

WISCONSIN LEGISLATIVE COUNCIL STAFF

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 00-186

AN ORDER to repeal PI 26.02 (6); to renumber PI 26.02 (1) to (3), (5), (7) and (10); to renumber and amend PI 26.02 (4), (8), (9), (11) and (12); to amend PI 26.01; to repeal and recreate PI 26.03 and 26.04; and to create PI 26.02 (1) to (3), (7), (9), (13) to (15), (17), (20), (21) and (23), 26.05 and 26.06, relating to the education for employment program.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

12-26-00 RECEIVED BY LEGISLATIVE COUNCIL.

01-25-01 REPORT SENT TO AGENCY.

RNS:RW:jal;ksm

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 00-186

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 the treatment clause of SECTION 3, "are" should replace "have been."
- b. In s. PI 26.02 (1), "The College Board" should be shown in lower case.
- c. The agency may wish to use a direct reference to the "model academic standards" in s. PI 26.02 (13) rather than a statutory reference, since the statutes refer to standards issued by executive order, not the actual standards.
- d. In ss. PI 26.03 (14) and 26.04 (7) (e), "2-year" should replace "2-".
- e. In s. PI 26.05, "(1)" should be deleted since there are no other subsections.

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

- a. The agency might consider changing the term "shall" to "may" in s. PI 26.03 (1) to allow school boards to adopt, if they choose, plans that are not defined in "incremental steps."
- b. The intended scope of the requirement of s. PI 26.03 (2) is not clear. Is it intended that all elements must be provided in each program? To what extent must the elements be "integrated"?

c. The material in s. PI 26.03 (2) (e) after the first sentence should be moved to another section of the rule or placed in a note. One option would be to use part of a definition of the term in s. PI 26.02 (20) instead of, or in addition to, the use the federal reference "34 CFR 400."

d. Section PI 26.03 (3) is very ambiguous. The current rule requires that all pupils in grades kindergarten through 12 "shall have access" to an education for employment program. This language has been interpreted to mean that courses have to be scheduled and placed in the curriculum, but not that each pupil enroll or be given instruction in an education for employment program. The revised language stating that the program shall provide to all pupils in grades kindergarten through 12 instruction in specified areas seems to be a significant expansion of the current requirements.

If the agency intends the revision of this provision to create a new requirement for instruction, several issues arise. First, the extent of the expansion is not clearly set forth in either the plain language analysis or in the attached fiscal estimate. Second, the language in s. PI 26.03 (3) refers initially to "instruction," but later refers to "information," without clearly distinguishing between the two terms. In addition, the requirement to provide "information" is applicable to pupils "at various grade levels," a reference that provides very little guidance to districts and boards attempting to formulate plans that will comply with the requirements.

Finally, if the agency does intend to expand the requirements to require that pupils participate, not just be offered an opportunity to participate, then there is a potential statutory authority problem. Section 121.02 (1) (m), Stats., requires only that boards provide access to a program, but does not require participation. The rule, and the proposed revisions, are predicated on this statutory base and it would appear that in order for the revised rule to venture beyond this foundation would require a statutory change to s. 121.02 (1) (m), Stats.

e. The rule in s. PI 26.04 (2) modifies the current requirement regarding staff coordinator of the education for employment program to add a requirement that the person be "certified under s. PI 34.33 (8)" as a vocational educator. It would seem that this additional requirement would be important enough to mention in the plain language analysis of the rule and the fiscal estimate.

f. Although the proposed pupil transcript requirements are tangentially related to the education for employment program, the expansive nature of the new requirements is not readily apparent from the relating clause of the rule or the placement in the administrative code. The agency, therefore, should consider giving these changes greater prominence in the plain language analysis and in material prepared for scheduled public hearings to assure adequate notice is given to interested parties. Clarification should also be given in regard to whether the requirement is intended to be retroactive to cover past graduates.

g. The scope of the requirements regarding follow-up studies in s. PI 26.04 (7) is not clear. For example, how long are graduates to be followed? Do all graduates have to be tracked, or only a representative sample? Depending upon the answers to these questions, the cost of compliance could be substantial or incidental. Without clarification, there is no indication as to the level of detail expected.

h. The agency should give consideration to including an initial applicability section for the revised requirements.

[The following text is extremely faint and largely illegible due to low contrast and scan quality. It appears to be a list of comments or a detailed report, but the specific content cannot be accurately transcribed.]

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

The state superintendent of public instruction hereby proposes to repeal PI 26.02 (6); to renumber PI 26.02 (1) to (3), (5), (7) and (10); to renumber and amend PI 26.02 (4), (8), (9), (11) and (12); to amend PI 26.01; to repeal and recreate PI 26.03 and PI 26.04; and to create PI 26.02 (1) to (3), (7), (9), (13) to (15), (17), (20), (21) and (23) and PI 26.05 and PI 26.06, relating to the education for employment program.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 121.02 (5) and 227.11 (2) (a), Stats.

Statute interpreted: s. 121.02 (1) (m), Stats.

The proposed rules will align the education for employment requirements under ch. PI 26 with vocational/technical activities and programs being developed and implemented by public school districts. Many of the components in the current rule are the same but reorganized in the modified rule. Such components include the development of a long-range plan based on labor market information, employment needs, periodic follow-up studies of graduates, and an evaluation of current programs and staff development needs; the designation of a staff person to coordinate the program; allowance for career exploration and school supervised work experiences; and coordination with the school district standards, vocational skills, high school graduation requirements, and programs for children at risk.

The rules will remove the requirement that school boards either appoint an education for employment council or participate in a CESA council. Instead, each board shall ensure representation on the tech prep council created under s. 118.34, Stats., and the tech prep council shall annually report to the board regarding the council's progress toward achieving its goals and objectives. In addition, the rule will:

- Add definitions of advanced placement, advanced standing, articulation course agreement, career awareness, career planning and preparation, transcribed credit and postsecondary credit for clarity.
- Clarify career development components to be offered to pupils at the elementary, middle and high school levels (career awareness at the elementary grade levels, career exploration at the middle grade levels, and career planning and preparation at the high school levels).
- Clarify the type of information to be collected when conducting graduate follow-up studies (graduate satisfaction with the program, and graduate placement in jobs, military, apprenticeship programs or educational institutions).
- Require boards to include specified information on pupil transcripts (the title of the course; the high school credits earned and whether those credits were earned through advanced standing, transcribed credit, or the advanced placement program; and participating postsecondary institution, when appropriate).
- Require the program to integrate requirements under the tech prep, youth options, and youth apprenticeship programs.

SECTION 1. PI 26.01 is amended to read:

PI 26.01 Applicability and purpose. Under s. 121.02 (1) (m), Stats., ~~beginning in the 1991-1992 school year,~~ every board shall provide access to an education for employment program approved by the state superintendent. The purpose of education for employment programs is to prepare elementary and secondary pupils for future employment; to promote lifelong learning; to promote good citizenship; to promote cooperation ~~between~~ among business ~~and,~~ industry;

labor, postsecondary schools, and public schools, and to establish a role for public schools in the economic development of Wisconsin. This chapter defines education for employment programs, describes the process for approval of developing education for employment plans, and establishes approval criteria performance indicators for education for employment programs opportunities.

SECTION 2. PI 26.02 (6) is repealed.

SECTION 3. PI 26.02 (1) to (3), (4), (5), and (7) to (12) have been renumbered PI 26.02 (4) to (6), (8), (10), (11), (12), (16), (18), (19) and (22) and as renumbered. PI 26.02 (8), (12), (16), (19), and (22) are amended to read:

PI 26.02 (8) "Career exploration and planning" means ~~the process by which elementary and secondary pupils identify and evaluate life and work choices, explore and plan career goals, and acquire realistic life and work decision-making skills~~ activities covering the entire career spectrum using clusters of similar or related careers as a framework to study all occupational groups while simultaneously evaluating personal interests and skills in relation to the jobs studied.

(12) "Employability skills and ~~attitudes~~ work behaviors" means the ~~cognitive and affective~~ skills needed by pupils to obtain and retain employment, and which are applicable and transferable to general employment situations.

(16) "School supervised work experience" means a set of planned educational experiences, either paid or unpaid, supervised coordinated by licensed school personnel, and designed to enable learners to acquire attitudes work behaviors, skills and knowledge for work and other life roles by participating in actual or simulated work settings ~~related to in-school instructional programs.~~

(19) "Study of economics and American economic institutions" means the study of economics including business, industry, labor, and agricultural operations and organizations and their role in a local, state, national and international economy; entrepreneurship and entrepreneurial skills; consumer and ~~household~~ family economics; and the role of citizens in a local, state, national, and international economy.

(22) "Vocational education" means career and technical instructional programs designed to achieve pupil mastery of the skills set forth in s. 118.01 (2) (b), Stats.

SECTION 3. PI 26.02 (1) to (3), (7), (9), (13) to (15), (17), (20), (21) and (23) are created to read:

PI 26.02 (1) "Advanced placement program" means an international program administered by The College Board whereby pupils are eligible to receive advanced placement or credit at participating colleges by taking an advanced placement exam and if the score on the exam meets the postsecondary institution's criteria.

(2) "Advanced standing credit" means a high school pupil has successfully completed a course taught by a high school teacher using a high school curriculum wherein the high school and a technical college have aligned curriculum competencies and developed an articulation course agreement. The credit is awarded upon enrollment in a technical college.

(3) "Articulation course agreement" means a written agreement between the board and a postsecondary institution that may allow a pupil to receive high school or postsecondary credit, or both, for a course taken at a high school or postsecondary institution.

(7) "Career awareness" means activities that incorporate workplace operations to illustrate why people work, the kinds of conditions under which they work, the various levels of training and education needed to work, appropriate work behaviors and how expectations at school are related to expectations in the world of work.

(9) "Career planning and preparation" means activities which are focused on personal career interest areas and experiencing the work in these areas.

(13) "Model academic standards" means the Wisconsin model academic standards required under s. 118.30 (1) (b), Stats. *Use direct reference?*

(14) "Postsecondary credit" means credit awarded by a technical college, or a 2- or 4-year college or university. *year*

(15) "Public schools" has the meaning described under s. 115.01 (1), Stats.

(17) "Service learning" means pupils learn and develop through active participation in thoughtfully organized services that meet the needs of the community.

(20) "Tech prep" means a program as defined under 34 CFR 400.

(21) "Transcribed credit" means postsecondary credit earned by a high school pupil for successfully completing a college level course. The pupil receives a transcript from the technical college, 2- or 4-year college, or university.

(23) "Youth apprenticeship" means a program described under s. 106.13 (3) to (4), Stats.

SECTION 4. PI 26.03 and PI 26.04 are repealed and recreated to read:

PI 26.03 General requirements for education for employment programs. An education for employment program under s. 121.02 (1) (m), Stats., shall include all of the following:

(1) An education for employment long range plan shall be developed by the board. The plan shall be consistent with any other district plans, shall be defined in incremental steps and shall be implemented by September 1, 2003. The plan shall be reviewed annually by the council specified under s. PI 26.05 and revised, if necessary, at least once every 5 years by the board. The plan shall include all of the following:

(a) An analysis of local, regional and state labor market needs and the educational and training requirements for occupations which will fill those needs.

(b) A description of vocational education provided in the district.

(c) A strategy to be used in developing the education for employment program and determining staff development needs.

(2) The plan shall integrate other educational program requirements into the education for employment program, including all of the following:

(a) The school district standards under s. 121.02 (1), Stats.

(b) Vocational skills required under s. 118.01 (2) (b), Stats.

(c) High school graduation requirements under s. 118.33, Stats.

(d) Programs for children at risk under s. 118.153, Stats.

(e) Tech prep under s. 118.34, Stats. Tech prep combines 2 years of secondary education with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study. It integrates academic, vocational, and technical instruction. It provides technical preparation in career fields; builds pupil competence through applied, contextual academics in a sequence of courses; it leads to an associate or baccalaureate degree in a specific career field; and leads to placement in appropriate employment or further education.

(f) Youth options under s. 118.55, Stats.

(g) Youth apprenticeship.

(3) The program shall provide to all pupils in grades kindergarten through 12 instruction which provides for foundations of good citizenship and which links academic and occupational standards to workplace skills and experiences. The program shall provide information to pupils at various grade levels as follows:

(a) Career awareness at the elementary grade levels.

(b) Career exploration at the middle grade levels. Career exploration shall address sex-role stereotyping and may include job shadowing and career research identifying personal preferences in relation to specific occupations.

(c) Career planning and preparation at the high school levels, including all of the following:

1. Career research identifying personal preferences in relation to specific occupations and school supervised work experience, such as cooperative education, service learning, and youth apprenticeships.

2. Instruction in employability skills, including work behaviors.

3. Instruction which provides for the practical application of basic skills in the general and vocational curricula.

4. The study of the practical application of economics and American economic institutions, including entrepreneurship education and the knowledge needed to begin and operate a business.

5. Pupil access to technical education programs which have a curriculum incorporating accurate national, regional and state labor market information, including labor market supply and demand.

PI 26.04 General requirements for school boards. (1) The board shall insure district representation on the technical preparation council as created under s. 118.34 (2), Stats.

(2) The board shall designate a staff person certified under s. PI 34.33 (8), to coordinate and direct the education for employment program.

(3) The board shall encourage the development of business and education partnerships. The council under s. PI 26.05 may assist the district in the development of these partnerships.

(4) The board may coordinate the education for employment program with other public school districts; CESAs; technical college districts; colleges and universities; and workforce development programs.

(5) Upon request, the board shall make available copies of the district's education for employment plan.

(6) The board shall indicate on a pupil's transcript the name of the course; the high school credits earned and whether those credits were earned through advanced standing, transcribed credit, or the advanced placement program; and the participating postsecondary institution, when appropriate.

NOTE: Appendix A provides a sample pupil transcript.

(7) The board shall conduct follow-up studies of graduates. The studies shall contain all of the following information:

- (a) Graduate satisfaction with the career development services provided by the district.
- (b) Job placement of graduates.
- (c) Military placement of graduates.
- (d) Apprenticeship placement of graduates.
- (e) Education placement of graduates in a 2- or 4-year college, university, or technical college.

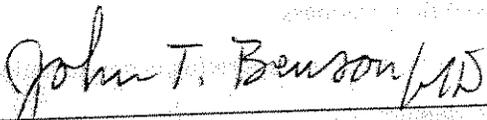
SECTION 5. PI 26.05 and PI 26.06 are created to read:

PI 26.05 Technical preparation council requirements. (1) Annually, the council created under s. 118.34 (2), Stats., shall prepare and make available a report to the board on the progress in achieving the goals and objectives of the council.

PI 26.06 Approval of education for employment programs. A program shall be approved by the state superintendent if it meets all of the requirements under this chapter.

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 26th day of December, 2000



John T. Benson
State Superintendent