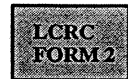


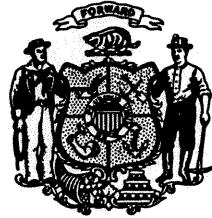
WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

OCT 04 1999

Ronald Sklansky
Director
(608) 266-1946



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

Richard Sweet
Assistant Director
(608) 266-2982

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

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 99-132

AN ORDER to amend HEA 11.03 (3); and to create HEA 11.03 (5), relating to the minority teacher loan program.

Submitted by **HIGHER EDUCATIONAL AIDS BOARD**

08-27-99 RECEIVED BY LEGISLATIVE COUNCIL.
09-24-99 REPORT SENT TO AGENCY.

RNS:RW: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)]

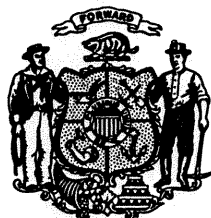
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-132

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 September 1998.]

2. Form, Style and Placement in Administrative Code

- a. In both treatment clauses, "Section" should be deleted. Also, in both Sections, "HEA 11.03" should be inserted before the subsection number.
- b. In s. HEA 11.03 (3), "a" should be inserted before "bachelor."
- c. In s. HEA 11.03 (5), the created language should not be underscored.

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

The agency may wish to include an "initial applicability" section to clarify the application of the rule.



State of Wisconsin Higher Educational Aids Board

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Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

TRANSMITTAL TO LEGISLATIVE COUNCIL RULES CLEARINGHOUSE PROPOSED RULES OF THE HIGHER EDUCATIONAL AIDS BOARD

HEA 11.03, Wis. Adm. Code

Subject: Administration of the Minority Teacher Loan Program

Statutory Authority: Section 39.28 (1), Stats., as created by 1971 c. 125, and section 227.11 (2), Stats.

Analysis: Reason for Rules

The 1989 Wisconsin Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. Current rules require that a student be enrolled full time and show financial need to be considered for participation in the Minority Teacher Loan Program. Students who did not enroll full time and did not show financial need were allowed to participate in the program in the past when part of the program was administered by another administrative body. These students are enrolled in teacher education programs that train teachers specifically for the school districts named in the statutes that outline the intent of the Minority Teacher Loan Program. Unless the Board changes its rules, many participating students will lose their eligibility in the program. This will cause a hardship to those students who relied on the interpretation of the prior system administration. This rulemaking order expands program eligibility to allow students who were eligible to participate under this program in the past, when it was administered by a different system, to continue to be eligible to participate in the future. Students who are enrolled at least half time and students who do not show financial need will be able to participate in this program. The proposed revision will not affect expenditures of State funds for the Minority Teacher Loan Program.

Agency Procedures for Promulgation:

Public hearing under ss. 227.16, 227.17, and 227.18, Stats.; approval of rules in final draft form by the HEAB Secretary; and legislative standing committee review under s.227.19, Stats.

Names and Phone Numbers of Agency Contacts:

Jane Hojan-Clark, Higher Educational Aids Board (608) 264.6181

Date Delivered to LC Clearinghouse:

July 27, 1999

CC: Revisor of Statutes
DOA



State of Wisconsin Higher Educational Aids Board

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Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

PROPOSED ORDER OF THE WISCONSIN HIGHER EDUCATIONAL AIDS BOARD REPEALING AND RECREATING RULES

The Wisconsin Higher Educational Aids Board proposes an order to amend ch. HEA 11.03 (3) and create ch. HEA 11.03 (5) relating to the Minority Teacher Loan Program.

Analysis Prepared by the Higher Educational Aids Board:

The 1989 Wisc. Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. This rulemaking order expands program eligibility to allow students who were eligible to participate under this program in the past, when it was administered by a different system, to continue to be eligible to participate in the future.

Statutory Authority:

Section 39.28 (1), Stat., as created by 1971 c. 125, and section 227.11 (2), Stats.

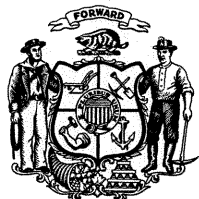
Section HEA 11.03 is amended to read:

Section 1. Section HEA 11.03 (3) is amended to read:

(3) The borrower shall be enrolled ~~full time~~ at least half time in an eligible institution in the junior or senior year of bachelor degree program majoring in education.

Section 2. Section HEA 11.03 (5) is created to read:

(5) The borrower shall not be required to show financial need.



State of Wisconsin Higher Educational Aids Board

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Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

August 6, 1999

Senator Judy Robson
15 South
State Capitol
Madison, WI 53708

Dear Senator Robson,

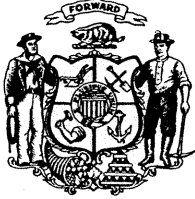
As provided in s. 227.24, Stats., there is hereby submitted a copy of ch. HEA 11, administrative rules relating to the Minority Teacher Loan Program. I have also enclosed a fiscal estimate related to the implementation of the emergency rules. These rules and fiscal estimate along with the statement of emergency finding are also being submitted to all other legislators and the chief clerk of each house of the legislature.

If you have questions regarding the enclosed documents, please feel free to call me at (608)264.6181 or send email to jane.hojan-clark@heab.state.wi.us.

Sincerely,

Jane Hojan-Clark
Executive Secretary

Enclosures



State of Wisconsin Higher Educational Aids Board

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Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

FINDING OF EMERGENCY

The Higher Educational Aids Board (HEAB) finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The 1989 Wisconsin Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. Current rules require that a student be enrolled full time and show financial need to be considered for participation in the Minority Teacher Loan Program. Students who did not enroll full time and did not show financial need were allowed to participate in the program in the past when part of the program was administered by another administrative body. These students are enrolled in teacher education programs that train teachers specifically for the school districts named in the statutes that outline the intent of the Minority Teacher Loan Program. Unless the Board changes its rules, many participating students will lose their eligibility in the program. This will cause a hardship to those students who relied on the interpretation of the prior system administration. Revising the rules would allow students who participated in the program in the past to continue to participate. The proposed revision will not affect expenditures of State funds for the Minority Teacher Loan Program.

Statutory Authority: Section 39.28 (1), Stat., as created by 1971 c. 125, and section 227.11 (2), Stats.

Section HEA 11.03 is amended to read:

Section 1. Section HEA 11.03 (3) is amended to read:

(3) The borrower shall be enrolled ~~full time~~ at least half time in an eligible institution in the junior or senior year of a bachelor degree program majoring in education.

Section 2. Section HEA 11.03 (5) is created to read:

(5) The borrower shall not be required to show financial need.

Effective Date

These rules shall take effect upon publication as provided in s. 227.24 (d) Stats.

FISCAL ESTIMATE FORM

1999 Session

ORIGINAL

UPDATED

CORRECTED

SUPPLEMENTAL

LRB #

INTRODUCTION #

Admin. Rule #

Subject

Change in Minority Teacher Loan Program eligibility.

Fiscal Effect

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

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Towns Villages Cities

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

This rulemaking order expands program eligibility to allow students who were eligible to participate under this program in the past, when it was administered by a different system, to continue to be eligible to participate in the future.

No fiscal effect is expected.

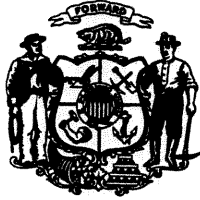
Long-Range Fiscal Implications:

Prepared By: / Phone # / Agency Name
Jane Hojan-Clark/4.6181/HEAB

Authorized Signature / Telephone No.

Jane Hojan-Clark 4.6181

Date
8/6/99



State of Wisconsin Higher Educational Aids Board

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Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

February 14, 2000

Senator Robson, Chairperson
Committee for Review of Administrative Rules
Room 15 South, State Capitol
Madison, WI 53707-7882

Dear Senator Robson,

The Higher Educational Aids Board requests a 29 day extension of the emergency rule related to the Minority Teacher Loan Program. The rule expires March 2, 2000. It is my understanding that a permanent rule will be in effect April 1, 2000. I have attached a copy of the finding of emergency which includes the rule along with a statement constituting the emergency.

I appreciate your consideration in this matter. Please contact me at 264.6181 if you have any questions or if more information is needed.

Sincerely,

Jane M. Hojan-Clark
Executive Secretary



State of Wisconsin Higher Educational Aids Board

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Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

FINDING OF EMERGENCY

The Higher Educational Aids Board (HEAB) finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The 1989 Wisconsin Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. Current rules require that a student be enrolled full time and show financial need to be considered for participation in the Minority Teacher Loan Program. Students who did not enroll full time and did not show financial need were allowed to participate in the program in the past when part of the program was administered by another administrative body. These students are enrolled in teacher education programs that train teachers specifically for the school districts named in the statutes that outline the intent of the Minority Teacher Loan Program. Unless the Board changes its rules, many participating students will lose their eligibility in the program. This will cause a hardship to those students who relied on the interpretation of the prior system administration. Revising the rules would allow students who participated in the program in the past to continue to participate. The proposed revision will not affect expenditures of State funds for the Minority Teacher Loan Program.

Statutory Authority: Section 39.28 (1), Stat., as created by 1971 c. 125, and section 227.11 (2), Stats.

Section HEA 11.03 is amended to read:

Section 1. Section HEA 11.03 (3) is amended to read:

(3) The borrower shall be enrolled ~~full time~~ at least half time in an eligible institution in the junior or senior year of a bachelor degree program majoring in education.

Section 2. Section HEA 11.03 (5) is created to read:

(5) The borrower shall not be required to show financial need.

Effective Date

These rules shall take effect upon publication as provided in s. 227.24 (d) Stats.



State of Wisconsin Higher Educational Aids Board

DEC 01 1999

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Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

December 1, 1999

The Honorable Fred Risser, President
Wisconsin State Senate
Room 220 South, State Capitol
Madison, WI 53707-7882

The Honorable Scott Jensen, Speaker
Wisconsin State Assembly
Room 211 West, State Capitol
Madison, WI 53708-8952

Re: Clearinghouse Rule 99-132
HEA 11, relating to the Minority Teacher Loan Program


Gentlemen:

In accordance with the provisions of s. 227.19(2), Stats., you are hereby notified that the above-mentioned rules are in final draft form. This notice and the report required by s. 227.19(3), Stats., are submitted herewith in triplicate.

The rules were submitted to the Legislative Council for review under s. 227.15, Stats. A copy of the Council's report is also enclosed.

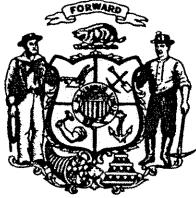
If you have any questions about these rules, please contact me at 264.6181 or Jim Buske at 267.9865.

Sincerely,


Jane Hojan-Clark
Executive Secretary

Enclosure

CC: Gary Poulson, Revisor of Statutes Bureau
✓ Senator Robson, JCRAR
Representative Glenn Grothman, JCRAR
Jim Buske, Programs and Policy Manager for HEAB
Erin Kalinosky, Department of Administration Budget Analyst



State of Wisconsin Higher Educational Aids Board

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Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

CR99-132

The Wisconsin Higher Educational Aids Board proposes an order to amend HEA 11.03(3) and create HEA 11.03(5) relating to the Minority Teacher Loan Program.

REPORT OF THE HIGHER EDUCATIONAL AIDS BOARD ON THE FINAL RULE DRAFT

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

- Part 1--Analysis prepared by the Higher Educational Aids Board.
- Part 2--Rule text in final draft form.
- Part 3--Recommendations of the Legislative Council.
- Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:

A handwritten signature in cursive script that reads "Jane M. Hojan-Clark".

JANE M. HOJAN-CLARK
Executive Secretary
Wisconsin Higher Educational Aids Board
(608)264.6181

PART 1

Analysis Prepared by the Higher Educational Aids Board

STATUTORY AUTHORITY: s. 39.28(1) and s. 227.11(2), Stats.

STATUTES INTERPRETED: s. 39.40, Stats.

The 1989 Wisc. Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. This rulemaking order expands program eligibility to allow students who were eligible to participate under this program in the past, when it was administered by a different system, to continue to be eligible to participate in the future.

PART 2

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, higher educational aids board, by s. 39.28(1) and s. 227.11(2), Stats., the higher educational aids board hereby proposes to amend a rule interpreting s. 39.40, Stats., relating to the Minority Teacher Loan Program.

Section 1. HEA 11.03(3) is amended to read:

HEA 11.03(3). The borrower shall be enrolled ~~full time~~ at least half time in an eligible institution in the junior or senior year of a bachelor degree program majoring in education.

Section 2. HEA 11.03(5) is created to read:

HEA 11.03(5). The borrower shall not be required to show financial need.

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 1st day of December, 1999.



JANE M. HOJAN-CLARK

Executive Secretary

Wisconsin Higher Educational Aids Board

PART 4
CR 99-132

ANALYSIS OF FINAL DRAFT OF HEA 11

Need for Amended Rules

The 1989 Wisconsin Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. Current rules require that a student be enrolled full time and show financial need to be considered for participation in the Minority Teacher Loan Program. Students who did not enroll full time and did not show financial need were allowed to participate in the program in the past when part of the program was administered by another administrative body. These students are enrolled in teacher education programs that train teachers specifically for the school districts named in the statutes that outline the intent of the Minority Teacher Loan Program. Unless the Board changes its rules, many participating students will lose their eligibility in the program. This will cause a hardship to those students who relied on the interpretation of the prior system administration. Revising the rules would allow students who participated in the program in the past to continue to participate. The proposed revision will not affect expenditures of State funds for the Minority Teacher Loan Program.

Public Hearing

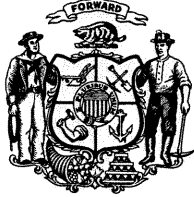
The Board held a public hearing in Madison on October 28, 1999 on the proposed changes in the Minority Teacher Loan Program rules. The following two individuals testified on the proposed changes:

Dr. Martin Haberman, University of Wisconsin - Milwaukee School of Education
Mary Roggeman, University of Wisconsin - Milwaukee Office of Student Financial Aid

Both participants supported the proposed changes.

Response to Legislative Council Recommendations

All comments of the Legislative Council's Rules Clearinghouse were accepted and the rules were modified accordingly with the exception of point #5. It is our intention that these changes be applicable when the final rule goes into effect. Therefore, a section to clarify the application of the rule has not been added.



State of Wisconsin Higher Educational Aids Board

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NOV 09 1999

Tommy G. Thompson
Governor

Jane M. Hojan-Clark
Executive Secretary

November 9, 1999


Senator Robson, Chairperson
Committee for Review of Administrative Rules
Room 15 South, State Capitol
Madison, WI 53707-7882

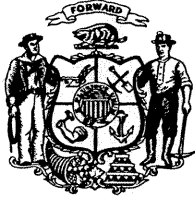
Dear Senator Robson,

The Higher Educational Aids Board requests a 60 day extension of the emergency rule related to the Minority Teacher Loan Program. The rule expires January 2, 2000. It is my understanding that a permanent rule cannot be in effect on or before the date the emergency rule expires. I have attached a copy of the finding of emergency which includes the rule along with a statement constituting the emergency.

I appreciate your consideration in this matter. Please contact me at 264.6181 if you have any questions or if more information is needed.

Sincerely,


Jane M. Hojan-Clark
Executive Secretary



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Tommy G. Thompson

Governor

Jane M. Hojan-Clark

Executive Secretary

FINDING OF EMERGENCY

The Higher Educational Aids Board (HEAB) finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The 1989 Wisconsin Act 31 created s. 39.40, Stats., which provides for loans to minority students enrolled in programs of study leading to licensure as a teacher. The Wisconsin Higher Educational Aids Board (HEAB) administers this loan program under s. 39.40 and under ch. HEA 11. Current rules require that a student be enrolled full time and show financial need to be considered for participation in the Minority Teacher Loan Program. Students who did not enroll full time and did not show financial need were allowed to participate in the program in the past when part of the program was administered by another administrative body. These students are enrolled in teacher education programs that train teachers specifically for the school districts named in the statutes that outline the intent of the Minority Teacher Loan Program. Unless the Board changes its rules, many participating students will lose their eligibility in the program. This will cause a hardship to those students who relied on the interpretation of the prior system administration. Revising the rules would allow students who participated in the program in the past to continue to participate. The proposed revision will not affect expenditures of State funds for the Minority Teacher Loan Program.

Statutory Authority: Section 39.28 (1), Stat., as created by 1971 c. 125, and section 227.11 (2), Stats.

Section HEA 11.03 is amended to read:

Section 1. Section HEA 11.03 (3) is amended to read:

(3) The borrower shall be enrolled ~~full time~~ at least half time in an eligible institution in the junior or senior year of a bachelor degree program majoring in education.

Section 2. Section HEA 11.03 (5) is created to read:

(5) The borrower shall not be required to show financial need.

Effective Date

These rules shall take effect upon publication as provided in s. 227.24 (d) Stats.