

2001 DRAFTING REQUEST

Bill

Received: 12/29/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-1923

By/Representing: Maternowski

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - state superintendent

Extra Copies: MJL

Pre Topic:

DOA:.....Maternowski -

Topic:

Rules relating to distance education

Instructions:

attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 12/29/2000	hhagen 01/02/2001	jfrantze 01/03/2001	_____			
/1			martykr 01/03/2001	_____	lrb_docadmin 01/03/2001		
/2	grantpr 01/04/2001	hhagen 01/04/2001	jfrantze 01/05/2001	_____	lrb_docadmin 01/05/2001		

FE Sent For:

<END>

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Jb 1/5      Jb/pq  
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1?	grantpr	lhmk 1/2/01	km 1/3	ck km 1/3			

FE Sent For:

<END>

s. 20.255 (1) (a) and to be released by the Secretary of the Department of Administration after the reorganization plan is implemented.

7. **Create a revolving loan fund for Charter School Start up costs.** Create a revolving loan fund from which the department will awards loans to school districts to support the development of charter schools. Funding can be used for capital expenditures, staff development activities, curriculum development and other costs associated with the start-up of schools chartered by a school board. Provide one-time funding of \$1.0 million GPR in a new appropriation, plus direct department to use \$1.0 million in federal charter school funding to capitalize the revolving loan fund. Loans from the fund are to be repaid over a five-year period, with the first annual repayment made during the fiscal year following the fiscal year in which the loan was awarded.
8. **Special Ed rules:** Require the State Superintendent to ensure that all special education rules promulgated by the department are to identical to federal guidelines.
9. **Virtual Education Rulemaking:** Require, that prior to promulgating any rules related to virtual education, DPI receive approval for the proposed rules from TEACH, WTCS and DOA.
10. **Bilingual/Bicultural Education:** Earmark \$1.0 million in the appropriation under s. 20.255 (2) (cc), *Bilingual-bicultural education aids*, in FY03 and thereafter for grants to school districts to develop "dual-immersion" bilingual education programs.
11. **Bilingual/Bicultural Education eligibility requirements:** Districts that meet the pupil count thresholds specified under s. 115.97 are required to establish a bilingual-bicultural education program for those pupils. A bilingual teacher, (also under s. 115.97), must teach these programs. For programs designed to serve pupils in the elementary grades, repeal the requirement that a school board hire a bilingual teacher.
12. **MPCP Eligibility Criteria:** S. 119.23 (2) (a) 1 specifies that to be eligible to participate in the MPCP a child must be a member of a family that has a total income that does not exceed 175% of federal poverty level. Increase the threshold to 185% and provide that once a pupil attends a private school under the program, they remain eligible in subsequent years.
13. **St. Thomas More MPCP eligibility:** Under current law only schools that are located within the City of Milwaukee are eligible to participate in the MPCP. Allow a school to participate in the program if the school grounds upon which the school is sited is located in whole or in part in the City of Milwaukee.

new  
grant  
program?

Thank you for your assistance.

2001

Date (time) needed

SOON

LRB- 1699, 1

DOA BUDGET DRAFT

DN

PG: kmh

Use the appropriate components and routines developed for bills.

>>FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT ... [DO NOT generate catalog]; relating to: the budget. ....

.....  
.....

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

(Attached)

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

115.285

SEC. CR. 115-285

~~( ) RULES. Promulgate rules necessary~~

~~to implement and administer chs. 115 to 121~~

~~115-285~~ ~~RULES MAKING, DISTANCE EDUCATION.~~  
~~Notwithstanding ss. 227.10(1)~~

and 227.11(2), the state superintendent may <sup>relates</sup>  
not promulgate a rule that relates to distance

education without the approval of the secretary  
of administration, the technical college system

board, and the technology for educational  
achievement in Wisconsin board.

~~To the extent practicable,  
(2) The state superintendent~~

~~shall ensure that all rules promulgated~~

~~by the department that relate to special~~

~~education are, to the extent practicable,~~

~~identical to federal regulations relating to special~~

~~education.~~

(Encl)

ANALYSIS

⑤ CAPS

EDUCATION

⑤ ⑤

PRIMARY AND SECONDARY EDUCATION

This bill prohibits the state superintendent of public instruction from promulgating ~~any~~ distance a <sup>rule</sup> rule that relates to ~~parent~~ education without the approval of the secretary of administration, the technical college system board, and the technology for educational achievement in Wisconsin board.

10/29/11

PG: kmh

Date/line

DN

Peter:

1. Section 115.285 may constitute a violation of Art. X, Section 1 of the Wisconsin Constitution, which requires that the supervision of public instruction be vested in the state superintendent. See Thompson v. Craney, 199 Wis. 2d 674 (1996) <sup>①</sup>

2. "Distance education" is not defined, which ~~means that~~ so DPI will have to define it. OK?

Do you want to require DPI to define it, subject to the approval of DCA, <sup>WTCS</sup> WTCS, and TEACH?

3. ~~For both s. 115.285 (1) and (2),~~ If <sup>might</sup> ~~may~~ that be better to identify <sup>the</sup> which (DPI) rules <sup>are</sup> objectionable and <sup>then</sup> ~~then~~ propose laws that would



require DPI to <sup>revise</sup>~~revise~~ the objectionable  
rules in order.

PETER G.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1699/1dn  
PC:hmh:km

January 3, 2001

Peter:

1. Section 115.285 may constitute a violation of Art. X, Section 1 of the Wisconsin Constitution, which requires that the supervision of public instruction be vested in the state superintendent. See *Thompson v. Craney*, 199 Wis.2d 674 (1996).
2. "Distance education" is not defined, so DPI will have to define it. OK? Do you want to require DPI to define it, subject to the approval of DOA, WTCS, and TEACH?
3. It might be better to identify the DPI rules that are objectionable and then propose laws that would require DPI to revise the objectionable rules in order.

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: peter.grant@legis.state.wi.us

## Grant, Peter

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**From:** Maternowski, Peter  
**Sent:** Thursday, January 04, 2001 11:19 AM  
**To:** Grant, Peter  
**Subject:** Revision to LRB-1699

Peter,

Draft 1699/1 prohibits the state superintendent from promulgating rules related to distance education without the approval of various other agencies.

Please revise the draft to include the following definition of distance education.

DEFINITION- For the purpose of this section, the term 'distance education' means an educational process that is characterized by the separation, in time or place, between instructor and student. Such term may include courses offered principally through the use of--

'(1) television, audio, or computer transmission, such as open broadcast, closed circuit, cable, microwave, or satellite

transmission;

'(2) audio or computer conferencing;

I found the definition, which I modified slightly, in the 1998 amendments to the Higher Education Act of 1965.

Peter Maternowski  
State Budget Office  
608-266-1923  
[peter.maternowski@doa.state.wi.us](mailto:peter.maternowski@doa.state.wi.us)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1699/1  
PG:kmh:km

Stays

DOA:.....Maternowski - Rules relating to distance education.

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

*do not gen*

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill prohibits the state superintendent of public instruction from promulgating a rule that relates to distance education without the approval of the secretary of administration, the technical college system board, and the technology for educational achievement in Wisconsin board.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

*INS. 1-3*  
*¶ (2)*

2 SECTION 1. 115.285 of the statutes is created to read:  
3 115.285 Rule making; distance education. (Notwithstanding ss. 227.10 (1)  
4 and 227.11 (2), the state superintendent may not promulgate a rule that relates to  
5 distance education without the approval of the secretary of administration, the

1 technical college system board, and the technology for educational achievement in  
2 Wisconsin board.

3 (END)

1-3

③

(1) In this section, "distance education" means education that is characterized by <sup>separation</sup> ~~the~~ separation, in time or place, between the teacher and the pupil. ~~Distance education~~ <sup>also includes</sup> includes courses that are taught <sup>principally</sup> ~~offered~~ through the use of video <sup>or</sup> audio <sup>or</sup> ~~computer~~ transmission <sup>or</sup> transmission over the Internet.



DOA:.....Maternowski – Rules relating to distance education

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

This bill prohibits the state superintendent of public instruction from promulgating a rule that relates to distance education without the approval of the secretary of administration, the technical college system board, and the technology for educational achievement in Wisconsin board.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 **SECTION 1.** 115.285 of the statutes is created to read:

3 **115.285 Rule making; distance education.** (1) In this section, “distance  
4 education” means education that is characterized by separation, in time or place,  
5 between the teacher and the pupil, and includes courses that are taught principally  
6 through the use of video or audio transmission or transmission over the Internet.

