

## Clearinghouse Rule 18-035

### ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING PERMANENT RULES

The scope statement for this rule, SS 038-18, was published in Register No. 748A1, on April 2, 2018, and approved by State Superintendent Tony Evers on April 27, 2018. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for this rule. *Coyne v. Walker*, 2016 WI 38, 368 Wis. 2d 444.

The State Superintendent of Public Instruction hereby adopts an order to renumber and amend s. PI 38.32; to amend PI 38.31, 38.33 (1), and 38.34 (1); and to create s. PI 38.32 (1), relating to technical changes to grants for tribal language revitalization as a result of 2017 Wisconsin Act 59.

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### ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

**Statute interpreted:** s. 115.745, Stats.

**Statutory authority:** s. 115.745 (3), Stats.

**Explanation of agency authority:**

Under s. 115.745 (3), Stats., the Department is required to promulgate rules to implement and administer the statutes relating to grants for tribal language revitalization.

**Related statute or rule:** None.

**Plain language analysis:**

The proposed rule makes technical changes to Subchapter VI of PI 38, relating to grants for tribal language revitalization, in order to conform the rule to the recent changes to underlying statutes as a result of 2017 Wisconsin Act 59, the 2017-19 biennial budget.

**Summary of, and comparison with, existing or proposed federal regulations:** None.

**Comparison with rules in adjacent states:** N/A

**Summary of factual data and analytical methodologies:**

2009 Wisconsin Act 28 originally created the tribal language revitalization grants, which is a program that provides grants to school districts and CESAs, in conjunction with a tribal authority, for the purpose of supporting effective instruction in one or more American Indian languages. Section 115.745 (3), Stats., provides that the State Superintendent is given the authority to promulgate rules to implement the statutes relating to the tribal revitalization grants, which became effective under Chapter PI 39 on June 1, 2010, and was renumbered Subchapter VI of PI 38 on January 1, 2018. Since then, 2017 Wisconsin Act 59 made a change to the statutes which permitted Head Start agencies to apply for the tribal language revitalization grants. The proposed rule makes a technical change to the rules governing tribal language revitalization grants in order to conform Chapter PI 38 of the DPI Administrative Code to recent changes in statute.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:** N/A

**Anticipated costs incurred by private sector:** N/A

**Effect on small business:**

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

**Agency contact person: (including email and telephone)**

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**Place where comments are to be submitted and deadline for submission:**

As provided in s. 227.16 (2) (b), Stats., there is no requirement that a public hearing be held for this rule because the proposed rule brings an existing rule into conformity with a statute that has been changed.

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**SECTION 1. PI 38.31 is amended to read:**

**PI 38.31 Purpose.** This subchapter sets forth criteria and procedures for awarding grants to eligible school districts, ~~and cooperative educational service agencies, CESAs, and head start agencies~~ to apply to the department for a grant under s. 115.745, Stats., for the purpose of supporting innovative, effective instruction in one or more American Indian languages. Funds are awarded from the appropriation under s. 20.255 (2) (km), Stats.

**SECTION 2. PI 38.32 is renumbered PI 38.32 (intro.) and amended to read:**

**PI 38.32 DefinitionDefinitions.** In this subchapter:  
(2) ~~tribal~~Tribal education authority” has the meaning defined in s. 115.71 (5), Stats.

**SECTION 3. PI 38.32 (1) is created to read:**

**PI 38.32 (1)** “Head start agency” is an agency determined by the state superintendent to be eligible for designation under 42 USC 9836.

**SECTION 4. PI 38.33 (1) is amended to read:**

**PI 38.33 (1)** Annually by March 1, a school board, consortium of school boards, ~~or CESA,~~ or head start agency, in conjunction with a tribal education authority, may apply to the department for a grant for the purpose of supporting innovative, effective instruction in one or more American Indian languages.

**SECTION 5. PI 38.34 (1) is amended to read:**

**PI 38.34 (1)** The department shall establish funding limits annually based on the appropriation under s. 20.255 (2) (km), Stats., and inform school boards, ~~and CESAs,~~ and head start agencies of these limits.

**SECTION 6. EFFECTIVE DATE:**

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 \_\_\_\_\_ day of \_\_\_\_\_, 2019

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Carolyn Stanford Taylor  
State Superintendent