

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee for
Review of
Administrative Rules
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-059
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

98-059. TECHNICAL COLLEGE SYS.
FACULTY DEVELOPMENT GRANTS

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

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 98-059

AN ORDER to create chapter TCS 15, relating to faculty development grants.

Submitted by **WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD**

04-28-98 RECEIVED BY LEGISLATIVE COUNCIL.

05-22-98 REPORT SENT TO AGENCY.

RS:RW;jt;kjf

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)]

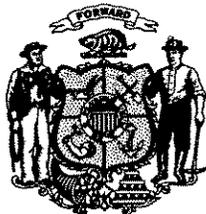
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 98-059

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

a. Section 38.33 (1), Stats., requires faculty development programs supported by grants under the section to promote all of the following:

- (1) Instruction awareness of and expertise in a wide variety of newly emerging technologies.
- (2) The integration of learning technologies in curriculum and instruction.
- (3) The use of instructional methods that involve emerging technologies.

However, the rule does not directly require the board to award grants that "promote" or include all of the components set out in the statutes. Although compliance with the statute may be implied from the general language of the rule, the agency should consider making compliance an explicit part of the grant award criteria (s. TCS 15.05) and the conditions of the grant award (s. TCS 15.06).

b. Section TCS 15.03 (2) provides in part that a board-prepared manual must contain application instructions, procedures and requirements for funding and submitting grant proposals. Further, s. TCS 15.06 (4) provides that the board may establish limitations in the manual regarding the percentage of the grant funds and matching funds that may be used to lease or purchase equipment or to purchase supply items. To the extent that portions of the manual impose "requirements" or other criteria that may affect the size of a grant to a district, or

whether a grant will be made at all, and to the extent that those portions of the manual do not merely repeat provisions in ch. TCS 15, they should be promulgated as administrative rules under ch. 227, Stats.

2. Form, Style and Placement in Administrative Code

a. In s. TCS 15.04 (4) (intro.), (a) (intro.) and (b) (intro.), the phrase “all of the following” should precede the colon.

b. The effective date section of the rule refers to “this emergency rule”; the reference should be to “this rule.” [See s. 227.22, Stats.]

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

Section TCS 15.07 (2) refers to a form provided by the board. The board should ensure that the requirements of s. 227.14 (3), Stats., are met.

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

a. In s. TCS 15.04 (1), for purposes of consistency, the phrase “districts may submit proposals” should be replaced by the phrase “a district may submit a proposal.”

b. In s. TCS 15.05 (4), the reference to “continuing project” is not clear. If the reference is intended to apply to a faculty development program, then the reference should be to a “program,” not a “project.” Further, the phrase “prior year planned outcomes” could then be replaced by a reference to the “goals and objectives” of the program.

c. Section TCS 15.06 (1) states that a district may not apply for more than the amount of funds targeted to it by the board. How does this targeting take place? How is a district informed?

d. In s. TCS 15.06 (2), district boards are required to contribute “a matching fund” equal to at least 50% of the total amount. It would appear that to be grammatically consistent with the rest of the rule and to avoid confusion, the phrase “matching funds” should be used instead of “a matching fund.” Further, it is not clear how a district will know how much to budget for matching funds before the board awards the grants. This may need to be clarified.

e. Under s. TCS 15.07, the agency may wish to clarify that the “January 15” report referenced in s. TCS 15.07 (2) is the “mid-year” report referred to in s. TCS 15.07 (1) and that in those same subsections, the “August 1” report reference is intended to be the “final grant evaluation.”

f. An “initial applicability” section for the rule would assist in assuring a clear transition between grants awarded under the emergency rule and those awarded under this rule.

**ORDER OF THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
ADOPTING EMERGENCY RULES**

The Wisconsin Technical College System Board proposes an order adopting the following emergency rule to create Chapter TCS 15, relating to Faculty Development Grants.

ANALYSIS PREPARED BY THE TECHNICAL COLLEGE SYSTEM BOARD

Statutory authority: s. 38.33(3), Wis. Stats.

Statutes interpreted: s. 38.33, Wis. Stats.

The purpose of the rule is to establish grant application criteria, and policies and procedures to implement and administer grant funds to local technical college districts. Local technical college districts will use these grants primarily to expand the use of learning technologies and to promote the effective use of newly emerging technologies. The grant funds will also be used to train new faculty members, upgrade the skills of current faculty, and improve the skills of those faculty members seeking to build a stronger academic environment. Fundamental to the overall success of a faculty development program are the efforts to (a) promote instructor awareness and expertise in a variety of newly emerging technologies; (b) integrate the use of new learning technologies into the curriculum and delivery of technical college instruction; and (c) use newly emerging technologies through sharing and collaboration among faculty and staff both within and across technical college districts.

Section 38.33, Stats., authorizes the technical college system board to establish, by administrative rule, specific grant award criteria, along with grant application policies and procedures, that enable a local technical college district board to request and receive available grant funds so that the district board may implement and administer a faculty development program at the district level.

The grant award criteria include:

- (a) The availability of adequate funds, including matching funds, to provide a faculty development program.
- (b) Whether a technical college district faculty development program promotes curriculum development and instructional assistance associated with learning technologies.
- (c) Whether the technical college district's in-service activities are included in the faculty development program.
- (d) Whether a technical college district's continuing projects meet or exceed its prior year planned outcomes.

Detailed application instructions and procedures for submitting grant proposals, which includes deadline dates, and reporting requirements, are contained in a manual that is prepared annually by the technical college system board and distributed to each technical college district. }

TEXT OF RULE

SECTION 1. Chapter TCS 15 (title) is created to read:

CHAPTER TCS 15 (title)

FACULTY DEVELOPMENT GRANTS

TCS 15.01 PURPOSE. This chapter establishes criteria, policies and procedures to implement s. 38.33, Stats., relating to district board faculty development programs.

Note: Forms used in administering this rule are available from the Wisconsin Technical College System Board, 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707-7874.

TCS 15.01 DEFINITIONS. In this chapter:

- (1) "Board" means the technical college system board.
- (2) "Director" means the person appointed by the board according to s. 38.04(2), Stats.
- (3) "District" means a technical college district established according to ss. 38.04(1) and 38.06, Stats.
- (4) "District board" means the district board in charge of the technical college of a district.
- (5) "District director" means the person employed by a district board under s. 38.12(3), Stats.
- (6) "Program" means the faculty development program established by the district board under s. 38.33, Stats.

TCS 15.03 GENERAL. (1) Only technical college districts are eligible to apply for grant funds under this chapter.

(2) The board shall prepare an application manual and may update it as needed. The manual shall contain the application instructions, procedures and requirements for funding and submitting grant proposals.

TCS 15.04 GRANT APPLICATIONS. (1) Annually, during a time established by the board, ^a districts may submit proposals for a grant to assist in the funding of a faculty development program under s. 38.33(1), Stats.

(2) The grant proposal shall be in writing, signed by the district director or designee, and be in such form as the board requires.

(3) Each district is limited to a single grant application.

(4) Each grant proposal shall include: ^{→ all of the following ←}

(a) A description of the proposed faculty development program, which includes:

1. The planned development of the district's program.

2. Any current activities being conducted by the district relating to the faculty development program.

(b) A plan, which includes:

1. The goals and objectives of the program for meeting the instructional technology needs of the district.
2. A description and explanation of conditions that lead to development of the goals and objectives.
3. A detailed budget.

TCS 15.05 GRANT AWARD CRITERIA. The board shall consider all of the following when granting an award:

- (1) The availability of financial resources to successfully provide the program as proposed in the grant proposal.
- (2) The extent to which the district's program promotes the use and integration of technology curriculum development and instructional delivery. So?
- (3) The extent to which the district's program is conducted through in-service activities.
- (4) Whether a district's continuing project has met or exceeded its prior year planned outcomes.

TCS 15.06 CONDITIONS OF THE GRANT AWARD. (1) A district may not apply for more than the amount of funds targeted to it by the board. How does this happen?

(2) District boards shall contribute a matching fund, other than in-kind matching funds, equal to at least 50% of the total grant amount.

(3) Grant award funds, including matching funds, may not be used for administrative or other indirect costs.

(4) The board may establish limitations on the percentage of the grant award funds and matching funds that may be used to lease or purchase equipment or to purchase supply items. Such limitations shall be specified in the application manual prepared by the board under s. TCS 15.03(2). }

TCS 15.07 REPORTING REQUIREMENTS. (1) A district receiving faculty development grant funds under this chapter shall submit to the board a mid-year and final grant evaluation report for each grant awarded that includes detailing activities on program completion and effectiveness.

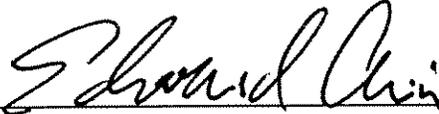
(2) Reports due under sub. (1) shall be on a form provided by the board and submitted on or before January 15 for the current fiscal year, and on or before August 1 following the close of the fiscal year. The director may extend these times as needed. Form

EFFECTIVE DATE

This emergency rule shall take effect on the date of publication in the official state newspaper as provided in s 227.24(1)(c), Wis. Stats.

Date: March 26, 1998

Wisconsin Technical College System Board



Edward Chin, Director



Wisconsin Technical College System Board
Edward Chin, State Director



September 3, 1998

State Senator Welch, Senate Chairperson
Joint Committee for Review of Administrative Rules
Room 201
1 East Main Street
Madison, WI 53702

SEP 03 1998

State Representative Glenn Grothman, Assembly Chairperson
Joint Committee for Review of Administrative Rules
125 West, State Capitol
Madison, WI 53702

RE: Request for Extension of Emergency Administrative Rule

Dear Senator Welch and Representative Grothman:

On April 1, 1998, the Wisconsin Technical College System Board published an emergency rule establishing grant application criteria, and policies and procedures to implement and administer grant funds to local technical college districts under § 38.33, Wis. Stats. The emergency rule was extended pursuant to § 227.24(2)(a), Wis. Stats, and is due to expire on October 29, 1998.

A permanent rule with the same changes has been submitted to the Revisor of Statutes for publication with an anticipated effective date of November 1, 1998, which is beyond the expiration date of the current extension.

The rationale for this second extension is as follows:

- I. Evidence of a threat to the public welfare that can only be avoided by an extension of the emergency rule.

If the emergency rule is not extended, the state technical College System Board will be unable to process and subsequently award faculty development grant funds to local technical college districts as provided for by law. It is imperative that the process to administer and evaluate grant applications, and award faculty development grants be implemented and the funds distributed to the local technical colleges. The appropriations, if not awarded, will lapse to the general fund. The loss of funds, including local matching funds, will have a detrimental effect on the ability of the district boards to continue viable faculty development programs.

Senator Robert Welch
Representative Glenn Grothman
Page 2
September 3, 1998

II. Evidence that it is impossible for the agency to promulgate a permanent rule prior to the expiration date of the emergency rule.

As noted previously, the State Board, upon publication of the emergency rule, immediately commenced the process to promulgate a permanent rule. Upon receipt of the Legislative Council's Clearinghouse Report a public hearing was held on June 30, 1998, with an additional week allotted for written comments. Considering the State Board's meeting schedule, the final draft of the permanent rule could not be considered by the State Board until its July 22, 1998, meeting. Following this meeting the rule was referred to the Legislature for review. Due to the 7-day referral period, 30-day committee review, and Revisor of Statutes publication timeline, this rule will not be published and effective until November 1, 1998.

For these reasons, we request a second 60-day extension of the emergency rule, which would provide adequate time to cover any unforeseen problems in the promulgation process. Copies of the emergency rule and the proposed permanent rule are attached.

Your committee's favorable response to our request will be greatly appreciated. Please contact Mr. Jesús Garza at 267-9540 if you have any questions.

Sincerely,



Edward Chin
State Director

Attachments

cc: Jesús Garza, WTCSB

WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD

Rules adopted creating **Chapter TCS 15**, relating to Faculty Development Grants.

FINDING OF EMERGENCY

The Wisconsin Technical College System Board finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

1997 Wis. Act 27 (the 1997-99 biennial budget bill) took effect on October 14, 1997, which was three and a half months into fiscal year 1997-98. That act created ss. 20.292(1)(eg) and 38.33, Wis. Stats. An annual appropriation of \$832,000 in each of the state fiscal years of the 1997-99 biennium was established. These funds are to be awarded by the technical college system board as grants to technical college district boards to establish faculty development programs.

The Act requires the technical college system board to promulgate rules establishing specific criteria for awarding these grants. The technical college system board has just begun the permanent rule making process for establishing administrative rules for the faculty development grants program. However, there is insufficient time to have the permanent rules in place before the local technical college districts must submit their proposals for faculty development grants under s. 38.33, Wis. Stats. It is imperative that the program be implemented and the funds be distributed before the end of the fiscal year or else the appropriated funds will lapse to the general fund. The loss of funds, including local matching funds, will have a detrimental effect on the ability of district boards to establish faculty development programs.

SCOPE STATEMENT FOR RULE CREATING FACULTY DEVELOPMENT GRANTS

Subject:

Faculty development grants.

Description of the objective of the rule:

The rule will establish criteria for awarding grants to local technical college district boards and detail the application instructions and procedures that the technical college district boards must follow when submitting grant proposals. The rule will include specific conditions under which a technical college district may use the funds that have been awarded to it by the technical college system board and also provides for mid- and end-of-year reporting requirements for each award.

Description of existing relevant policies and new policies to be included in the rule and analysis of policy alternatives:

In the 1997-99 state budget, 1997 Wis. Act 27, created a new categorical aid program in which technical college district boards would be eligible to receive a grant to partially fund the establishment of faculty development programs that promote three major areas required by law:

- Instructor awareness of, and expertise in, a wide variety of newly emerging technologies;
- Integration of learning technologies in curriculum and instruction; and
- Use of instructional methods that involve emerging technologies.

When granting an award, the technical college system board will consider a number of factors including the extent to which a district's program promotes the use and integration of technology in curriculum development and instructional delivery and the extent to which a district conducts its program through in-service activities. Other conditions related to the granting of awards under a faculty development grant program include a minimum of a 50% matching fund, excluding in-kind matching funds, for each award; and a limit set by the technical college system board on the amount of funds that may be used to purchase or lease equipment or to purchase supplies. Additionally, no award under this program may be used for administrative or indirect costs.

Section 38.33, Wis. Stats., created this new categorical aid program and appropriated a sum certain in each of the fiscal years of the biennium. There are no alternatives to this new policy. The law mandates that the technical college system board award funds, in the form of grants, to eligible technical college districts specifically for faculty development.

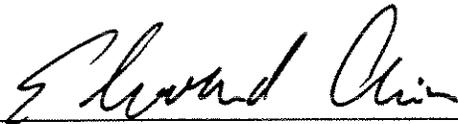
Statutory authority for the rule:

Section 38.33, Wis. Stats., mandates that the technical college system board award grants to technical college district boards to establish faculty development programs.

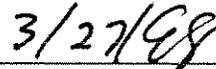
Section 38.33(2), Wis. Stats., mandates that the technical college system board promulgate administrative rules to implement and administer faculty development grants, which include establishing criteria for awarding the grants.

Estimate of the amount of time state employees will spend to develop the rule and other resources necessary to develop the rule:

Estimated time to be spent by state employees: 80 hours. No other resources are necessary.



Edward Chin, Director
Wisconsin Technical College System Board



Date:

**ORDER OF THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
ADOPTING EMERGENCY RULES**

The Wisconsin Technical College System Board proposes an order adopting the following emergency rule to create Chapter TCS 15, relating to Faculty Development Grants.

ANALYSIS PREPARED BY THE TECHNICAL COLLEGE SYSTEM BOARD

Statutory authority: s. 38.33(3), Wis. Stats.

Statutes interpreted: s. 38.33, Wis. Stats.

The purpose of the rule is to establish grant application criteria, and policies and procedures to implement and administer grant funds to local technical college districts. Local technical college districts will use these grants primarily to expand the use of learning technologies and to promote the effective use of newly emerging technologies. The grant funds will also be used to train new faculty members, upgrade the skills of current faculty, and improve the skills of those faculty members seeking to build a stronger academic environment. Fundamental to the overall success of a faculty development program are the efforts to (a) promote instructor awareness and expertise in a variety of newly emerging technologies; (b) integrate the use of new learning technologies into the curriculum and delivery of technical college instruction; and (c) use newly emerging technologies through sharing and collaboration among faculty and staff both within and across technical college districts.

Section 38.33, Stats., authorizes the technical college system board to establish, by administrative rule, specific grant award criteria, along with grant application policies and procedures, that enables a local technical college district board to request and receive available grant funds so that the district board may implement and administer a faculty development program at the district level.

The grant award criteria include:

- (a) The availability of adequate funds, including matching funds, to provide a faculty development program.
- (b) Whether a technical college district faculty development program promotes curriculum development and instructional assistance associated with learning technologies.
- (c) Whether the technical college district's in-service activities are included in the faculty development program.
- (d) Whether a technical college district's continuing projects meet or exceed its prior year planned outcomes.

Detailed application instructions and procedures for submitting grant proposals, which includes deadline dates, and reporting requirements, are contained in a manual that is prepared annually by the technical college system board and distributed to each technical college district.

TEXT OF RULE

SECTION 1. Chapter TCS 15 (title) is created to read:

CHAPTER TCS 15 (title)

FACULTY DEVELOPMENT GRANTS

TCS 15.01 PURPOSE. This chapter establishes criteria, policies and procedures to implement s. 38.33, Stats., relating to district board faculty development programs.

Note: Forms used in administering this rule are available from the Wisconsin Technical College System Board, 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707-7874.

TCS 15.01 DEFINITIONS. In this chapter:

- (1) "Board" means the technical college system board.
- (2) "Director" means the person appointed by the board according to s. 38.04(2), Stats.
- (3) "District" means a technical college district established according to ss. 38.04(1) and 38.06, Stats.
- (4) "District board" means the district board in charge of the technical college of a district.
- (5) "District director" means the person employed by a district board under s. 38.12(3), Stats.
- (6) "Program" means the faculty development program established by the district board under s. 38.33, Stats.

TCS 15.03 GENERAL. (1) Only technical college districts are eligible to apply for grant funds under this chapter.

(2) The board shall prepare an application manual and may update it as needed. The manual shall contain the application instructions, procedures and requirements for funding and submitting grant proposals.

TCS 15.04 GRANT APPLICATIONS. (1) Annually, during a time established by the board, districts may submit proposals for a grant to assist in the funding of a faculty development program under s. 38.33(1), Stats.

(2) The grant proposal shall be in writing, signed by the district director or designee, and be in such form as the board requires.

(3) Each district is limited to a single grant application.

(4) Each grant proposal shall include:

(a) A description of the proposed faculty development program, which includes:

1. The planned development of the district's program.
2. Any current activities being conducted by the district relating to the faculty development program.

(b) A plan, which includes:

1. The goals and objectives of the program for meeting the instructional technology needs of the district.
2. A description and explanation of conditions that lead to development of the goals and objectives.
3. A detailed budget.

TCS 15.05 GRANT AWARD CRITERIA. The board shall consider all of the following when granting an award:

- (1) The availability of financial resources to successfully provide the program as proposed in the grant proposal.
- (2) The extent to which the district's program promotes the use and integration of technology curriculum development and instructional delivery.
- (3) The extent to which the district's program is conducted through in-service activities.
- (4) Whether a district's continuing project has met or exceeded its prior year planned outcomes.

TCS 15.06 CONDITIONS OF THE GRANT AWARD. (1) A district may not apply for more than the amount of funds targeted to it by the board.

- (2) District boards shall contribute a matching fund, other than in-kind matching funds, equal to at least 50% of the total grant amount.
- (3) Grant award funds, including matching funds, may not be used for administrative or other indirect costs.
- (4) The board may establish limitations on the percentage of the grant award funds and matching funds that may be used to lease or purchase equipment or to purchase supply items. Such limitations shall be specified in the application manual prepared by the board under s. TCS 15.03(2).

TCS 15.07 REPORTING REQUIREMENTS. (1) A district receiving faculty development grant funds under this chapter shall submit to the board a mid-year and final grant evaluation report for each grant awarded that includes detailing activities on program completion and effectiveness.

- (2) Reports due under sub. (1) shall be on a form provided by the board and submitted on or before January 15 for the current fiscal year, and on or before August 1 following the close of the fiscal year. The director may extend these times as needed.

EFFECTIVE DATE

This emergency rule shall take effect on the date of publication in the official state newspaper as provided in s 227.24(1)(c), Wis. Stats.

Date: March 26, 1998

Wisconsin Technical College System Board

A handwritten signature in cursive script, appearing to read "Edward Chin", written over a horizontal line.

Edward Chin, Director