



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

May 2, 2001

TO: Senate Education Committee Members

FROM: Senator Grobschmidt 

RE: Clearinghouse Rule 00-186 – relating to education for employment program.

The following rule has been referred to the Senate Education Committee. If you would like a copy of the rule please contact Lisa in my office at 6-7505. In addition, please contact Lisa by Friday, May 18, 2001, if you would like a public hearing on the rule. For your reference I have enclosed a copy of the Rule.

Clearinghouse Rule 00-186 relating to education for employment program.



State of Wisconsin
Department of Public Instruction

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John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

April 27, 2001

The Honorable Fred Risser
President, Wisconsin Senate
Room 220 South State Capitol
Madison, WI 53702

The Honorable Scott Jensen
Speaker, Wisconsin Assembly
Room 211 West State Capitol
Madison, WI 53702

Dear Gentlemen:

The following rule is in final draft form and is submitted to you for referral to the appropriate standing committees:

CHR 00-186

Sincerely,

A handwritten signature in cursive script that reads "John T. Benson" followed by a date "4/25".

John T. Benson
State Superintendent

NOTICE OF RULES IN FINAL DRAFT FORM

NOTICE IS HEREBY GIVEN To the presiding officers of each house of the legislature that the proposed rules are in final draft form according to the procedure set forth in s. 227.19, Stats.

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

The state superintendent of public instruction 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 become effective July 1, 2004 and 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 based learning 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).
- Require boards to include specified information on pupil transcripts. This information includes 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. School boards must issue this transcript information for pupils graduating after August 30, 2004.
- Require the program to identify requirements under the tech prep, youth options, and youth apprenticeship programs.
- Require the program to be coordinated by a staff person certified under s. PI 34.32 (7).

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 ensure technological literacy, 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) are 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 based learning 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 ~~house hold~~ 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 established by the governor's council on model academic standards under executive order 326 in January 1998.

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

(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 modified by September 1, 2004. 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 and secondary and postsecondary education relationships.

(2) The plan shall identify other educational program requirements that will be included in 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.
- (f) Youth options under s. 118.55, Stats.
- (g) Youth apprenticeship under s. 106.13 (3) to (4), Stats.

NOTE: 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.

(3) The program shall provide to all pupils in grades kindergarten through 12 access to an education for employment program 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 stereotyping and may include work based learning experiences and career research identifying personal preferences in relation to future work roles.
- (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 based learning experiences.
 2. Instruction in career decision making and employability skills, including work behaviors.
 3. Instruction which provides for the practical application of academic skills and applied technologies.
 4. The study of the practical application of economics and American economic institutions, including entrepreneurship education.
 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 34.32 (7) (a), 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.

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

PI 26.05 Technical preparation council requirements. 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.

SECTION 6. INITIAL APPLICABILITY. The treatment of s. PI 26.04 (6), relating to pupil transcript provisions first applies to school boards issuing transcripts for pupils graduating after August 30, 2004.

SECTION 7. EFFECTIVE DATE. The rules contained in this order become effective July 1, 2004.

Dated this 27th day of April, 2001


John T. Benson
State Superintendent

FISCAL ESTIMATE <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED)	LRB or Bill No./Adm. Rule No. Chapter PI 26
DOA-2048 (R10/92) <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	Amendment No. If Applicable

Subject: Education for Employment Program

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 type="checkbox"/> No local government costs (See attached)	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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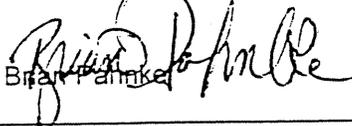
Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Ch. 20 Appropriations
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Assumptions Used in Arriving at Fiscal Estimate

Many of the rule modifications made to the education for employment rule do not establish new requirements but reorganize the existing requirements. The requirements that may have a fiscal effect on school districts include:

1. Requiring school 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 institutions, when appropriate).
2. Clarifying the type of information to be collected when conducting graduate follow-up studies. Although graduate follow-up studies have always been required in the rule, specific information is now required to be collected for uniformity. Such information includes graduate satisfaction with the program and graduate placement in jobs, military, apprenticeship programs or educational institutions.
3. Requiring the program to integrate requirements under the tech prep, youth options, and youth apprenticeship programs. The rule will not require any formal procedures for integrating the education for employment program with the programs specified. It is meant more to acquaint program staff with similar programs so the programs can be coordinated, possibly preventing duplicative reporting under each program.
4. Eliminating the requirement that a school board either create its own council or join a CESA council. Instead require the school district to provide for representation at the tech prep council created under s. 118.34, Stats.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.) Department of Public Instruction Lori Slauson (608) 267-9127	Authorized Signature/Telephone No.  (608) 266-2804	Date 12/13/00
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The level of compliance with the rule requirements by school districts is unknown. Many districts are already meeting many of the proposed recommendations as they are already required under programs such as the Carl Perkins Act. While it is assumed that the proposed modifications under items 1 and 2 may result in additional administrative and programmatic costs to some public school districts, the extent to which a district can absorb these costs in their budgets is unknown. At the same time, the requirements under items 3 and 4 may result in a cost savings to public school districts by coordinating program efforts and eliminating the requirement that a school board either: 1) establish a council, or 2) join a CESA council. Therefore, the local fiscal estimate of the proposed modifications to ch. PI 26 is indeterminable.

The proposed rules will have no state fiscal effect.

**FINAL REPORT
CLEARINGHOUSE RULE 00-186
CHAPTER PI 26
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 become effective July 1, 2004 and 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 based learning 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).
- Require boards to include specified information on pupil transcripts. This information includes 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. School boards must issue this transcript information for pupils graduating after August 30, 2004.
- Require the program to identify requirements under the tech prep, youth options, and youth apprenticeship programs.
- Require the program to be coordinated by a staff person certified under s. PI 34.32 (7).

Public hearings to consider the proposed rule were conducted by the department on March 15, 2001, in Wausau, and March 22, 2001 in Madison. Persons were asked to register in favor, generally in favor (except for . . .), against, generally against (except for . . .), or for information only.

Wausau Hearing, March 15, 2001

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Paul Gilbertson	CESA 12/Ashland School District	X		
Bruce Kilsdonk	Stevens Point School District	X		
Robert Marlowe	Northcentral School to Work Consortium	X		
Herb Mehne	School District of the Menomonie Area-School to Career Council	X		
Michael B. Ptacek	Green Public School District			X
Laurie Sager	Northcentral Technical College, Northcentral WI STW Consortium	X		
Tom Slupe	School District of the Menomonie Area			X
Jessica M. Westphal	Self			X

Madison Hearing, March 22, 2001

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Elizabeth J. Brendel	Western Wisconsin Technical College-Tech Prep	X		
Karen Farley Halverson	Stevens Point School District			X
Steven M. Huth	School District of Janesville	X		
Lyn Jerde	self (free-lance writer for WEAC)			X
Jim Schultz	Edgerton Community School, WALEW, Work-based Language Board Member	X		
Philip F. Sorenson	The Madison Times			X

The following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Herb Mehne	School District of the Menomonie Area	X		
John Bechler	Kenosha Area Business Alliance			X

Responses to Clearinghouse Report:

2. Form, Style and Placement in Administrative Code:

- a. Recommendation accepted, changes made.
- b. In s. PI 26.02 (1), "The College Board" is a specific entity and is capitalized so as not to confuse it with a technical or university "college board."
- c. Recommendation accepted. The definition of "model academic standards" under s. PI 26.02 (13) has been modified.
- d. Recommendation accepted, changes made.
- e. Recommendation accepted, changes made.

5. Clarity, Grammar, Punctuation and Plainness:

- a. Under s. PI 26.03 (1), the term "shall" is appropriate since school districts under current rule are required to have long-range plans developed in incremental steps [see s. PI 26.03 (2)].
- b. Section PI 26.03 (2) has been modified to clarify the plan shall "identify" rather than "integrate" other educational program requirements in the education for employment program. This provision was meant to acquaint program staff with similar programs so the programs can be coordinated, possibly preventing duplicative reporting under each program.
- c. Recommendation accepted. The material following the first sentence under s. PI 26.03 (2) (e) has been removed and placed in a note following s. PI 26.03 (2) (g).
- d. Section 26.03 (3) has been modified to require that pupils in grades kindergarten through 12 be provided "access to an education for employment program" rather than "instruction" in such a program. This was done to clarify that pupils must be offered an opportunity to participate but not be required to participate in such a program.
- e. The provision requiring a person to be certified under s. PI 34.33 (8) has been changed to reference s. PI 34.32 (7) and has been added to the rule's analysis.
- f. The pupil transcript requirements are listed in the rule's analysis under the fourth bullet and seem sufficient in content. The requirement will become effective July 1, 2004, will apply to transcripts issued for pupils graduating after August 30, 2004, and has been clarified under the initial applicability section of the rule.
- g. Section PI 26.04 (7) has been removed.
- h. An initial applicability and effective date section has been created.

FINAL REGULATORY FLEXIBILITY ANALYSES

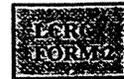
Summary of Final Regulatory Flexibility Analysis:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114(1)(a), Stats.

Summary of Comments:

No comments were reported.

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

WISCONSIN LEGISLATIVE COUNCIL STAFF

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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.