



WISCONSIN LEGISLATIVE COUNCIL 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 01-132

AN ORDER to repeal PI 37.02 (1) and 37.03 (1) (a) 3. and (b) 3. and (2) (c); to renumber PI 37.02 (2) to (4) and 37.03 (1) (a) 4. and (b) 4.; to amend PI 10.03 (intro.) and (3), 12.01 (1) (intro.) and (b), (3), (4), (6) and (7) and 37.04 (1) (a) and (2), relating to technical modifications to chapters PI 10, 12, and 37 pursuant to statutory changes made under 1999 Wisconsin Act 9 and 2001 Wisconsin Act 16.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

11-14-01 RECEIVED BY LEGISLATIVE COUNCIL.

12-05-01 REPORT SENT TO AGENCY.

RNS:JLK:jal;tlu

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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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

SECTION 3 provides that "ch. PI 12 (Title) has been to read:". It should indicate that "ch. PI 12 (title) is amended to read:". In addition, the amendment to the title should be shown by use of strike-throughs and underscores. [See s. 1.05 (3) (b), Manual.]

3. Conflict With or Duplication of Existing Rules

The rule changes the name of the Wisconsin school for the visually handicapped to the Wisconsin center for the blind and visually impaired in several provisions of ch. PI 12. This change should also be made in ss. PI 20.02 and 20.04 (title) and (1).

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

Section PI 37.04 (2) adds a reference to s. PI 34.18 (2). It may be useful to specify that the reference is to s. PI 34.18 (2) (f) 1. Also, "ss." should replace "s." before the citation in subs. (1) (a) and (2).

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REPORT TO
LEGISLATIVE COUNCIL RULES CLEARINGHOUSE
TECHNICAL MODIFICATIONS
Chapters PI 10, 12 and 37, Wisconsin Administrative Code

Wisconsin Statutory Authority - ss. 115.42 (4), 115.435 (3), 227.11 (2) (a) and 227.16 (2) (b) Stats.

Federal Statutory Authority - None

Court Decisions Directly Relevant - None

Analysis of the Rule - Rule Effect - Reason for the Rule

The department proposes to make the following technical rule modifications:

- Chapter PI 10, relating to supplemental aid for school districts with a large area, has been modified to change school district eligibility criteria under the grant program. The chapter is amended to be consistent with the statutory changes made to s. 115.435, Stats., pursuant to 2001 Wisconsin Act 16.
- Chapter PI 12, relating to the Wisconsin School for the Deaf and the Wisconsin School for the Visually Handicapped, has been modified to replace the "Wisconsin School for the Visually Handicapped" with the "Wisconsin Center for the Blind and Visually Impaired." The school name has been replaced to be consistent with the statutory name changes made under Subch. III of Ch. 115 pursuant to 1999 Wisconsin Act 9.
- Chapter PI 37, relating to national teacher certification grants, has been modified to eliminate the requirement that a person be a resident of this state in order to receive a grant. The chapter is amended to be consistent with the statutory changes made to s. 115.42, Stats., pursuant to 2001 Wisconsin Act 16.

These rule modifications bring an existing rule into conformity with a statute that has been changed or enacted and are considered technical. Therefore, pursuant to s. 227.16 (2) (b), Stats., the department will not hold public hearings regarding these rules.

At this time the department does not collect information, require data, or distribute funds that are affected by these rule chapters. Therefore, an initial applicability clause is not necessary.

Agency Procedure for Promulgation

Notice to Legislative Council pursuant to s. 227.15, Stats., and proceeding to the legislature under s. 227.19, Stats. As noted above, pursuant to s. 227.16 (2) (b), Stats., the department will not hold public hearings regarding these rules.

Description of any Forms (attach copies if available) - None

Name and Telephone Number of Agency Liaison(s)

Lori L. Slauson, Administrative Rules Coordinator, Policy and Budget, 267-9127

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

The state superintendent of public instruction hereby proposes to repeal PI 37.02 (1), PI 37.03 (1) (a) 3., PI 37.03 (1) (b) 3., and PI 37.03 (2) (c); to renumber PI 37.02 (2) to (4), PI 37.03 (1) (a) 4., and PI 37.03 (1) (b) 4.; to amend PI 10.03 (intro.) and (3), PI 12.01 (1) (intro.) and (b), (3), (4), (6) and (7), PI 37.04 (1) (a), and PI 37.04 (2), relating to technical modifications to chapters 10, 12, and 37 pursuant to statutory changes made under 1999 Wisconsin Act 9 and 2001 Wisconsin Act 16.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 227.11 (2) (a), 227.16 (2) (b), 115.42 (4) and 115.435 (3), Stats.

Statute interpreted: ss. 115.435, Subch. III of Ch. 115, and 115.42, Stats.

The department proposes to make the following technical rule modifications:

- Chapter PI 10, relating to supplemental aid for school districts with a large area, has been modified to change school district eligibility criteria under the grant program. The chapter is amended to be consistent with the statutory changes made to s. 115.435, Stats., pursuant to 2001 Wisconsin Act 16.
- Chapter PI 12, relating to the Wisconsin School for the Deaf and the Wisconsin School for the Visually Handicapped, has been modified to replace the "Wisconsin School for the Visually Handicapped" with the "Wisconsin Center for the Blind and Visually Impaired." The school name has been replaced to be consistent with the statutory name changes made under Subch. III of Ch. 115 pursuant to 1999 Wisconsin Act 9.
- Chapter PI 37, relating to national teacher certification grants, has been modified to eliminate the requirement that a person be a resident of this state in order to receive a grant. The chapter is amended to be consistent with the statutory changes made to s. 115.42, Stats., pursuant to 2001 Wisconsin Act 16.

These rule modifications bring an existing rule into conformity with a statute that has been changed or enacted and are considered technical. Therefore, pursuant to s. 227.16 (2) (b), Stats., the department will not hold public hearings regarding these rules.

At this time the department does not collect information, require data, or distribute funds that are affected by these rule chapters. Therefore, an initial applicability clause is not necessary.

SECTION 1. PI 10.03 (intro) is amended to read:

PI 10.03 (intro.) A school board that meets all of the following criteria may apply to the department by ~~April 3,~~ ~~2000,~~ and by October 15 annually thereafter for a grant to supplement aid under s. 121.08, Stats.

SECTION 2. PI 10.03 (3) is amended to read:

PI 10.03 (3) At least ~~65%~~ 80% of the real property in the school district is exempt from taxation under s. 70.11, Stats., taxed as forest croplands under subch. I of ch. 77, Stats., owned by or held in trust for a federally recognized American Indian tribe or owned by the federal government. The requirement under this subsection shall be verified as specified under sub. (2).

SECTION 3. Chapter PI 12 (Title) has been ~~to~~ read:

is CHAPTER PI 12

search
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WISCONSIN SCHOOL FOR THE DEAF AND
WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED

SECTION 4. PI 12.01 (1) (intro.) and (b), (3), (4), (6) and (7) are amended to read:

PI 12.01 (1) (intro.) The department of public instruction, as managing authority of the Wisconsin school for the deaf and the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired buildings and facilities, may permit the same to be used by any governmental body or official, or any non-profit, fraternal, religious, or veterans' organization for the purpose of governmental business, public meetings for the free discussion of public questions, or for activities of a broad public purpose, if such use:

(b) Does not unduly burden the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired.

(3) The applicant for such use shall be liable to the state for any injury done to its property, and for any expense arising out of such use, and for such sum as the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired may charge for such use as provided in s. 16.845, Stats.

(4) The applicant may charge an admission fee only if approved by the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired, pursuant to any conditions as imposed by the department.

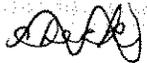
(6) The utilization of department of public instruction buildings and facilities at the Wisconsin school for the deaf and the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired by an organization shall not imply endorsement, approval, or approbation by the state of Wisconsin or the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired, nor the extension of special privilege. Likewise, the refusal by the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired to permit use of a building or facility shall not be interpreted as disapproval or censure of any organization, but shall be for reasons as set forth in sub. (1) (a) through (e).

(7) The granting of permission to use a building or facility by the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired does not obligate said department or school to furnish the applicant any service or utilities, or render any support with personnel, equipment, or supplies. The department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired may furnish such assistance, and may charge for any expense arising out of use of a building or facility. The department of public instruction, the Wisconsin school for the deaf, and the Wisconsin ~~school~~ center for the blind and visually ~~handicapped~~ impaired reserve the right to inspect any equipment or apparatus brought in for a public meeting, event, or activity; and to limit or prohibit the use of such items which might affect the safety or the normal operation of the building or facility.

SECTION 5. PI 37.02 (1) is repealed.

SECTION 6. PI 37.02 (2) to (4) are renumbered PI 37.02 (1) to (3).

SECTION 7. PI 37.03 (1) (a) 3. is repealed.

SECTION 8. PI 37.03 (1) (a) 4. is renumbered PI 37.03 (1) (a) 3. 

SECTION 9. PI 37.03 (1) (b) 3. is repealed.

SECTION 10. PI 37.03 (1) (b) 4. is renumbered PI 37.03 (1) (b) 3.

SECTION 11. PI 37.03 (2) (c) is repealed.

SECTION 12. PI 37.04 (1) (a) is amended to read:

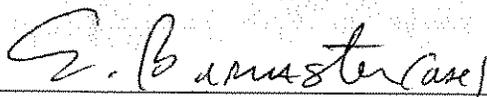
PI 37.04 (1) (a) A person holding national board certification as of July 1, 2000 shall be granted a master educator license under s. PI 34.19 and shall be exempt from meeting the continuing professional education credit requirements under s. PI 3.03 (2) (b) and PI 34.19 (5) as long as the national board certification is effective.

SECTION 13. PI 37.04 (2) is amended to read:

PI 37.04 (2) A person who applies for and completes the process for national board certification shall renew his or her state license upon its expiration but he or she is exempt from meeting the continuing professional education credit requirements under s. PI 3.03 (2) (b) and PI 34.18 (2) regardless if he or she receives the national certification.

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 14th day of November, 2001



Elizabeth Burmaster
State Superintendent

FISCAL ESTIMATE	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED)	LRB or Bill No./Adm. Rule No. Chapters PI 10, 12, and 37
DOA-2048 (R10/92)	<input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	Amendment No. If Applicable

Subject: Technical Modifications to Chapters PI 10, 12 and 37

Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs-May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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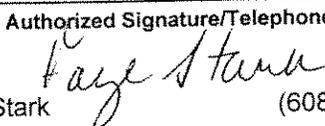
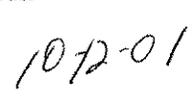
Local: <input checked="" type="checkbox"/> No local government costs 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> VTAE Districts
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Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Ch. 20 Appropriations
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Assumptions Used in Arriving at Fiscal Estimate

The department is making several technical modifications to chapters PI 10, 12 and 37 because of statutory changes made as a result of 1999 Wisconsin Act 9 and 2001 Wisconsin Act 16. Modifying these chapters will not result in any increased costs to schools or to the department.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.) Department of Public Instruction Lori Slauson (608) 267-9127	Authorized Signature/Telephone No. <div style="text-align: center;">  Faye Stark (608) 266-1966 </div>	Date <div style="text-align: center;">  10/2-01 </div>
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