issued a permit under ss. 115.28(7) and 115.192, Stats., to implement peer review and mentoring programs.

The proposed rules establish application requirements and criteria for awarding grants under the peer review and mentoring program.

A grant application under this program must be developed with significant input from teachers. A grant recipient may not use funds awarded to supplant or replace funds otherwise available for the program and must provide a match of 20 percent.

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If you have any questions regarding these emergency rules, please contact Peter Burke, Director, Teacher Education and Licensing, (608) 266-1879 or Lori Slauson, Administrative Rules Coordinator, at (608) 267-9127.

Sincerely,

Steven B. Dold
Deputy State Superintendent

ROUTE TO

BY _____ 808

IN _____ 71

1022 _____ 1/7

RETURN _____

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STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES**

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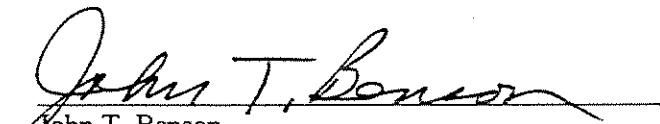
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The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this 15th day of August, 1998



John T. Benson
State Superintendent

FISCAL ESTIMATE ORIGINAL UPDATED)

LRB or Bill No./Adm. Rule No.
PI 38

DOA-2048 (R10/92) CORRECTED SUPPLEMENTAL

Amendment No. If Applicable

Subject: Peer Review and Mentoring Grants

Fiscal Effect (See attached)

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

- Increase Costs-May be possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

(See attached)

- 1. Increase Costs
 Permissive Mandatory
- 2. Decrease Costs
 Permissive Mandatory

- 3. Increase Revenues
 Permissive Mandatory
- 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

- Towns Villages Cities
- Counties Others _____
- School Districts VTAE Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

1997 Wisconsin Act 237 created a grant for peer review and mentoring under s. 115.405, Stats. The Act requires the state superintendent to allocate \$500,000 annually for grants to eligible applicants.

The administrative rule and Act requires grant recipients to match at least 20% of the grant awarded (money or in-kind services may be used). Therefore, there may be additional local costs if local money is used to meet the 20% matching requirement. Any such additional costs are optional since a district or CESA are not required to apply for a grant.

Finally, grant recipients may not use grants awarded to supplant or replace funds otherwise available for the program and must make program and related materials available to interested schools and other educational institutions at a reasonable cost.

Administration of the program will be carried out using existing staff and resources and should not result in any significant costs to the state.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Department of Public Instruction

Lori Slauson (608) 267-9127

Authorized Signature/Telephone No.

Gina Frank-Reece
Gina Frank-Reece (608) 266-2804

Date

7/29/98



State of Wisconsin
Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent



September 28, 1998

The Honorable Robert Welch
Co-Chair, JCRAR
One East Main
Room 201
Madison, WI 53703

Dear Senator Welch:

The Department of Public Instruction will hold a public hearing as follows to consider the creating of chapter PI 38, emergency and proposed permanent rules, relating to grants for peer review and mentoring. Emergency rules were promulgated by the department effective August 15, 1998. The hearing will be held as follows:

October 20, 1998
5:00 - 6:00 p.m.

Madison
GEF 3 Building
125 South Webster Street
Room 041

The hearing site is fully accessible to people with disabilities. If you require reasonable accommodation to access any meeting, please call Peter Burke, Director, Teacher Education, Licensing and Placement, at (608) 266-1879 or leave a message with the Teletypewriter (TTY) at (608) 267-2427 at least 10 days prior to the hearing date. Reasonable accommodation includes materials prepared in an alternative format, as provided under the Americans with Disabilities Act.

Copies of the proposed rule and the fiscal estimate are attached. Written comments on the proposed rules should be submitted to Lori Slauson, Administrative Rules Coordinator, Department of Public Instruction, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707. Written comments on the proposed rules received at the above address no later than October 27, 1998, will be given the same consideration as testimony presented at the hearing.

1997 Wisconsin Act 237 created s. 115.405, Stats., which establishes a grant for peer review and mentoring. Under s. 115.405(2), Stats., the state superintendent shall allocate \$500,000 annually, for one-year grants that allow a participating CESA, consortium of school districts, or a combination thereof to provide assistance and training for teachers who are licensed or have been issued a permit under ss. 115.28(7) and 115.192, Stats., to implement peer review and mentoring programs.

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Sincerely,


Lori L. Slauson
Administrative Rules Coordinator

SEP 29 1998

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Statutory authority: ss. 115.405(3) and 227.11(2)(a), Stats.

Statute interpreted: s. 115.405, Stats.

1997 Wisconsin Act 237 created s. 115.405, Stats., which establishes a grant for peer review and mentoring. Under s. 115.405(2), Stats., the state superintendent shall allocate \$500,000 annually, for one-year grants that allow a participating CESA, consortium of school districts, or a combination thereof to provide assistance and training for teachers who are licensed or have been issued a permit under ss. 115.28(7) and 115.192, Stats., to implement peer review and mentoring programs.

The proposed rules establish application requirements and criteria for awarding grants under the peer review and mentoring program.

A grant application under this program must be developed with significant input from teachers. A grant recipient may not use funds awarded to supplant or replace funds otherwise available for the program and must provide a match of 20 percent.

The grant award period begins the 1998-99 school year. Since the timelines would be too stringent to implement this grant program by September 1, 1998, the department is requiring applications to be submitted by November 1, 1998. The grant award period will be from December 1, 1998 to June 30, 1999. Applications submitted in subsequent years will be due May 1 with grant periods of July 1 to June 30.

SECTION 1. Chapter PI 38 is created to read:

CHAPTER PI 38

GRANTS FOR PEER REVIEW AND MENTORING

PI 38.01 PURPOSE. Under s. 115.405, Stats., the state superintendent shall award grants to eligible applicants for peer review and mentoring programs. This chapter sets forth criteria and procedures for awarding grants under this program.

PI 38.02 DEFINITIONS. In this chapter:

- (1) "CESA" means a cooperative educational service agency created under ch. 116, Stats.
- (2) "Initial educator" means an individual who has successfully completed an institution of higher education's approved program and who is licensed by the department of public instruction for the first time.
- (3) "Mentor" means an educator and colleague who primarily provides support and assistance to initial educators, will have input into the confidential formative assessment of the initial educator and is not to be considered as part of the formal evaluation process.

(4) "State superintendent" means the state superintendent of public instruction for the state of Wisconsin.

PI 38.03 GRANTS FOR PEER REVIEW AND MENTORING. (1) **ELIGIBILITY.** Annually, by November 1, 1998, and by May 1 in subsequent years, eligible applicants may apply to the state superintendent to fund a peer review and mentoring program described under sub. (4). Eligible applicants include the following:

- (a) A CESA.
- (b) A consortium consisting of 2 or more school districts.
- (c) A consortium consisting of 2 or more CESAs.
- (d) A combination of pars. (a) to (c).

(2) **APPLICATION REQUIREMENTS.** An application submitted under sub. (1) shall be developed with significant input from teachers and shall include the following information:

- (a) Signatures, names and titles of individuals who developed the grant application.
- (b) A list of school districts and CESAs that will participate in the program.
- (c) A description of the proposed program including the rationale, goals and objectives.
- (d) A description of how the proposed program will assist initial educators and enhance instruction.
- (e) A description of the program activities to be completed during the duration of the program, with a timetable for completion of each major activity.
- (f) A description of how the program will enhance pupil achievement.
- (g) A description of the evaluation plan including the indicators used to measure the achievement of the program goals and objectives.
- (h) A description of the applicant's capacity to continue the program after the grant period is complete.
- (i) A description of how the grant award will be allocated, including how the applicant will match at least 20% of the grant awarded as required under s. 115.405(1), Stats. The matching funds may be in the form of money or in-kind services or both.

(3) **ASSURANCES.** A grant recipient under this chapter shall provide for all of the following:

- (a) An assurance that the grant awarded under this chapter will not be used to supplant or replace funds otherwise available for professional development.
- (b) An assurance that program information and related materials under this chapter will be made available to interested schools and other educational institutions at a reasonable cost.

(4) **PROGRAM COMPONENTS.** A one-year grant of not more than \$25,000 may be made to fund a comprehensive peer review and mentoring program for initial and professional educators. Program components which may be funded under this subsection include all of the following:

- (a) An ongoing orientation for initial educators that is collaboratively developed and delivered by administrators, teachers, support staff and parents.

(b) Seminars that meet the needs and concerns of the initial educator and reflect the Wisconsin standards for teacher development and licensure which includes demonstration of all of the following:

1. The teacher understands the central concepts, tools of inquiry, and structures of the disciplines he or she teaches and can create learning experiences that make these aspects of subject matter meaningful for students.
2. The teacher understands how children learn and develop, and can provide learning opportunities that support their intellectual, social, and personal development.
3. The teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners.
4. The teacher understands and uses a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills.
5. The teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
6. The teacher uses knowledge of effective verbal, nonverbal, and media communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom.
7. The teacher plans and delivers instruction based upon knowledge of subject matter, students, the community, and curriculum goals.
8. The teacher understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social, and physical development of the learner.
9. The teacher is a reflective practitioner who continually evaluates the effects of his or her choices and actions on others, such as students, parents, and other professionals in the learning community and who actively seeks out opportunities to grow professionally.
10. The teacher fosters relationships with school colleagues, parents, and agencies in the larger community to support students' learning and well being.

(c) A mentor for all initial educators.

(d) A description of the selection, training, roles and responsibilities of the mentors.

(e) A professional development plan for the initial educator which includes a list of activities, timelines for achievement, and assessments based on the standards described under par. (b).

PI 38.05 REVIEW OF APPLICATIONS AND AWARDING OF GRANTS. The state superintendent shall review the applications submitted under this chapter and shall determine which of the applications eligible for funding will receive grants based on the following criteria:

- (1) The extent to which teachers are involved in the program development and activities.
- (2) The extent to which the goals and objectives relate to the purpose of the program.
- (3) The extent to which the program activities are appropriate to the goals and objectives of the proposed program.

(4) The adequacy of the timeline for completion of each major activity and the extent to which continuation of program activities is ensured after the grant period is completed.

(5) The extent to which the program activities will enhance instruction and ultimately enhance student achievement.

FINDING OF EMERGENCY

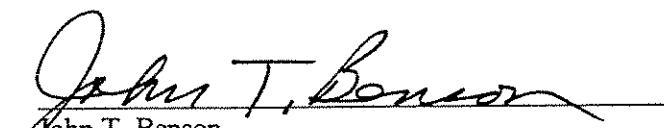
The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

Under s. 115.405(2), Stats., the state superintendent shall allocate \$500,000 annually, for one-year grants that allow a participating CESA, consortium of school districts, or a combination thereof to provide assistance and training for teachers who are licensed or have been issued a permit under ss. 115.28(7) and 115.192, Stats., to implement peer review and mentoring programs.

The grant award period begins the 1998-99 school year. Since the timelines would be too stringent to implement this grant program by September 1, 1998, the department is requiring applications to be submitted by November 1, 1998. The grant award period will be from December 1, 1998 to June 30, 1999. In order for applicants to develop proposals and for the state superintendent to review the proposals and make grant awards in time for the upcoming school year, rules must be in place as soon as possible.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this 15th day of August, 1998


John T. Benson
State Superintendent

FISCAL ESTIMATE

ORIGINAL UPDATED)

LRB or Bill No./Adm. Rule No.
PI 38

DOA-2048 (R10/92)

CORRECTED SUPPLEMENTAL

Amendment No. If Applicable

Subject: Peer Review and Mentoring Grants

Fiscal Effect (See attached)

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

- Increase Costs-May be possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

(See attached)

- 1. Increase Costs
 Permissive Mandatory
- 2. Decrease Costs
 Permissive Mandatory

- 3. Increase Revenues
 Permissive Mandatory
- 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts VTAE Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

1997 Wisconsin Act 237 created a grant for peer review and mentoring under s. 115.405, Stats. The Act requires the state superintendent to allocate \$500,000 annually for grants to eligible applicants.

The administrative rule and Act requires grant recipients to match at least 20% of the grant awarded (money or in-kind services may be used). Therefore, there may be additional local costs if local money is used to meet the 20% matching requirement. Any such additional costs are optional since a district or CESA are not required to apply for a grant.

Finally, grant recipients may not use grants awarded to supplant or replace funds otherwise available for the program and must make program and related materials available to interested schools and other educational institutions at a reasonable cost.

Administration of the program will be carried out using existing staff and resources and should not result in any significant costs to the state.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Department of Public Instruction
Lori Slauson (608) 267-9127

Authorized Signature/Telephone No.

Gina Frank-Reece
Gina Frank-Reece (608) 266-2804

Date

7/29/98