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CLEARINGHOUSE RULE 98−113

Comments

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

1. Statutory Authority

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

2. Form, Style and Placement in Administrative Code

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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