

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

OCT 04 1999

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 99-130

AN ORDER to create chapter PI 37, relating to grants for national teacher certification.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

08-26-99 RECEIVED BY LEGISLATIVE COUNCIL.

09-23-99 REPORT SENT TO AGENCY.

RNS:JRH:jal;rv

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

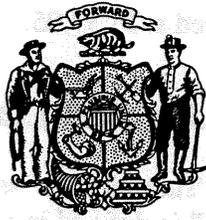
NO

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CLEARINGHOUSE RULE 99-130

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 September 1998.]

2. Form, Style and Placement in Administrative Code

a. The subsections of s. PI 37.02 should be reordered to place the definitions in alphabetical order. [See s. 1.01 (7) (a), Manual.]

b. To correspond to usual drafting practices, "given" should be substituted for "defined" in s. PI 37.02 (3).

c. Substantive provisions of law (such as the length of time a person must reside in the state at the time of applying for a grant) should not be incorporated into definitions. [See s. 1.01 (7) (b), Manual.] Therefore, ss. PI 37.02 (2) and 37.03 (1) (a) 3. should be rewritten, for example, as follows:

PI 37.02 (2) "Residence" has the meaning given in s. 6.10 (1), Stats.

PI 37.03 (1) (a) 3. The person has maintained a residence in the state for at least 10 days immediately prior to submitting an application under this section.

d. In the second sentence of s. PI 37.03 (2) (c), "The" should replace "Such." Also, should "income" be inserted before "tax"?

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

The reference in s. PI 37.05 (1) to "PI 37.03" should be replaced by "s. PI 37.03 (1)." Also, s. PI 37.05 (1) should be renumbered s. PI 37.05.

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

a. It is not clear why the term "state license" is defined and used in the proposed rule, rather than "license." The term "license" is defined in s. PI 3.01 (22) to have the same meaning as "state license" in the proposed rule. The definition in the proposed rule could be replaced by the following:

"License" has the meaning given in s. PI 3.01 (22).

b. In s. PI 37.03 (1) (a) (intro.) and (b) (intro.), "a person" should be substituted for "persons."

c. Section PI 37.03 (2) (b) should clearly state that the public school district administrator, or his or her designee, or the private school administrator providing the letter shall be an administrator or designee from the school district or school that employs the teacher (assuming that is what is intended). Also, as drafted, a designee of a public school district administrator, but not a designee of a private school administrator, may sign in the letter. Is this what the department intends?

d. Precisely what is intended under s. PI 37.04 (1) (b) and (2) is not clear. Those provisions would be clearer if reworded as follows:

(1) (b) Upon receipt of the information under s. PI 37.03 (2), the state superintendent shall renew any existing state license held by the person to have the same effective date as the effective date of the national board certification.

(2) Subsection (1) (b) does not apply to a person who completes the process for national board certification but does not receive certification. However, the person shall receive a one-time exemption from the continuing professional education credit requirements of s. PI 3.03 (2) (b).

e. The form attached to the rule (PI-1669) appears to be incomplete. The material under the heading "CONTINUING EDUCATION REQUIREMENT EXEMPTIONS" ends with "Persons who apply and complete . . ." Also, see the comment under d., above.

f. The fiscal estimate to the rule should include an estimate of the amount of grants expected to be awarded.

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

The state superintendent of public instruction hereby proposes to create Chapter PI 37, relating to grants for national teacher certification.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.42(4) and 227.11(2)(a), Stats.

Statute interpreted: s. 115.42, Stats.

1997 Wisconsin Act 237 created s. 115.42, Stats., which establishes a grant program for national teacher certification. Under the program, the state superintendent shall award \$2,000 in the 1999-2000 school year and \$2,500 in the 2000-01 school year to any applicant who meets all of the following requirements:

- The person is certified by the National Board for Professional Teaching Standards before July 1, 2000.
- The person is licensed as a teacher by the state superintendent or employed as a teacher in a private school located in this state.
- The person is a resident of this state.
- The person is employed as a teacher in this state.

A person receiving a national teacher certificate is exempt from meeting the teacher license renewal requirements in the 5 years immediately preceding his or her application for renewal if he or she has been initially certified by the National Board for Professional Teaching Standards during those 5 years.

The rules establish:

- The application process, including necessary documentation.
- The number of times that a teacher may be exempt from continuing professional education requirements.

The statutes also require the rules to specify a selection process for grant recipients. Since the appropriation for the program is sum sufficient for grants awarded, and there is no limit as to the number of awards that may be made (the language limiting grant recipients to 20 was vetoed), it would seem that all applicants meeting the eligibility criteria specified in the rule will be selected to receive grants. Therefore, the rules do not specify a selection process in addition to the eligibility criteria section.

SECTION 1. Chapter PI 37 is created to read:

CHAPTER PI 37

GRANTS FOR NATIONAL TEACHER CERTIFICATION

- 1 **PI 37.01 PURPOSE.** Under s. 115.42, Stats., the state superintendent shall award grants to eligible
- 2 applicants who are certified by the national board for professional teaching standards. This chapter sets forth criteria
- 3 and procedures for awarding grants under this program. This chapter also specifies continuing professional
- 4 education exemptions for national board certificate holders.

1 PI 37.02 DEFINITIONS. In this chapter: *alpha.*

2 (1) "State license" means a document issued under chapter PI 3 granting authority or permission to serve as a
3 professional school employe in Wisconsin public schools.

4 (2) "Resident of this state" means a person who, on the date of applying for a grant under this chapter, has
5 established a residence as defined in s. 6.10 (1), Stats., in this state not less than 10 days earlier.

6 (3) "School year" has the meaning defined in s. 115.001 (13), Stats.

7 (4) "State superintendent" means the state superintendent of public instruction for the state of Wisconsin.

8 PI 37.03 GRANTS FOR NATIONAL BOARD CERTIFICATION. (1) ELIGIBILITY. (a) By June 30,

9 2000, persons meeting all of the following requirements may apply to the state superintendent for a \$2,000 grant:

10 1. The person is certified by the national board for professional teaching standards before July 1, 2000.

11 2. The person is licensed as a teacher by the state superintendent or employed as a teacher in a private
12 school located in this state.

13 3. The person is a resident of this state.

14 4. The person is employed as a teacher in this state.

15 (b) By June 30, 2001, persons receiving a grant under par. (a) may apply to the state superintendent for a
16 \$2,500 grant if the person satisfies all of the following requirements:

17 1. The person maintains his or her certification by the national board for professional teaching standards.

18 2. The person maintains his or her license as a teacher by the state superintendent or remains employed in a
19 private school located in this state.

20 3. The person remains a resident of this state.

21 4. The person remains employed as a teacher in this state.

22 (2) APPLICATION REQUIREMENTS. A person applying for a grant under this chapter shall provide the
23 state superintendent with all of the following information:

24 (a) A certified copy of the applicant's national board certificate.

25 (b) A letter from the public school district administrator or his or her designee or from the private school
26 administrator indicating that the applicant is employed as a teacher in this state.

27 (c) Evidence indicating that the applicant is a resident of this state. Such evidence shall indicate the
28 applicant's home address and may include a state tax statement. ^{income}

29 PI 37.04 EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS. (1) (a) A person holding

30 national board certification shall renew his or her state license every 5 years upon its expiration, but he or she is
31 exempt from meeting the continuing professional education credit requirements under s. PI 3.03 (2) (b) as long as the
32 national board certification is effective.

33 (b) For persons seeking an exemption under par. (a), the effective date of a state license shall coincide with
34 the effective date of the national board certification.

1 (2) A person who applies for and completes the process for national board certification shall renew his or her
2 state license upon its expiration but he or she is exempt from meeting the continuing professional education credit
3 requirements under s. PI 3.03 (2) (b), regardless if he or she receives the national certification.

4 NOTE: A certificate issued by the National Board for Professional Teaching Standards is effective for 10
5 years.

6 PI 37.05 REVIEW OF APPLICATIONS AND AWARDING OF GRANTS. (1) The state superintendent
7 shall review the applications submitted under this chapter and shall award grants if the applicant meets all of the
8 criteria specified under PI 37.03.

9 NOTE: Additional information regarding the National Board for Professional Teaching Standards may be
10 obtained by contacting the board at 26555 Evergreen Road, Suite 400, Southfield, MI 48076; (248) 351-4444;
11 Website: www.nbpts.org

12 PI-1669, National Teacher Certification Grant Application, may be obtained at no charge from the
13 Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841. *website*

14 Additional information regarding Wisconsin incentives may be obtained by contacting the Department of
15 Public Instruction Teacher Education and Licensing, P.O. Box 7841, Madison, WI 53707-7841; (608) 266-1879.

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 26th day of August, 1999

John T. Benson /ms
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

OCT 06 1999

John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

October 6, 1999

Dear Colleague:

The Department of Public Instruction will hold a public hearing to consider the creation of Chapter PI 37 proposed permanent rules, relating to grants for national teacher certification. The hearing will be held as follows:

October 26, 1999
4:00 – 5:00 p.m.

Madison
GEF 3 Building
125 South Webster Street
Room 041

The hearing site is fully accessible to people with disabilities. If you require reasonable accommodation to access any meeting, please call Peter Burke, Director, Teacher Education, Licensing and Placement, at (608) 266-1879 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.

For a copy of the proposed rule and the fiscal estimate, please visit our web site at <http://www.dpi.state.wi.us/dpi/dlsis/tel/natlcert.html> or contact Mr. Burke or Lori Slauson, Administrative Rules 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 October 29, 1999, will be given the same consideration as testimony presented at the hearing. Comments submitted via e-mail will not be accepted as formal testimony.

1997 Wisconsin Act 237 created s. 115.42, Stats., which establishes a grant program for national teacher certification. Under the program, the state superintendent shall award \$2,000 in the 1999-2000 school year and \$2,500 in the 2000-2001 school year to any applicant who meets all of the following requirements:

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The rules establish:

- The application process, including necessary documentation.
- The number of times that a teacher may be exempt from continuing professional education requirements.

The statutes also require the rules to specify a selection process for grant recipients. Since the appropriation for the program is sum sufficient for grants awarded, and there is no limit as to the number of awards that may be made (the language limiting grant recipients to 20 was vetoed), it would seem that all applicants meeting the eligibility criteria specified in the rule will be selected to receive grants. Therefore, the rules do not specify a selection process in addition to the eligibility criteria section.

Sincerely,

Steven B. Dold
Deputy State Superintendent

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6 PI 37.05 REVIEW OF APPLICATIONS AND AWARDING OF GRANTS. (1) The state superintendent
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8 criteria specified under PI 37.03.

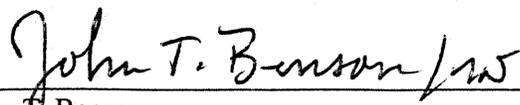
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The proposed rules contained in this order shall take effect on the first day of the month commencing after
the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 26th day of August, 1999



John T. Benson
State Superintendent

FISCAL ESTIMATE ORIGINAL UPDATED)

LRB or Bill No./Adm. Rule No.
Ch. PI 37

DOA-2048 (R10/92) CORRECTED SUPPLEMENTAL

Amendment No. If Applicable

Subject: National Teacher Certification 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 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 VTAE Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The proposed rules establish procedures for awarding grants and specify exemption allowances for national teacher certificate holders. The rule will have no fiscal effect on local government.

Under the program, the state superintendent shall award \$2,000 in the 1999-2000 school year and \$2,500 in the 2000-2001 school year to any applicant meeting certain specifications. A sum sufficient appropriation has been created to award grantees.

Administration of the program will be carried out using existing staff and resources and should not result in any significant costs to the state.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Department of Public Instruction

Lori Slason (608) 267-9127

Authorized Signature/Telephone No.

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

Date

8/26/99