

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
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- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-0596
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- Committee Hearings ... CH
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- Miscellaneous ... Misc
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- Record of Comm. Proceedings ... RCP
-

JCRAR Meeting August 25, 1998

98-059

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 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

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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.

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE

DOA-2048 N(R10/96)

Subject

Faculty Development Grants

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

LOCAL: No local government costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

S. 20.292((1)(eg))

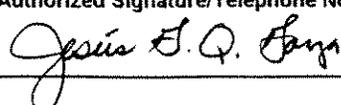
Assumptions Used in Arriving at Fiscal Estimate

This rule implements § 38.33, Wis. Stats., which allows the awarding of grant funds to local technical college district boards. The State Board is required to determine the amount of the grant, if any, to be awarded to district applicants. This order creates rules establishing criteria, policies and procedures to implement and administer grants funds to local technical college districts. A total of \$832,000 available for each fiscal year of the biennium, is the result of 1997 Wisconsin Act 27.

One condition related to the granting of awards under a faculty development grant program include a minimum of a 50% matching fund by the local technical college district board, excluding in-kind matching funds, for each award; and a limit set annually by the State Board on the amount of funds that may be used to purchase or lease equipment or to purchase supplies. No award under a faculty development grant program may be used for administrative or indirect costs.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.) WTCSB
 Jesús G.Q. Garza (608) 267-9540

Authorized Signature/Telephone No.
 (608) 267-9540

Date
 26 MAR 98

FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/96)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
TCS 15

Amendment No.

Subject

Faculty Development Grants

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

| II. Annualized Costs: | Annualized Fiscal impact on State funds from: | |
|--|---|------------------------|
| | Increased Costs | Decreased Costs |
| A. State Costs by Category | | |
| State Operations - Salaries and Fringes | \$ | \$ - |
| (FTE Position Changes) | (FTE) | (- FTE) |
| State Operations - Other Costs | | - |
| Local Assistance | +832,000 | - 416,000 |
| Aids to Individuals or Organizations | | - |
| TOTAL State Costs by Category | \$ +832,000 | \$ - 416,000 |
| B. State Costs by Source of Funds | Increased Costs | Decreased Costs |
| GPR | \$ +832,000 | \$ - |
| FED | | - |
| PRO/PRS | | - |
| SEG/SEG-S | | - |
| III. State Revenues Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | Increased Rev. | Decreased Rev. |
| GPR Taxes | \$ | \$ - 832,000 |
| GPR Earned | | - |
| FED | | - |
| PRO/PRS | | - |
| SEG/SEG-S | | - |
| TOTAL State Revenues | \$ -0- | \$ - 832,000 |

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$ +832,000 \$ -416,000

NET CHANGE IN REVENUES \$ -832,000 \$ +832,000

| | | |
|---|--|-------------------|
| Agency/Prepared by: (Name & Phone No.) WTCSB Jesús G.Q. Garza (608) 267-9540 | Authorized Signature/Telephone No. <i>Jesús G.Q. Garza</i> (608) 267-9540 | Date 26 MAR 98 |
|---|--|-------------------|

38.33 Faculty development grants.

(1) From the appropriation under s. 20.292 (1) (eg), the board shall award grants to district boards to establish faculty development programs. The programs shall promote all of the following:

(a) Instructor awareness of and expertise in a wide variety of newly emerging technologies.

(b) The integration of learning technologies in curriculum and instruction.

(c) The use of instructional methods that involve emerging technologies.

(1m) The board may not award a grant to a district board under this section unless there is a matching fund contribution from the district board equal to at least 50% of the grant amount.

(2) The board shall promulgate rules to implement and administer this section, including rules establishing criteria for the awarding of grants.

History: 1997 a. 27.

20.292 Technical college system, board of. There is appropriated to the technical college system board for the following programs:

(1) Technical college system.

(a) *General program operations.* The amounts in the schedule for general program operations. In case any allotment under this paragraph is made to a state university or any other wholly state-controlled educational institution, the program appropriations for the operation of such school or institution for the year in which such allotment was made shall be reduced by an amount equal to the amount of such allotment.

(am) *Fee remissions.* The amounts in the schedule for the fee remissions under s. 38.24 (5).

(b) *Displaced homemakers' program.* The amounts in the schedule for the displaced homemakers' program under s. 38.04 (13).

(bm) *Workplace literacy resource center.* The amounts in the schedule for the workplace literacy resource center under s. 38.04 (23).

(c) *Minority student participation and retention grants.* The amounts in the schedule for minority student participation and retention grants under s. 38.26.

(ce) *Basic skills grants.* The amounts in the schedule for grants to technical college district boards for basic skills instruction in jails and prisons under s. 38.04 (20).

(cm) *Technical preparation aid.* The amounts in the schedule for aid to technical college district boards under s. 38.28 (7). No funds may be encumbered from the appropriation under this paragraph after June 30, 1995.

(d) *State aid for technical colleges.* The amounts in the schedule for state aids for technical college districts and technical colleges, including area schools and programs established and maintained under the supervision of the board to be distributed under s. 38.28. Of the amount in the schedule for each year not exceeding \$50,000 may be spent by the board to match federal funds made available for technical education by any act of congress for the purposes set forth in such act. If, in any fiscal year, actual program fees raised under s. 38.24 (1m) exceed board estimates, the increase shall be used to offset actual district aidable cost.

(dc) *Incentive grants.* As a continuing appropriation, the amounts in the schedule for incentive grants to district boards under s. 38.27.

(dd) *Farm training program tuition grants.* The amounts in the schedule for farm training program tuition grants under s. 38.272.

(de) *Services for handicapped students; local assistance.* The amounts in the schedule for grants to district boards under s. 38.38.

(dm) *Aid for special collegiate transfer programs.* The amounts in the schedule for aid to special collegiate transfer programs under s. 38.28 (4).

(e) *Technical college instructor occupational competency program.* The amounts in the schedule for the payment of grants to district boards for participation in the technical college instructor occupational competency program under s. 38.32.

(eg) *Faculty development grants.* The amounts in the schedule for faculty development grants under s. 38.33.

(em) *Apprenticeship curriculum development.* The amounts in the schedule for apprenticeship curriculum development.

(f) *Alcohol and other drug abuse prevention and intervention.* The amounts in the schedule for district alcohol and other drug abuse prevention and intervention programs under s. 38.35.

(fc) *Driver education, local assistance.* The amounts in the schedule, to be distributed to technical college districts for operating driver training programs under ss. 38.28 (2) (c) and (g) and 121.41 (1).

(fg) *Chauffeur training grants.* As a continuing appropriation, the amounts in the schedule for advanced chauffeur training grants under s. 38.29.

(fm) *Supplemental aid.* The amounts in the schedule for supplemental aid to technical college districts under s. 38.28 (6).

(fp) *Emergency medical technician — basic training; state operations.* The amounts in the

schedule for technical assistance and administrative support for emergency medical technician — basic training under s. 146.55 (5).

(g) *Text materials.* The amounts in the schedule for the preparation, publication and distribution of text material. All moneys received from technical college district boards shall be credited to this appropriation.

(gm) *Fire schools; state operations.* The amounts in the schedule for supervising and conducting schools for instruction in fire protection and prevention under s. 38.04 (9). All moneys transferred from s. 20.143 (3) (L) to this appropriation shall be credited to this appropriation.

(gr) *Fire schools; local assistance.* The amounts in the schedule for district fire fighter training programs under s. 38.12 (9). All moneys transferred from s. 20.143 (3) (L) to this appropriation shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation under s. 20.143 (3) (L).

(gt) *Telecommunications retraining.* All moneys received under s. 38.42 (4) to fund telecommunications retraining grants under s. 38.42 (5). This paragraph does not apply after June 30, 1999.

(h) *Gifts and grants.* All moneys received from gifts, grants, bequests and devises to be used in the execution of the technical college program.

(i) *Conferences.* All moneys received for the conduct of conferences.

(j) *Personnel certification.* The amounts in the schedule for determining the qualifications of district educational personnel. All moneys received from district boards under s. 38.04 (4) (a) shall be credited to this appropriation.

(k) *Gifts and grants.* All moneys received from gifts and grants to be paid to individuals or to nongovernmental organizations.

(ka) *Interagency projects; local assistance.* The amounts in the schedule to be expended as local assistance in conformity with the purposes and requirements agreed to by the board. All moneys received from state agencies for local assistance shall be credited to this appropriation.

(kb) *Interagency projects; state operations.* The amounts in the schedule to be expended for state operations in conformity with the purposes and requirements agreed to by the board. All money received from state agencies for state operations shall be credited to this appropriation.

(kc) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

(L) *Services for district boards.* The amounts in the schedule for services provided to technical college district boards. All moneys received from technical college district boards or other persons for services provided to the district boards to pay for the cost of such services shall be credited to this appropriation.

(m) *Federal aid, state operations.* All moneys received as federal aids for technical college programs for which the board is responsible, to be expended for state operations in conformity with the purposes and requirements of the several acts of congress under which such federal aid is granted.

(n) *Federal aid, local assistance.* All moneys received as federal aids for technical college programs for which the board is responsible, to be expended as local assistance in conformity with the purposes and requirements of the several acts of congress under which such federal aid is granted.

(o) *Federal aid, aids to individuals and organizations.* All moneys received as federal aids for technical college programs for which the board is responsible, to be expended as aids to individuals and organizations, in conformity with the purposes and requirements of the several acts of congress under which such federal aid is granted.

(pz) *Indirect cost reimbursements.* All moneys received from the federal government as reimbursement of indirect costs of grants and contracts for the purposes authorized in s. 16.54 (9) (b).

History: 1971 c. 125; 1971 c. 154 ss. 6, 80; 1971 c. 211, 215, 228, 307; 1973 c. 90; 1975 c. 39, 224; 1977 c. 29; 1979 c. 34; 1981 c. 20, 93; 1983 a. 22 s. 6; 1983 a. 370; 1985 a. 29 ss. 278m to 281m, 3202 (55); 1987 a. 27, 399; 1989 a. 31, 102, 122, 335, 336, 359; 1991 a. 32, 39; 1993 a. 16, 377, 399, 491, 496; 1995 a. 27, 225, 228; 1997 a. 27.

SENATOR ROBERT T. WELCH
CO-CHAIRMAN



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

Last Modified July 1998

Date _____ Accounting for: Public Hearing Executive Session

Location _____

| COMMITTEE MEMBER | PRESENT | ABSENT | EXCUSED |
|-----------------------------|---------|--------|---------|
| 1. Senator WELCH | | | |
| 2. Senator DARLING | | | |
| 3. Senator HUELSMAN | | | |
| 4. Senator GROBSCHMIDT | | | |
| 5. Senator BRESKE | | | |
| 6. Representative GROTHMAN | | | |
| 7. Representative GUNDERSON | | | |
| 8. Representative SERATTI | | | |
| 9. Representative YOUNG | | | |
| 10. Representative KREUSER | | | |
| Totals | | | |

Steven Krieser, Committee Clerk



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Emergency Rule Extension Motion Form

Last Modified July 1998

Date _____ Location _____

Moved by _____, Seconded by _____

THAT, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule TCS 15 by 60 days, at the request of the Wisconsin Technical College System Board.

| COMMITTEE MEMBER | PRESENT | ABSENT | EXCUSED |
|-----------------------------|---------|--------|---------|
| 1. Senator WELCH | | | |
| 2. Senator DARLING | | | |
| 3. Senator HUELSMAN | | | |
| 4. Senator GROBSCHMIDT | | | |
| 5. Senator BRESKE | | | |
| 6. Representative GROTHMAN | | | |
| 7. Representative GUNDERSON | | | |
| 8. Representative SERATTI | | | |
| 9. Representative YOUNG | | | |
| 10. Representative KREUSER | | | |
| Totals | | | |

Motion Carried

Motion Failed

SENATOR ROBERT T. WELCH
CO-CHAIRMAN



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

JOINT COMMITTEE HEARINGS

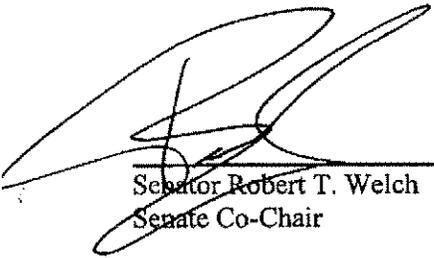
The Joint Committee for Review of Administrative Rules will hold an **executive session** in Room 328 Northwest of the State Capitol, on the following at the time below:

Wednesday, August 26 1998 at 10:00 a.m.

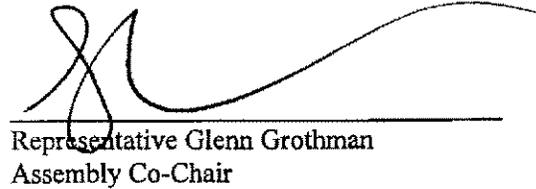
The Joint Committee will hold an executive session only on the following:

Emergency Rule TCS 15
Wis. Adm. Code

**Relating to faculty development grants
in the Wisconsin Technical College System.
Extension of the effective period by 60 days, at the
request of the Wisconsin Technical College System
Board. *First Consideration***



Senator Robert T. Welch
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair



79540



Wisconsin Technical College System Board
Edward Chin, State Director



July 23, 1998

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

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 expires on August 29, 1998.

A permanent rule with the same changes is currently going through the 30-day review period in the standing committees. We expect to submit the permanent rule to the Revisor of Statutes at the beginning of September with an anticipated effective date of November 1, 1998, which is several weeks beyond the expiration date of the emergency rule.

The rationale for this 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 state 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
July 23, 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. Upon receipt of the Legislative Council's Clearinghouse Report a public hearing was scheduled and held on June 30, 1998, with additional written comments being permitted until July 7, 1998. 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 60-day extension of the emergency rule. 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

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

3/27/98
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.

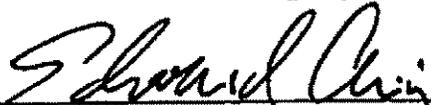
- (2) Reports due under sub. (1) shall be on a form provided by the board and submitted on or before January 15 for the current fiscal year, and on or before August 1 following the close of the fiscal year. The director may extend these times as needed.

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



Edward Chin, Director

08/20/98 10:21



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REPORT TO THE LEGISLATURE
CLEARINGHOUSE RULE 98-059
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
CHAPTER TCS 15, WIS. ADMIN. CODE

Submitted by:

**Wisconsin Technical College
System Board
P.O. Box 7874
310 Price Place
Madison, Wisconsin 53707-7874**

July 23, 1998

I. STATEMENT EXPLAINING THE NEED FOR THE PROPOSED RULE

1997 Wis. Act 27 (the 1997-99 biennial budget bill) took effect on October 14, 1997. 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.

Section 39.33, Wis. Stats., requires the Wisconsin Technical College System Board promulgate administrative rules establishing 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 grant program at the district level.

II. EXPLANATION OF MODIFICATIONS MADE IN THE PROPOSED RULE AS A RESULT OF TESTIMONY RECEIVED AT THE PUBLIC HEARING

There were no modifications made to the proposed rule as a result of the written testimony received by the agency.

III. PERSONS WHO APPEARED OR REGISTERED FOR OR AGAINST THE PROPOSED RULE AT THE PUBLIC HEARING OR WHO SUBMITTED WRITTEN TESTIMONY

Appearances in favor of the rule: None

Registrations in favor of the rule: None

Appearances opposed to the rule: None

Registrations opposed to the rule: None

Appearances for information only: Mr. Ken Opin, Wisconsin Federation of Teachers.

Written testimony submitted to the agency: A joint statement was submitted from Mr. Ken Opin of the Wisconsin Federation of Teachers and Ms. Leigh Barker of the Wisconsin Education Association Council.

IV. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS

All recommendations of the Legislative Council Clearinghouse were accepted and incorporated into the final draft of the proposed rule.

V. FINAL REGULATORY FLEXIBILITY ANALYSIS

None required.

**ORDER OF THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
ADOPTING RULES RELATING TO FACULTY DEVELOPMENT GRANTS
(Clearinghouse Rule 98-059)**

The Wisconsin Technical College System Board proposes an order to create ch. 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 adequately promotes instructor awareness of and expertise in a wide variety of newly emerging technologies; the integration of learning technologies in curriculum and instruction; and the use of instructional methods that involve emerging technologies.
- (c) Whether a technical college district's continuing program meet or exceed its goals and objectives.

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 15.02 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 district may submit a proposal 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 all of the following:

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 all of the following:

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. When considering approval or disapproval of a grant award, the board shall determine whether a district's program:

- (1) Has sufficient financial resources to successfully provide the program as proposed in the grant proposal.
- (2) Adequately promotes all of the following:
 - (a) Instructor awareness of and expertise in a wide variety of newly emerging technologies.
 - (b) The integration of learning technologies in curriculum and instruction.
 - (c) The use of instructional methods that involve emerging technologies.
- (3) Is a continuing program and has met or exceed its goals and objectives.

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. The board shall annually determine the amount of funds a district may receive by setting a sum certain dollar amount, which would apply to all districts, plus an amount that would vary among the districts based on each district's proportionate share of the total number of instructors in the system.

- (2) District boards shall contribute matching funds, 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 of the current fiscal year for the mid-year report, and on or before August 1 following the close of the fiscal year for the final report. The director may extend these times as needed.

SECTION 2. Initial applicability.

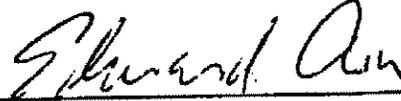
This chapter first applies to grants that are awarded after the effective date of this rule.

EFFECTIVE DATE

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2) (intro.), Stats.

Date: July 23, 1998

Wisconsin Technical College System Board



Edward Chin, Director



WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

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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

WISCONSIN LEGISLATIVE COUNCIL STAFF**RULES CLEARINGHOUSE**

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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

FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect
OCA-2047 (R10/96)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
TCS 15

Amendment No.

Subject

Faculty Development Grants

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

| II. Annualized Costs: | Annualized Fiscal Impact on State funds from: | |
|--|---|------------------------|
| | Increased Costs | Decreased Costs |
| A. State Costs by Category | | |
| State Operations - Salaries and Fringes | \$ | \$ - |
| (FTE Position Changes) | (FTE) | (- FTE) |
| State Operations - Other Costs | | |
| Local Assistance | +832,000 | - 416,000 |
| Aids to Individuals or Organizations | | |
| TOTAL State Costs by Category | \$ +832,000 | \$ - 416,000 |
| B. State Costs by Source of Funds | Increased Costs | Decreased Costs |
| GPR | \$ +832,000 | \$ - |
| FED | | - |
| PRO/PRS | | - |
| SEG/SEG-S | | - |
| III. State Revenues Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | Increased Rev. | Decreased Rev. |
| GPR Taxes | \$ | \$ - 832,000 |
| GPR Earned | | - |
| FED | | - |
| PRO/PRS | | - |
| SEG/SEG-S | | - |
| TOTAL State Revenues | \$ -0- | \$ - 832,000 |

NET ANNUALIZED FISCAL IMPACT

| | STATE | LOCAL |
|------------------------|-------------|-------------|
| NET CHANGE IN COSTS | \$ +832,000 | \$ -416,000 |
| NET CHANGE IN REVENUES | \$ -832,000 | \$ +832,000 |

| | | |
|---|--|-------------------|
| Agency/Prepared by: (Name & Phone No.) WTCSB Jesús G.Q. Garza (608) 267-9540 | Authorized Signature/Telephone No. <i>Jesús G.Q. Garza</i> (608) 267-9540 | Date 26 MAR 98 |
|---|--|-------------------|



Wisconsin Technical College System Board
Edward Chin, State Director



July 23, 1998

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

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 expires on August 29, 1998.

Faculty Development Grants.

A permanent rule with the same changes is currently going through the 30-day review period in the standing committees. We expect to submit the permanent rule to the Revisor of Statutes at the beginning of September with an anticipated effective date of November 1, 1998, which is several weeks beyond the expiration date of the emergency rule.

The rationale for this 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 state 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
July 23, 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. Upon receipt of the Legislative Council's Clearinghouse Report a public hearing was scheduled and held on June 30, 1998, with additional written comments being permitted until July 7, 1998. 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 60-day extension of the emergency rule. 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

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.

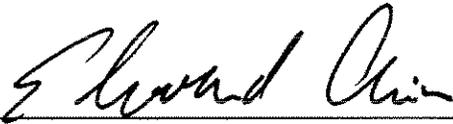
Statutory authority for the rule:

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

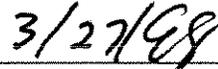
Section 38.33(2), Wis. Stats., mandates that the technical college system board promulgate administrative rules to implement and administer faculty development grants, which include establishing criteria for awarding the grants.

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.

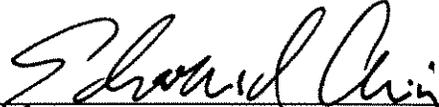
- (2) Reports due under sub. (1) shall be on a form provided by the board and submitted on or before January 15 for the current fiscal year, and on or before August 1 following the close of the fiscal year. The director may extend these times as needed.

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



Edward Chin, Director



Wisconsin Technical College System Board
Edward Chin, State Director



July 23, 1998

State Senator Robert Welch, Chairperson
Joint Committee for Review of Administrative Rules
Room 201
1 East Main Street
Madison, WI 53703

Dear Senator Welch:

Pursuant to your request, I hereby submit a copy of the final draft of Clearinghouse Rule 98-059, on ch. TCS 15, Wis. Admin. Code, relating to faculty development grants, and the reports required under § 227.19(3), Wis. Stats.

Sincerely,

Edward Chin
State Director

Attachments

REPORT TO THE LEGISLATURE

CLEARINGHOUSE RULE 98-059
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
CHAPTER TCS 15, WIS. ADMIN. CODE

Submitted by:

Wisconsin Technical College
System Board
P.O. Box 7874
310 Price Place
Madison, Wisconsin 53707-7874

July 23, 1998

I. STATEMENT EXPLAINING THE NEED FOR THE PROPOSED RULE

1997 Wis. Act 27 (the 1997-99 biennial budget bill) took effect on October 14, 1997. 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.

Section 39.33, Wis. Stats., requires the Wisconsin Technical College System Board promulgate administrative rules establishing 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 grant program at the district level.

II. EXPLANATION OF MODIFICATIONS MADE IN THE PROPOSED RULE AS A RESULT OF TESTIMONY RECEIVED AT THE PUBLIC HEARING

There were no modifications made to the proposed rule as a result of the written testimony received by the agency.

III. PERSONS WHO APPEARED OR REGISTERED FOR OR AGAINST THE PROPOSED RULE AT THE PUBLIC HEARING OR WHO SUBMITTED WRITTEN TESTIMONY

Appearances in favor of the rule: None

Registrations in favor of the rule: None

Appearances opposed to the rule: None

Registrations opposed to the rule: None

Appearances for information only: Mr. Ken Opin, Wisconsin Federation of Teachers.

Written testimony submitted to the agency: A joint statement was submitted from Mr. Ken Opin of the Wisconsin Federation of Teachers and Ms. Leigh Barker of the Wisconsin Education Association Council.

IV. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS

All recommendations of the Legislative Council Clearinghouse were accepted and incorporated into the final draft of the proposed rule.

V. FINAL REGULATORY FLEXIBILITY ANALYSIS

None required.

**ORDER OF THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
ADOPTING RULES RELATING TO FACULTY DEVELOPMENT GRANTS
(Clearinghouse Rule 98-059)**

The Wisconsin Technical College System Board proposes an order to create ch. 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 adequately promotes instructor awareness of and expertise in a wide variety of newly emerging technologies; the integration of learning technologies in curriculum and instruction; and the use of instructional methods that involve emerging technologies.
- (c) Whether a technical college district's continuing program meet or exceed its goals and objectives.

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 15.02 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 district may submit a proposal 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 all of the following:

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 all of the following:

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. When considering approval or disapproval of a grant award, the board shall determine whether a district's program:

- (1) Has sufficient financial resources to successfully provide the program as proposed in the grant proposal.
- (2) Adequately promotes all of the following:
 - (a) Instructor awareness of and expertise in a wide variety of newly emerging technologies.
 - (b) The integration of learning technologies in curriculum and instruction.
 - (c) The use of instructional methods that involve emerging technologies.
- (3) Is a continuing program and has met or exceed its goals and objectives.

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. The board shall annually determine the amount of funds a district may receive by setting a sum certain dollar amount, which would apply to all districts, plus an amount that would vary among the districts based on each district's proportionate share of the total number of instructors in the system.

- (2) District boards shall contribute matching funds, 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 of the current fiscal year for the mid-year report, and on or before August 1 following the close of the fiscal year for the final report. The director may extend these times as needed.

SECTION 2. Initial applicability.

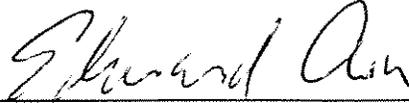
This chapter first applies to grants that are awarded after the effective date of this rule.

EFFECTIVE DATE

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2) (intro.), Stats.

Date: July 23, 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



P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-0751

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

Last Modified July 1998

Date: **08-26-98**

Accounting for: Public Hearing Executive Session

Location: **Room 328 Northwest, State Capitol**

| COMMITTEE MEMBER | PRESENT | ABSENT | EXCUSED |
|-----------------------------|---------|--------|---------|
| 1. Senator WELCH | ✓ | | |
| 2. Senator DARLING | ✓ | | |
| 3. Senator HUELSMAN | ✓ | | |
| 4. Senator GROBSCHMIDT | ✓ | | |
| 5. Senator BRESKE | ✓ | | |
| 6. Representative GROTHMAN | ✓ | | |
| 7. Representative GUNDERSON | ✓ | | |
| 8. Representative SERATTI | | | ✓ |
| 9. Representative YOUNG | | | ✓ |
| 10. Representative KREUSER | ✓ | | |
| Totals | 8 | 0 | 2 |



Steven Krieser, Committee Clerk

SENATOR ROBERT T. WELCH
CO-CHAIRMAN



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-0751

P.O. Box 8952
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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

JOINT COMMITTEE HEARINGS

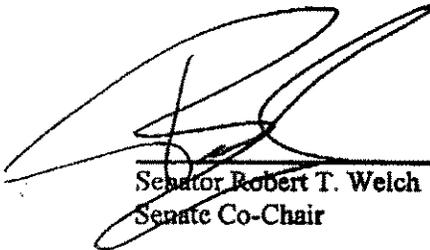
The Joint Committee for Review of Administrative Rules will hold an executive session in Room 328 Northwest of the State Capitol, on the following at the time below:

Wednesday, August 26 1998 at 10:00 a.m.

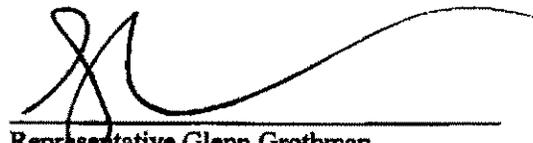
The Joint Committee will hold an executive session only on the following:

Emergency Rule TCS 15
Wis. Adm. Code

**Relating to faculty development grants
in the Wisconsin Technical College System.
Extension of the effective period by 60 days, at the
request of the Wisconsin Technical College System
Board. *First Consideration***



Senator Robert T. Welch
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair

Emergency Rule TCS 15

Relating to the faculty development grants in the Wisconsin Technical College System. Submitted by the Wisconsin Technical College System Board.

August 26, 1998

EXECUTIVE SESSION HELD

Present: (8) Representatives Grothman, Gunderson, and Kreuser; Senators Welch, Darling, Huelsman, Grobschmidt, and Breske.

Absent: (2) Representatives Seratti and R. Young.

Moved by Representative Grothman, seconded by Senator Welch that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of TCS 15 by 60 days, at the request of the Wisconsin Technical College System Board.

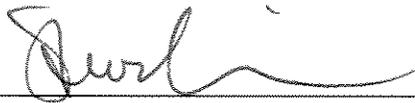
Ayes: (7) Representatives Grothman and Gunderson; Senators Welch, Darling, Huelsman, Grobschmidt, and Breske.

Noes: (1) Representative Kreuser.

Absent: (2) Representatives Seratti and R. Young.

Motion Carried: Extension Granted.

7 Ayes, 1 Noes, 2 Absent.



Steven Krieser, Committee Clerk



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MADISON, WI 53707-7882
(608) 266-0751

P.O. Box 8952
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

August 26, 1998

The Honorable Brian Rude
Senate President
119 Martin Luther King, Jr. Blvd., Room 102
Madison, WI 53702

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

Dear President Rude and Speaker Jensen:

The Joint Committee for the Review of Administrative Rules met in Executive Session on August 26, 1998 and adopted the following motions:

Moved by Representative Grothman, seconded by Senator Welch that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of TCS 15 by 60 days, at the request of the Wisconsin Technical College System Board.

Ayes: (7) Representatives Grothman and Gunderson;
Senators Welch, Darling, Huelsman, Grobschmidt, and
Breske.

Noes: (1) Representative Kreuser.

Absent: (2) Representatives Seratti and R. Young.

Motion Carried: Extension Granted.
7 Ayes, 1 Noes, 2 Absent.

Pursuant to s. 227.24(2)(c), stats., as treated by 1997 Wisconsin Act 185, please forward a copy of this notice to the chairperson of the standing committee in your respective house most likely to have jurisdiction over the Clearinghouse Rule corresponding to this emergency rule.

Sincerely,

Senator Robert Welch
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

BW:GG:swk

Joint
Committee Report

The Joint Committee for Review of Administrative Rules Reports:

Emergency Rule TCS 15

Relating to the faculty development grants in the Wisconsin Technical College System. Submitted by the Wisconsin Technical College System Board.

August 26, 1998

EXECUTIVE SESSION HELD

Moved by Representative Grothman, seconded by Senator Welch that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of TCS 15 by 60 days, at the request of the Wisconsin Technical College System Board.

Ayes: (7) Representatives Grothman and Gunderson;
 Senators Welch, Darling, Huelsman,
 Grobschmidt, and Breske.

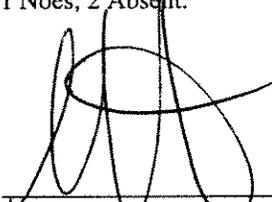
Noes: (1) Representative Kreuser.

Absent: (2) Representatives Seratti and R. Young.

Motion Carried: Extension Granted.
7 Ayes, 1 Noes, 2 Absent.



Senator Robert T. Welch
Senate Co-Chairman



Representative Glenn S. Grothman
Assembly Co-Chairman



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

August 26, 1998

Edward Chin, State Director
Wisconsin Technical College System Board
310 Price Place, P.O. Box 7874
Madison, WI 53707-7874

Dear Director Chin:

The Joint Committee for the Review of Administrative Rules met in Executive Session on August 26, 1998 and adopted the following motion:

Moved by Representative Grothman, seconded by Senator Welch that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of TCS 15 by 60 days, at the request of the Wisconsin Technical College System Board.

Ayes: (7) Representatives Grothman and Gunderson;
Senators Welch, Darling, Huelsman, Grobschmidt, and
Breske.

Noes: (1) Representative Kreuser.

Absent: (2) Representatives Seratti and R. Young.

Motion Carried: Extension Granted.
7 Ayes, 1 Noes, 2 Absent.

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

ROBERT T. WELCH
Senate Co-Chair

GLENN GROTHMAN
Assembly Co-Chair

RW:GSG:swk

cc: Secretary of State La Follette
Revisor of Statutes Gary Poulson