

FEB 14 2000

LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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Assistant Director
(608) 266-2982



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One E. Main St., Ste. 401
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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-013

AN ORDER to create chapter PI 10, relating to supplemental aid for school districts with a large area.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

01-14-00 RECEIVED BY LEGISLATIVE COUNCIL.

02-14-00 REPORT SENT TO AGENCY.

RS:RW:jal

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

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

The state superintendent of public instruction hereby proposes to create Chapter PI 10, relating to supplemental aid for school districts with a large area.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.435 (3) and 227.11 (2) (a), Stats.

Statute interpreted: s. 115.435, Stats.

1999 Wisconsin Act 9 created a grant to supplement aid under s. 121.08, Stats., to school districts that meet the following requirements:

1. The school district had an enrollment in the previous school year of fewer than 500 pupils.
2. The school district is at least 200 square miles in area.
3. At least 65% of the real property in the school district is exempt from taxation under s. 70.11, Stats., owned by or held in trust for a federally recognized American Indian tribe or owned by the federal government.

The department shall award \$350 for each pupil enrolled in an eligible school district that can verify through the clerks of municipalities in which the school district is located that it meets the criteria under 2 and 3. The department shall verify that the school district is eligible under 1. If the appropriation under s. 20.255 (2) (ad), Stats., is insufficient to pay the full amount, the funds shall be prorated among the entitled school districts.

The Act appropriated \$125,000 beginning in the 1999-2000 school year. Since the timelines are too stringent to implement this grant program by the statutory October 15, 1999 date, the department is requiring applications to be submitted by April 3, 2000 and annually thereafter by October 15.

The department intends to promulgate these rules as emergency rules in February 2000.

SECTION 1. Chapter PI 10 is created to read:

CHAPTER PI 10

SUPPLEMENTAL AID FOR SCHOOL DISTRICTS WITH A LARGE AREA

PI 10.01 Purpose. Under s. 115.435, Stats., a school district that meets the requirements under this chapter may apply to the department for a grant to supplement aid under s. 121.08, Stats. This chapter sets forth criteria and procedures for awarding supplemental aid grants.

PI 10.02 Definitions. In this chapter:

- (1) "School board" has the meaning defined in s. 115.001 (7), Stats.
- (2) "Department" means the Wisconsin department of public instruction.
- (3) "Enrollment" or "pupils enrolled" has the meaning defined under s. 121.004 (7) (a) to (cm), Stats., as reported under s. 121.05, Stats.

PI 10.03 Eligible applicants and application requirements. A school board that meets all of the following criteria may apply to the department by April 3, 2000, and by October 15 annually thereafter for a grant to supplement aid under s. 121.08, Stats.:

- (1) The school district had an enrollment in the previous school year of fewer than 500 pupils.
- (2) The school district is at least 200 square miles in area. The requirement under this subsection shall be verified by the clerks of the municipalities in which the school district is located on a form provided by the department.
- (3) At least 65% of the real property in the school district is exempt from taxation under s. 70.11, owned by or held in trust for a federally recognized American Indian tribe or owned by the federal government. The requirement under this subsection shall be verified by as specified under sub. (2).

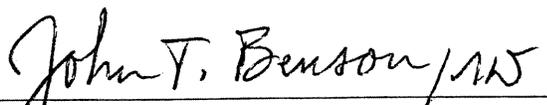
NOTE: PI-1588, Grant for Supplemental Aid under s. 121.08, Wis. Stats. may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841.

PI 10.05. Review of applications and awarding of grants. (1) No later than June 30 of the current school year, the department shall, from the appropriation under s. 20.255 (2) (ad), Stats., pay each school district that satisfies the criteria under s. PI 10.03 \$350 for each pupil enrolled in the school district in the previous school year.

(2) If the appropriation under s. 20.255 (2) (ad), Stats., is insufficient to pay the full amount under this section, the funds shall be prorated among the entitled school districts.

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 14th day of January, 2000



John T. Benson
State Superintendent



State of Wisconsin
Department of Public Instruction

PI 10

JAN 31 2000

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

January 28, 2000

Members of the Wisconsin Senate
State Capitol
Madison, WI 53702

Dear Senator:

Attached, pursuant to s. 227.24 (3), Stats., is a copy of emergency rules relating to supplemental aid for school districts with a large area for your information. Emergency rules are necessary to clarify the eligibility criteria and procedures for school districts to apply for funds under the program. The department is in the process of developing permanent rules.

1999 Wisconsin Act 9 created a grant to supplement aid under s. 121.08, Stats., to school districts that meet the following requirements:

1. The school district had an enrollment in the previous school year of fewer than 500 pupils.
2. The school district is at least 200 square miles in area.
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The Act appropriated \$125,000 beginning in the 1999-2000 school year. Since the timelines are too stringent to implement this grant program by the statutory October 15, 1999 date, the department is requiring applications to be submitted by April 3, 2000 and annually thereafter by October 15.

If you have any questions on these emergency rules, or the proposed permanent rules, please contact David Carlson, Director, School Financial Services, at (608) 266-2853 or Lori Slauson, Administrative Rules Coordinator, Policy and Budget, at (608) 267-9127.

Sincerely,

Steven B. Dold
Deputy State Superintendent

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES**

The state superintendent of public instruction hereby proposes to create Chapter PI 10, relating to supplemental aid for school districts with a large area.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.435 (3) and 227.11 (2) (a), Stats.

Statute interpreted: s. 115.435, Stats.

1999 Wisconsin Act 9 created a grant to supplement aid under s. 121.08, Stats., to school districts that meet the following requirements:

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- (3) At least 65% of the real property in the school district is exempt from taxation under s. 70.11, owned by or held in trust for a federally recognized American Indian tribe or owned by the federal government. The requirement under this subsection shall be verified by as specified under sub. (2).

NOTE: PI-1588, Grant for Supplemental Aid under s. 121.08, Wis. Stats. may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841.

PI 10.05. Review of applications and awarding of grants. (1) No later than June 30 of the current school year, the department shall, from the appropriation under s. 20.255 (2) (ad), Stats., pay each school district that satisfies the criteria under s. PI 10.03 \$350 for each pupil enrolled in the school district in the previous school year.

(2) If the appropriation under s. 20.255 (2) (ad), Stats., is insufficient to pay the full amount under this section, the funds shall be prorated among the entitled school districts.

FINDING OF EMERGENCY

The Department of Public Instruction finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

1999 Wisconsin Act 9 appropriated \$125,000 to be awarded by the department to eligible school districts in the 1999-2000 school year. Emergency rules are necessary to clarify the eligibility criteria and procedures for school districts to apply for funds under the program.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this 22nd day of January, 2000



John T. Benson
State Superintendent

FISCAL ESTIMATE FORM

1999 Session

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB #

Introduction #

Admin. Rule # Chapter PI 10

Subject
 Supplemental Aid for School Districts With a Large Area

Fiscal Effect

State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation
 or affects a sum sufficient appropriation.

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

Increase Costs - May be possible to Absorb
 Within Agency's Budget Yes No
 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. 20.255 (2) (ad)

Assumptions Used in Arriving at Fiscal Estimate:

Under s. 20.255 (2) (ad), Stats., 1999 Wisconsin Act 9 appropriated \$125,000 in the 1999-2000 and 2000-2001 school year for the department to award supplemental aid to school districts meeting specific criteria. As required by the Act, the rule establishes criteria and procedures for awarding supplemental aid to eligible school districts. The department shall award \$350 for each pupil enrolled in the district. If the funds appropriated for the program are insufficient, the funds shall be prorated among the entitled school districts. The rules will have no fiscal effect on local governments or small businesses.

It is assumed that there will be additional costs to the department to administer this program. It is expected that these costs will be absorbed by the agency.

Long-Range Fiscal Implications:

Prepared By:

Lori Slauson 267-9127
 Department of Public Instruction

Authorized Signature / Telephone No.

Gina Frank-Reece
 Gina Frank-Reece (608) 266-2804

Date

1/5/00

JAN 18 2000



Memorandum

STATE OF WISCONSIN
DEPARTMENT OF PUBLIC INSTRUCTION

DATE: January 14, 2000
TO: Senator Robson and Representative Grothman, Co-Chairs JCRAR
FROM: Lori L. Slauson, Administrative Rules and Federal Grants Coordinator
SUBJECT: Emergency Rules

Attached for your review are emergency rules relating to:

- Grants for alcohol and other drug abuse (AODA) programs.
- Grants for alternative education programs.
- State aid for achievement guarantee contracts and aid for debt service.
- Supplemental aid for school districts with a large area.
- Aid for public library system payment adjustments.

The statement of emergency is included in each rule draft. The department has submitted these rules as proposed permanent rules.

Except for rules relating to aid for public library system payment adjustments (to be published and effective in April) and grants for AODA programs (to be published and effective in March), the department will submit these emergency rules to be published in the Wisconsin State Journal by the end of January. If you have any questions, please call me at 267-9127.

Thank you.

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES**

The state superintendent of public instruction hereby proposes to create Chapter PI 10, relating to supplemental aid for school districts with a large area.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

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NOTE: PI-1588, Grant for Supplemental Aid under s. 121.08, Wis. Stats. may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841.

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FINDING OF EMERGENCY

The Department of Public Instruction finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

1999 Wisconsin Act 9 appropriated \$125,000 to be awarded by the department to eligible school districts in the 1999-2000 school year. Emergency rules are necessary to clarify the eligibility criteria and procedures for school districts to apply for funds under the program.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this _____ day of January, 2000

John T. Benson
State Superintendent



State of Wisconsin Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

FEB 16 2000

John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

February 11, 2000

Dear Colleague:

The Department of Public Instruction will hold a public hearing to consider emergency and proposed permanent rules, relating to supplemental aid for school districts with a large area. Emergency rules were promulgated by the department effective January 28, 2000. The hearing will be held as follows:

DATE AND TIME

March 15, 2000
2:00 – 3:00 p.m.

LOCATION

Madison
GEF 3 Building
125 South Webster St.
Room 041

The hearing site is fully accessible to people with disabilities. If you require reasonable accommodation to access any meeting, please call David Carlson, Director, School Financial Services, at (608) 266-6968 or leave a message with the Teletypewriter (TTY) at (608) 267-2427 at least 10 days prior to the hearing date. Reasonable accommodation includes materials prepared in an alternative format, as provided under the Americans with Disabilities Act.

The administrative rule is available on the internet at <http://www.dpi.state.wi.us/dfm/sfms/supaid.html>. A copy of the rule and the fiscal estimate may be obtained by sending an email request to lori.slauson@dpi.state.wi.us or by writing to Mr. Carlson or Lori Slauson, Administrative Rules and Federal Grants Coordinator, Department of Public Instruction, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707. Written comments on the proposed rules received at the above address no later than March 20, 2000, will be given the same consideration as testimony presented at the hearing. Comments submitted via email will not be accepted as formal testimony.

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Sincerely,

Lori L. Slauson
Administrative Rules and Federal Grants Coordinator

**ORDER OF THE
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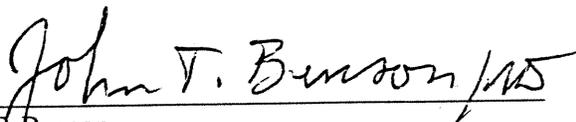
FINDING OF EMERGENCY

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Dated this 22th day of January, 2000



John T. Benson
State Superintendent