

SENATOR JUDITH B. ROBSON
CO-CHAIR

P.O. BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

P.O. BOX 8952
MADISON, WI 53708-8952
(608) 264-6486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

May 16, 2002

By Inter-D

Senator Fred Risser
Senate President
Room 220 South

Representative Scott Jensen
Speaker of the Assembly
Room 211 West

Re: Emergency Rule Comm 110
Emergency Rule Phar 1.02
Emergency Rule PI 35
Emergency Rule Trans 102.15
Emergency Rule DWD 290

Dear Senator Risser and Representative Jensen:

This letter is sent pursuant to § 227.24(2)(c), *Stats.* In accordance with the requirements of that statute, we respectfully request that you notify the appropriate standing committees of each house of the legislature of the following actions by the Joint Committee for the Review of Administrative Rules (JCRAR).

JCRAR held a public hearing and executive session today. At that meeting, the JCRAR received public testimony regarding the following emergency rules:

- Emergency Rule Comm 110, relating to brownfields redevelopment grants;
- Emergency Rule Phar 1.02, relating to a pharmacy internship program;
- Emergency Rule PI 35, relating to the Milwaukee Parental Choice Program;
- Emergency Rule Trans 102.15, relating to the issuance of driver's licenses and identification cards; and
- Emergency Rule DWD 290, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Based on the public testimony at the hearing, the committee adopted a motion extending the effective period of Emergency Rule Comm 110 for 60 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule Phar 1.02 for 60 days. The committee approved the motion on a 10 to 0 vote.

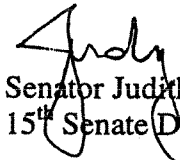
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Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule Trans 102.15 for 12 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule DWD 290 for 30 days. The committee approved the motion on a 10 to 0 vote.

Thank you for your attention to these matters.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

Date: May 16, 2002

Location: 201 Southeast

Accounting for:

Public Hearing

Executive Session

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH			✓
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI			✓
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals	8		2

David A. Austin
Committee Clerk



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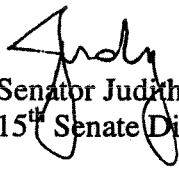
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7. Representative SERATTI			✓
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7. Representative SERATTI			✓
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

David A. Austin
Committee Clerk



State of Wisconsin Department of Public Instruction

Elizabeth Burmaster
State Superintendent

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

The Department of Public Instruction is requesting the Joint Committee for the Review of Administrative Rules to extend, for 60 days, the effective period of the emergency rule related to the Milwaukee Parental Choice Program. The emergency rule makes the following modifications to Chapter PI 35.

To reflect statutory changes made to the program under 2001 Act 16, Chapter PI 35 is modified to:

- Change the date a private school must annually submit notice of its intent to participate in the program from May 1 to February 1.
- Reduce payment for MPCP summer school by 60%.

In addition, the following technical modifications are made to Chapter PI 35:

- Define in rule, rather than by cross-reference to statute, "pupils enrolled" and "membership".
- Eliminate conflicting language related to the attendance standard that schools can meet to continue participation in the program in the following year.
- Clarify the language related to counting students for the purpose of payment under the program and the requirement to return checks received by the school for students not present on the count dates.
- Modify references to the name of the program in the rule to make it consistent with the statutory name of the program.

Other changes are made to better ensure that participating schools are safe and make it easier for parents to apply for the program, including:

- Creating optional open application periods for participating schools starting in the 2002-03 school year.
- Changing the dates student applications are due at the department.
- Stating that submission of temporary certificates of occupancy would not meet the safety requirements of the program.

The emergency rule will expire June 27, 2002. The Department of Public Instruction requests an extension of the rule to ensure that procedures relating to program participation remain in place during the legislative review period of the proposed permanent rule. Notice of the rules in final draft form will be submitted to the presiding officers of each house of the legislature in May. The department hopes to have permanent rules in place by September 1, 2002.

Prepared by Tricia Collins, Administrator, Milwaukee Parental Choice Program
May 16, 2002



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

Elizabeth Burmaster
State Superintendent

April 30, 2002

The Honorable Judith Robson, Co-Chair
Joint Committee for the Review of Administrative Rules
15 S, State Capitol
Madison, WI 53702

The Honorable Glenn Grothman, Co-Chair
Joint Committee for the Review of Administrative Rules
15 N, State Capitol
Madison, WI 53702

Dear Senator Robson and Representative Grothman:

The Department of Public Instruction is submitting this letter as a petition to extend for 60 days the effective period of the emergency rule relating to the Milwaukee parental school choice program. 2001 Act 16 modified provisions under s. 119.23, Stats., relating to the Milwaukee Parental Choice Program (MPCP). To reflect the statutory changes, Chapter PI 35 would be modified to:

- Change the date a private school must annually submit notice of its intent to participate in the program from May 1 to February 1.
- Reduce payments from MPCP summer school by 60%.

Other changes would be made to better ensure that participating schools are safe and make it easier for parents to participate in the program, including:

- Creating optional open application periods for participating private schools starting in the 2002-03 school year.
- Changing the dates student applications are due at the department.
- Stating that submission of temporary permits would not meet the safety requirements of this program.

In addition, the following technical modifications would be made to Chapter PI 35:

- Define in rule, rather than by cross-reference to statute, "pupils enrolled" and "membership."
- Eliminate conflicting language related to the attendance standard that schools can meet to continue participation in the program in the following school year.
- Clarify the language related to counting students for the purpose of payment under the program and the requirement to return checks received by the school for students not present on the count dates.
- Modify references to the name of the program in the rule to make it consistent with the statutory name of the program.

The emergency rules will expire June 27, 2002. The proposed permanent rules were submitted to the Legislative Council Rules Clearinghouse on February 11, 2002. The department held a public hearing on April 9, 2002, in Milwaukee. Notice of rules in final draft form will be submitted to the presiding officers of each house of the legislature in May. We hope to have permanent rules in place by September 1, 2002.

We are requesting this extension to ensure that procedures relating to program participation remain in place during the legislative review period of the proposed permanent rules. If you have any questions relating to this request, please contact Tricia Collins, Milwaukee Parental Choice Consultant, at (608) 266-2853. Thank you for your consideration of this request.

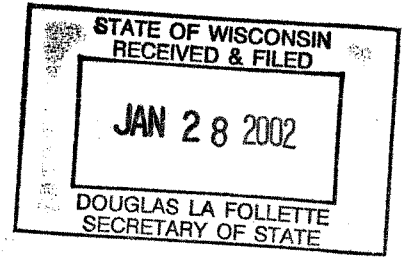
Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony S. Evers', written in a cursive style.

Anthony S. Evers
Deputy State Superintendent

lls

CERTIFICATE



STATE OF WISCONSIN)
DEPARTMENT OF PUBLIC INSTRUCTION) SS

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed emergency rule relating to the Milwaukee parental choice program was duly approved and adopted by this Department on the date of publication in the *Wisconsin State Journal*.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 28th day of January, 2002.

E. Burmaster (asc)

Elizabeth Burmaster
State Superintendent
State Department of Public Instruction

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

The state superintendent of public instruction hereby proposes to repeal PI 35.02 (15); to renumber PI 35.02 (12), (13) and (14); to amend PI 35 (title), PI 35.01, PI 35.02 (8), (11) and (16), PI 35.025, PI 35.03 (1) (intro.), (c) and the note following, (2) (intro.), (3), (5), (6) (a) and the note following, PI 35.04 (1), (2), (5) (a) and (b), (6) (a) to (c), (7) (a) 2., the following note, and (8), PI 35.043 (1) (c), (3) (a) and (b), (4) and the note following (6), PI 35.045 (1) (intro.), (c), (e) (intro.) and 3. and the note following, (4) (b) and (5), PI 35.046 (1) (b), (2) (b) 2., 3., 4., and 6., and PI 35.05 (3) (a) and (b) 1.; and to create PI 35.02 (12), PI 35.03 (1) (d), and PI 35.04 (4m), relating to the Milwaukee parental choice program.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: s. 227.11 (2) (a), Stats.
Statute interpreted: s. 119.23, Stats.

2001 Act 16 modified provisions under s. 119.23, Stats., relating to the Milwaukee Parental Choice Program (MPCP). To reflect the statutory changes Chapter PI 35 would be modified to:

- Change the date a private school must annually submit notice of its intent to participate in the program from May 1 to February 1.
- Reduce payments from MPCP summer school by 60%.

Other changes would be made to better ensure that participating schools are safe and make it easier for parents to participate in the program, including

- Creating optional open application periods for participating private schools starting in the 2002-03 school year.
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- Stating that submission of temporary permits would not meet the safety requirements of this program.

In addition, the following technical modifications would be made to Chapter PI 35:

- Define in rule, rather than by cross-reference to statute, "pupils enrolled" and "membership."
 - Eliminate conflicting language related to the attendance standard that schools can meet to continue participation in the program in the following school year.
 - Clarify the language related to counting students for the purpose of payment under the program and the requirement to return checks received by the school students not present on the count dates.
 - Modify references to the name of the program in the rule to make it consistent with the statutory name of the program.
-

SECTION 1. Chapter PI 35 (title) is amended to read:

Chapter PI 35

MILWAUKEE PARENTAL PRIVATE SCHOOL CHOICE PROGRAM

SECTION 2. PI 35.01 is amended to read:

PI 35.01 Purpose. Under s. 119.23 (2) (a), Stats., any qualified pupil in grades kindergarten to 12 who resides within a city may attend, at no charge, any participating private school located in the city. Participation in the private

~~school Milwaukee parental choice program is limited to 15% of the school district's membership as specified under s. 119.23 (2) (b), Stats. This chapter establishes approval criteria and requirements for private schools participating in the private school Milwaukee parental choice program, and requirements for receipt of state aid for those private schools under s. 119.23 (4), Stats., and requirements for schools operating under ch. 119, Stats.~~

SECTION 3. PI 35.02 (15) is repealed.

SECTION 4. PI 35.02 (12), (13), and (14) are renumbered PI 35.02 (13), (14) and (15).

SECTION 5. PI 35.02 (12) is created to read:

PI 35.02 (12) "Milwaukee parental choice program" or "choice program" means the program established under s. 119.23, Stats.

SECTION 6. PI 35.02 (8), (11) and (16) are amended to read:

PI 35.02 (8) "Enrollment" or "pupils enrolled" ~~has the meaning defined under s. 121.004 (7) (a) to (em), Stats.~~ means the total number of pupils, as expressed by official enrollments, except as provided in pars. (a) to (c). If such total contains a fraction, it shall be expressed as the nearest whole number.

(a) A first grade pupil may be counted only if the pupil attains the age required under s. 118.14, Stats., for first grade admission.

(b) 1. A pupil enrolled in kindergarten may be counted only if the pupil attains the age required under s. 118.14, Stats., for kindergarten admission. A kindergarten pupil shall be counted as one-half pupil except that:

a. A pupil enrolled in a 5-year-old kindergarten program requiring full-day attendance for 5 days a week for an entire school year shall be counted as one pupil.

b. A pupil enrolled in a 5-year-old kindergarten program requiring full-day attendance for less than 5 days a week for an entire school year shall be counted as the result obtained by multiplying the number of hours in each day in which the pupil is enrolled by the total number of days for which the pupil is enrolled, and dividing the result by the product of the number of hours of attendance per day required of first grade pupils in the school district operating under ch. 119, Stats., multiplied by 180.

2. In subd. 1. a. and b., "full-day" means the length of the school day required of first grade pupils in the school district operating the 5-year-old kindergarten program under ch. 119, Stats.

(c) A pupil enrolled in a 4-year-old kindergarten program that provides the required number of hours of direct pupil instruction under s. 121.02 (1) (f) 2., Stats., shall be counted as a 0.6 pupil if the program annually provides at least 87.5 additional hours of outreach activities.

(11) "Membership" has the meaning defined under s. 121.004 (5), Stats. means the sum of the average number of pupils enrolled in the Milwaukee parental choice program as reported under PI 35.04 (6) (a) and the summer average daily membership equivalent as defined under PI 35.043 (1) (c).

(16) "Pupil Average attendance rate" means the rate obtained by dividing the aggregate number of full-time equivalent days of actual pupils' attendance, by the aggregate number of full-time equivalent days on which school was held.

SECTION 7. PI 35.025 is amended to read:

PI 35.025 **Pupil assignment council requirements.** The pupil assignment council created under s. 119.23 (8), Stats., shall meet annually by April 15 to designate a date by which all private schools in the program must have at least one open enrollment period for choice program applicants for the school year beginning the following September. The pupil assignment council shall also recommend to the state superintendent a method for ensuring that pupils will be accepted on a random basis.

SECTION 8. PI 35.03 (1) (d) is created to read:

PI 35.03 (1) (d) The open application periods during which the private school will accept Milwaukee parental choice program student applications.

SECTION 9. PI 35.03 (1) (intro.), (c) and the note following, (2) (intro.), (3), (5), (6) (a) (intro.) and the note following are amended to read:

PI 35.03 (1) **NOTICE OF INTENT TO PARTICIPATE.** (intro.) By ~~May~~ February 1 each year a private school which intends to participate in the ~~private school~~ Milwaukee parental choice program the following school year shall submit to the state superintendent a notice of intent to participate. The notice of intent shall include all of the following:

(c) The number of pupils participating in the ~~private school~~ choice program for which the private school has space.

Note: The Notice of School's Intent to Participate Form may be obtained at no charge from the Department of Public Instruction, Milwaukee Parental ~~Private School~~ Choice Program, P.O. Box 7841, Madison, WI 53707-7841.

(2) **PROCEDURAL REQUIREMENTS.** (intro.) A private school that participates in the ~~private school~~ Milwaukee parental choice program shall do all of the following:

(3) **HEALTH AND SAFETY REQUIREMENTS.** The administrator of a school in the ~~private school~~ Milwaukee parental choice program shall ensure that the school is meeting the requirements of s. 119.23 (2), Stats., regarding health and safety laws and codes for schools by filing with the department a copy of the private school's current certificate of occupancy issued by the city of Milwaukee. The administrator shall submit the certificate of occupancy under this subsection to the department no later than August 1 prior to the first school year of participation in the choice program, or by no later than May 1 if the school is beginning participation in the choice program with summer school. The administrator shall file subsequent certificates of occupancy as issued by the city of Milwaukee. An administrator that files a copy of a temporary certificate of occupancy issued by the city of Milwaukee will not meet the requirements of this subsection. A private school that fails to meet the requirements of this subsection may not participate in the program.

(5) **CONTINUING ELIGIBILITY.** (a) A private school participating in the ~~private school~~ Milwaukee parental choice program shall submit a report to the department by October 15 each school year indicating the criteria to be used in meeting the continuing eligibility standards specified under s. 119.23 (7) (a), Stats.

(b) A private school participating in the ~~private school~~ Milwaukee parental choice program shall submit a report to the department by June 30 each school year providing evidence that the school has in that school year met one of the following criteria:

1. At least 70% of the pupils in the ~~private school~~ Milwaukee parental choice program shall advance one grade level each year. For pupils attending a ~~private school~~ Milwaukee parental choice program in grades 9 through 12, "advance one grade level" means a successful completion of at least 4 credits or the equivalent as approved by the state superintendent during each school year. For pupils attending a ~~private school~~ Milwaukee parental choice program in grades kindergarten through 8, each participating private school shall ensure that each pupil in the program who is advanced one grade level has met one of the following criteria:

a. Achievement of 70% of the instructional objectives specific to each grade level in reading, mathematics and language arts which are introduced during each semester of the current school year. Under this subparagraph, a private school shall do all of the following: establish written objectives and performance standards for reading, mathematics and language arts for each grade level in which pupils are enrolled in the ~~private school~~ Milwaukee parental choice program; document written criteria and methodology for evaluating pupil performance for each objective and document each pupil's performance using the evaluation method specified in this subparagraph in a written record and maintain these records for 3 years.

b. Achievement of at least .08 grade equivalent increase for each month between the spring or fall and spring administration of the standardized achievement test. Under this subparagraph, a private school shall do all of the following: report, by October 15, to the state superintendent the tests to be administered and the dates on which they will be administered, and maintain each student's answer sheets and score information for 3 years.

2. The private school's average attendance rate for pupils in the ~~private school~~ Milwaukee parental choice program is at least 90%. ~~The report required under sub. (5) (a) shall include the method used by the private school in determining the average attendance rate for pupils.~~

3. At least 80% of the pupils in the ~~private school~~ Milwaukee parental choice program demonstrate significant academic progress.

4. At least 70% of the families of pupils in the ~~private school~~ Milwaukee parental choice program meet parental involvement criteria established by the private school.

(6) (a) (intro.) A private school participating in the ~~private school~~ Milwaukee parental choice program may only charge pupils participating under the program fees that may be charged by public schools to indigent pupils. A private school under this subsection may charge reasonable fees for the following:

Note: All pupils participating under the ~~private school~~ Milwaukee parental choice program are indigent by definition under s. 119.23 (2) (a) 1., Stats., since the program is targeted exclusively to low-income pupils whose total family income does not exceed an amount equal to 1.75 times the poverty level. One available remedy for collecting a valid nonpaid fee is small claims court.

SECTION 10. PI 35.04 (4m) is created to read:

PI 35.04 (4m) Annually, by August 1, a private school under this section shall submit to the department a copy of the accepted student applications it received from February through July. The private school shall ensure the submitted

student applications are complete, accurate and signed by the parent or guardian and the school administrator or his or her designee as proof of enrollment required under s. 119.23 (4), Stats.

SECTION 11. PI 35.04 (1), (2), (5) (a) and (b), (6) (a) to (c), (7) (a) 2., the following note, and (8) are amended to read:

(1) A private school that participates in the ~~private school~~ Milwaukee parental choice program shall accept pupils on a random basis in accordance with the method submitted under s. PI 35.03 (1) (a) and approved under s. PI 35.05 (5). A private school may give preference to siblings of pupils already enrolled in or accepted into the choice program at that private school.

(2) A private school under this section shall ~~establish open application periods for the following school year. The open application period shall be at least 14 days in length and may not begin prior to January 1. select which of the open application periods listed on the notice of intent to participate form it will accept Milwaukee parental choice program student applications. A private school may not amend, after February 1, the open application periods selected on its notice of intent to participate form for the following school year.~~

(5) (a) Submit to the department a copy of the accepted applications ~~that correspond to the class list submitted under par. (b)-~~ it received during August. The private school shall ensure the submitted applications are complete, accurate and signed by the parent or guardian and the school administrator or his or her designee as proof of enrollment required under s. 119.23 (4), Stats.

(b) Submit a class list of the ~~private school~~ choice program pupils, alphabetically by last name, and separated by grade level, that corresponds to the accepted applications submitted under ~~par. sub. (4m) and par. (a).~~

(6) (a) Annually by October 1 and February 1, submit to the department a membership report of the total number of pupils enrolled in the private school and the number of pupils enrolled in the ~~private school~~ Milwaukee parental choice program on the 3rd Friday of September and the 2nd Friday of January of the current school year. The membership report form shall be provided by the department.

(b) Submit to the department with the membership report under par. (a), a class list of the ~~private school~~ choice program pupils, alphabetically by last name, and separated by grade level. The class list shall correspond to the membership report under par. (a).

(c) Submit to the department with the membership report under par. (a), copies of any accepted applications for pupils included in the class list under par. (b) that were not previously reported under sub. (4m) and (5) (a). The private school shall ensure that the applications submitted under this paragraph are complete, accurate and signed by the parent or guardian and the school administrator or his or her designee as proof of enrollment required under s. 119.23 (4), Stats.

(7) (a) 2. The pupil is absent on the date specified but has attended for instruction at least one day during the school term prior to the date specified and attends for instruction at least one day after the date specified and has not enrolled in another private school or in a Wisconsin public school district during the period of absence.

Note: The pupil count report may be obtained at no charge from the Department of Public Instruction, Milwaukee Parental ~~Private School~~ Choice Program, P.O. Box 7841, Madison, WI 53707-7841.

(8) A private school under this section shall return to the department any checks received under s. 119.23 (4), Stats., for students that did not meet the requirements under (7) (a) or that are not cashed within 45 days of their receipt at the school.

SECTION 12. PI 35.043 (1) (c), (3) (a) and (b), (4) and the note following (6) are amended to read:

PI 35.043 (1) (c) "Membership" for summer school payments means the school's total minutes of enrollment of eligible choice program pupils in academic summer classes or laboratory periods necessary for academic purposes.

(3) (a) The pupil was enrolled in the ~~private school~~ Milwaukee parental choice program on the 2nd Friday of January in the school term immediately preceding that summer.

(b) The pupil's application has been accepted into the ~~private school~~ Milwaukee parental choice program at that private school in the school term immediately following that summer.

(4) The summer school payment due to the private school shall be calculated according to s. 119.23 (4m), Stats. To determine payment, the private school shall divide the school's total summer school minutes of enrollment for their choice program pupils by 48,600; round that quotient to the nearest whole number; ~~and~~ multiply the resulting whole number by the voucher amount calculated under s. 119.23 (4) (b) 2., Stats., for the school year immediately following the summer school; and multiply the result by 40%.

Note: The pupil count report and summer school membership report may be obtained at no charge from the Department of Public Instruction, Milwaukee Parental ~~Private School~~ Choice Program, P.O. Box 7841, Madison, WI 53707-7841.

SECTION 13. PI 35.045 (1) (intro.), (c), (e) (intro.) and 3. and the note following, (4) (b) and (5) are amended to read:

PI 35.045 (1) (intro.) Annually, by September 1 following a school year of operation under this program, a private school participating in the ~~private school~~ Milwaukee parental choice program shall submit, on a form provided by the department, a financial audit report accompanied by the auditor's opinion required under s. PI 35.046 (1) (a) containing the following information for the previous school year:

(c) Enrollment and full-time equivalent membership for all pupils and for pupils participating in the ~~private school~~ Milwaukee parental choice program.

(e) (intro.) The payment adjustment amount resulting from the private school's participation in the ~~private school~~ Milwaukee parental choice program during the previous school year. The payment adjustment amount shall be determined as follows:

3. The private school's membership of pupils participating in the ~~private school~~ Milwaukee parental choice program shall be multiplied by the lesser of the amount determined under s. 119.23 (4) (b) 2., Stats., or the private school's per pupil cost under s. 119.23 (4) (b) 1., Stats. If the result is greater than the amount of the ~~private school~~ choice program payments retained by the school, an adjustment payment shall be made to the private school within 60 days of the financial audit report certified by the department. If the result is less than the amount of the ~~private school~~ choice program

payments retained by the private school, the private school shall refund the amount of any overpayment to the department within 60 days of notification.

Note: The Financial Reporting Form may be obtained at no charge from the Department of Public Instruction, Milwaukee Parental ~~Private School~~ Choice Program, P.O. Box 7841, Madison, WI 53707-7841.

(4) (b) Capital outlay items previously included in cost computations may not again be included as a cost by successor ownership of the school, nor upon purchase by or transfer to other private schools participating in the ~~private school~~ Milwaukee parental choice program.

(5) A private school participating in the ~~private school~~ Milwaukee parental choice program for the first time may include in cost calculations start-up costs incurred prior to the start of the fiscal period.

SECTION 14. PI 35.046 (1) (b), (2) (b) 2., 3., 4., and 6. are amended to read:

PI 35.046 (1) (b) Provide the auditor with a listing of all kindergarten through grade 12 pupils enrolled in the school by grade level and classroom. The listing provided under this paragraph shall identify pupils participating in the ~~private school~~ Milwaukee parental choice program.

(2) (b) 2. Verify enrollment reported on the membership report under s. PI 35.04 for all ~~private school~~ Milwaukee parental choice program pupils against the private school's official attendance records.

3. Select a sample of at least 60 ~~private school~~ choice program pupils included on the private school's official enrollment records and verification against classroom records. The sample shall include records from each classroom. If the private school has a ~~private school~~ Milwaukee parental choice program enrollment of less than 60 pupils, all such pupil records shall be tested. If an exception is identified the auditor shall extend the sample test in increments of 60 records until no additional exceptions are found or the official enrollment records for all ~~private school~~ choice program pupils have been verified against classroom records.

4. Select a sample of at least 60 other pupils identified as not participating in the ~~private school~~ Milwaukee parental choice program from classroom records and determine that selected pupils were included in reported membership enrollments under s. PI 35.04. The sample shall include records from each classroom. If an exception is identified the auditor shall extend the sample test in increments of 60 records until no additional exceptions are found or all classroom records have been verified as properly included in reported enrollments.

6. Reconcile tuition revenues and tuition waiver pupils against listings of pupils identified as not participating in the ~~private school~~ Milwaukee parental choice program.

SECTION 15. PI 35.05 (3) (a) and (b) 1. are amended to read:

PI 35.05 (3) (a) The number of pupils for which the private school shall receive payment shall be determined by ~~s. 121.004 (7) and (8), Stats. ss. PI 35.02 (8) and PI 35.043 (1) (c).~~

(b) 1. The September payment shall be based on the number of pupils receiving instruction at the beginning of the school year as indicated on the ~~class list~~ preliminary membership report and the accepted, eligible applications for those pupils submitted under s. PI 35.04 (5) and the amount per pupil determined under s. 119.23 (4), Stats., multiplied by 25%.

FINDING OF EMERGENCY

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

In the past, private schools that intended to participate in the Milwaukee parental choice program were required to submit to the state superintendent a notice of intent to participate by May 1, 2001 Wisconsin Act 16 changed the submission date of the notice from May 1 to February 1. The rules allow a private school to choose from a variety of student application periods. The student application period chosen by the private school must be indicated on its notice. Because the notice is due at the department by February 1, emergency rules must be in place as soon as possible.

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 28th day of January, 2002

S. Burmaster (ase)

Elizabeth Burmaster
State Superintendent

FISCAL ESTIMATE FORM

2001 Session

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB #

Introduction #

Admin. Rule # Chapter PI 35

Subject

Milwaukee Parental Private School Choice Program

Fiscal Effect (See below)

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 (See below)

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

Affected Ch. 20 Appropriations

s. 20.255 (2) (ac) and (fu)

SEG-S

Assumptions Used in Arriving at Fiscal Estimate:

Local and State

The rules make several modifications to the Milwaukee Parental Choice Program (MPCP). It is assumed the only rule modification that will have a fiscal effect is the reduction in the MPCP summer school payment made as a result of 2001 Wisconsin Act 16.

In FY02, prior to the enactment of Act 16, the MPCP summer school payment was calculated by multiplying the FTE summer school choice membership (158 FTE) by the per pupil payment of \$5,553 totaling approximately \$877,400. Act 16 requires the per pupil payment amount for summer school to be multiplied by 40%, reducing the summer school payment by 60%. For example, if the new calculation under Act 16, were applied to the FY02 summer school payment, \$350,900 (\$5,553 X 40% X 158 FTE) would have been paid. This amount is \$526,500 (60%) less than what was paid using the previous formula (\$877,400).

Under current law, 45% of the MPCP's cost is funded from a reduction in general equalization to Milwaukee Public Schools (MPS) and 55% from state general purpose revenue. MPS can replace the reduction in state aid with an increase in its property tax levy. Therefore, this provision:

- Could allow MPS to reduce its levy by \$236,925 (\$526,500 X 45%).
- Would allow the state to provide \$289,575 less in funding (\$526,500 X 55%).

Private Schools

As described above, Act 16 will reduce payments made to private schools offering MPCP summer school by 60%.

Agency

These rules will not have a fiscal effect on agency revenues or costs.

Long-Range Fiscal Implications:

Prepared By:

Lori Slauson 267-9127
Department of Public Instruction

Authorized Signature / Telephone No.

Michael Bormett
Michael Bormett (608) 266-2804

Date

1/29/02

SENATOR JUDITH B. ROBSON
 Co-CHAIR
 PO Box 7882
 MADISON, WI 53707-7882
 (608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
 Co-CHAIR
 PO Box 8952
 MADISON, WI 53708-8952
 (608) 264-8486

**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Date: May 16, 2002

Location: 201 Southeast

Moved by Grothman, Seconded by Robson

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective date of Emergency Rule PI 35 by 60 days, at the request of the Department of Public Instruction.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH	✓*		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓*		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

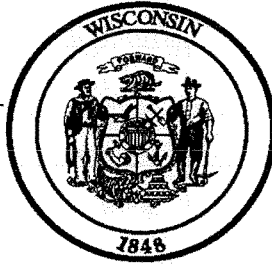
* voted by
 polling

Motion Carried

Motion Failed

SENATOR JUDITH B. ROBSON
CO-CHAIR

P.O. Box 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

P.O. Box 8952
MADISON, WI 53708-8952
(608) 264-6486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

May 16, 2002

BY INTER-D

Superintendent Elizabeth Burmaster
Department of Public Instruction
125 South Webster Street
Madison, Wisconsin

Re: Emergency Rule PI 35

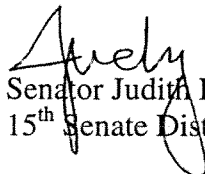
Dear Superintendent Burmaster:


We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session today. At that meeting, the JCRAR received public testimony regarding Emergency Rule PI 35, relating to the Milwaukee Parental Choice Program.

Based on that testimony, the committee adopted a motion extending the effective period of Emergency Rule PI 35 for 60 days. The committee approved the motion on a 10 to 0 vote.

Pursuant to § 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,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da



State of Wisconsin Department of Public Instruction

Elizabeth Burmaster
State Superintendent

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

April 30, 2002

The Honorable Judith Robson, Co-Chair
Joint Committee for the Review of Administrative Rules
15 S, State Capitol
Madison, WI 53702

The Honorable Glenn Grothman, Co-Chair
Joint Committee for the Review of Administrative Rules
15 N, State Capitol
Madison, WI 53702

Dear Senator Robson and Representative Grothman:

The Department of Public Instruction is submitting this letter as a petition to extend for 60 days the effective period of the emergency rule relating to the Milwaukee parental school choice program. 2001 Act 16 modified provisions under s. 119.23, Stats., relating to the Milwaukee Parental Choice Program (MPCP). To reflect the statutory changes, Chapter PI 35 would be modified to:

- Change the date a private school must annually submit notice of its intent to participate in the program from May 1 to February 1.
- Reduce payments from MPCP summer school by 60%.

Other changes would be made to better ensure that participating schools are safe and make it easier for parents to participate in the program, including:

- Creating optional open application periods for participating private schools starting in the 2002-03 school year.
- Changing the dates student applications are due at the department.
- Stating that submission of temporary permits would not meet the safety requirements of this program.

In addition, the following technical modifications would be made to Chapter PI 35:

- Define in rule, rather than by cross-reference to statute, "pupils enrolled" and "membership."
- Eliminate conflicting language related to the attendance standard that schools can meet to continue participation in the program in the following school year.
- Clarify the language related to counting students for the purpose of payment under the program and the requirement to return checks received by the school for students not present on the count dates.
- Modify references to the name of the program in the rule to make it consistent with the statutory name of the program.

The emergency rules will expire June 27, 2002. The proposed permanent rules were submitted to the Legislative Council Rules Clearinghouse on February 11, 2002. The department held a public hearing on April 9, 2002, in Milwaukee. Notice of rules in final draft form will be submitted to the presiding officers of each house of the legislature in May. We hope to have permanent rules in place by September 1, 2002.

We are requesting this extension to ensure that procedures relating to program participation remain in place during the legislative review period of the proposed permanent rules. If you have any questions relating to this request, please contact Tricia Collins, Milwaukee Parental Choice Consultant, at (608) 266-2853. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony S. Evers', written in a cursive style.

Anthony S. Evers
Deputy State Superintendent

lls

STATE OF WISCONSIN



**Statement of the
WISCONSIN PHARMACY EXAMINING BOARD
before the
JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES
Senator Judith Robson, Co-Chair
Representative Glenn Grothman, Co-Chair**

Susan L. Sutter, Chairperson, Wisconsin Pharmacy Examining Board
representing the Pharmacy Examining Board concerning

Request for extension of the effective period for Emergency Rule Phar 1.02

Relating to establishing requirements for a pharmacy internship program.

201 Southeast, State Capitol
Thursday, May 16, 2002, 9:00 A.M

Good morning Co-Chairpersons Robson and Grothman and members of the committee. I am Susan Sutter, Chairperson of the Wisconsin Pharmacy Examining Board. I am here today to provide information to the committee regarding why an extension of Emergency Rule Phar 1.02 is necessary, and to attempt to answer any additional questions of the members.

2001 Wisconsin Act 16 dissolved the former pharmacy internship board. The current emergency rules expire on May 30, 2002. The permanent rules relating to pharmacy internships were submitted by the board to the legislature on April 19, 2002.

Assuming there are no objections to the permanent rules, the next opportunity for the Pharmacy Examining Board to promulgate the permanent rules is at its June 11, 2002, meeting, followed thereafter by publication. It is expected therefore that the normally anticipated deadlines applicable to rule promulgation will lead to a permanent rules effective date in August, 2002.

However, because of examinations deadline timing for persons who are seeking original licensure as a pharmacist, there will be a gap between the ending of the emergency rules and the effective date of the permanent rules. This gap will exist during the July and August, 2002, examination cycles respectively.

The next scheduled patient consultation examination will be given by the board on July 8, 2002, with an application cutoff date of June 8, 2002. Similarly the August 19, 2002, patient consultation examination has a corresponding application cutoff date of July 19, 2002. For both

the July and August examinations, a complete application requires the verification of internship hours by any applicant seeking original licensure. However, during the gap between the emergency and permanent rules there will be no administrative rule in place to review and approve acceptable internship hours earned by applicants for original licensure. The board is sensitive to the fact that the pharmacist shortage in Wisconsin should not be impacted by a gap in administrative rules which may hinder licensing.

The board has worked extensively to modify the permanent rules to reflect input by the University of Wisconsin, the pharmacy profession, and individual students. The overarching goal of the board has been to design an internship program that provides for public protection but at the same time provides for flexibility for pharmacy students. In implementing this goal, additional changes were made to the permanent rules at the board's meeting in April. These anticipated final changes were designed to provide more flexibility for persons seeking to take the tests required for original licensure based upon their anticipated completion date for their internship. Likewise, at the board's March meeting, the board considered and approved changes affecting the ability of foreign students to qualify to begin work as an intern. These changes at the March and April meetings of the board extended the rule-making process to be sure, however, the board was concerned with being responsive to good faith input which in the end will make the permanent rules better at the outset.

Therefore, the board is requesting a 60 day extension of its emergency rules relating to a pharmacy internship program.

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

Scott McCallum
Governor
Oscar Herrera
Secretary



1400 East Washington Avenue
PO Box 8935
Madison WI 53708-8935
Email: dorl@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

April 19, 2002

Senator Judy Robson, Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 15 South, State Capitol
Madison, WI 53702

Representative Glenn Grothman, Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 15 North, State Capitol
Madison, WI 53702

RE: Request for Extension of Emergency Rule

Dear Senator Robson and Representative Grothman:

I am writing at the request of the Pharmacy Examining Board to request an extension of the emergency rules relating to a pharmacy internship program to reflect statutory amendments to s. 450.04 (3) (b), Wis. Stats., effective December 31, 2001. [2001 Wisconsin Act 16]

Currently, no board rules exist to specify the requirements for the implementation and administration of a pharmacy internship program and establish necessary procedural and substantive guidelines for such a program.

The permanent rule-making order is being filed today with the Chief Clerks of the Senate and Assembly for referral to the appropriate legislative standing committees. The emergency rule expires on May 30, 2002. The permanent rule will not be effective before the expiration date, therefore the Pharmacy Examining Board requests an extension of the emergency rule.

Thank you for your consideration of this matter.

Sincerely,

Pamela A. Haack, Paralegal
Office of Legal Services
Office of Administrative Rules

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER ADOPTING
PROCEEDINGS BEFORE THE : EMERGENCY RULES
PHARMACY EXAMINING BOARD :

ORDER

An order of the Pharmacy Examining Board to renumber Phar 2.02 (1) (d); to amend Phar 2.01 (2); and to create Phar 1.02 (3c), (4c), (4e) and (14m), and Phar 2.02 (1) (d), relating to a pharmacy internship program.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11, (2), Wis. Stats., and s. 450.03 (1) (g), Wis. Stats., as created by 2001 Wisconsin Act 16, and s. 450.04 (3) (b), Wis. Stats., as amended by 2001 Wisconsin Act 16.

Statutes interpreted: ss. 450.03 (1) (g) and 450.04 (3) (b), Wis. Stats.

In this rule-making order the Pharmacy Examining Board creates rules relating to a pharmacy internship program to reflect statutory amendments to s. 450.04 (3) (b), Wis. Stats. effective December 31, 2001. Currently, no board rules exist to specify the requirements for the implementation and administration of a pharmacy internship program and establish necessary procedural and substantive guidelines for such a program.

SECTION 1 defines an "intern." This is necessary to maintain the distinction between the interns and technicians encompassed in Wis. Admin. Code ch. Phar 7. Interns, with limitations, practice pharmacy. Technicians do not practice pharmacy. Five classes of interns are created. SECTION 1 also defines "direct supervision."

The first class of intern, s. Phar 1.02 (4e) (a), defines an intern as a student who is practicing as part of a practical experience program sponsored by the student's school or college of pharmacy.

The second class of intern, s. Phar 1.02 (4e) (b), defines a student who practices under the direct supervision of a pharmacist. This type of intern typically engages in the practice of pharmacy within the context of summer internships for no credit under a practical experience program.

The third class of intern, s. Phar 1.02 (4e) (c), defines foreign graduates applying for original licensure who may not have completed a traditional pharmacy internship therefore needing a means to complete an internship in the practice of pharmacy in this state.

The fourth class of intern, s. Phar 1.02 (4e) (d), defines recent graduates from an approved pharmacy school who have filed an application for licensure with the board and are awaiting board action. This class of intern may need either to obtain additional hours of internship credit to qualify for original licensure, or may be working under the direct supervision of a pharmacist while awaiting final board action on their application.

The fifth class of intern is a statutory creation, restating in the rule for clarity the provisions of s. 450.03 (1) (g), Wis. Stats. These persons have applied for a license under s. 450.05, Wis Stats. (out-of-state licensees) and their practice of pharmacy is limited to performing duties under the direct supervision of a person licensed as a pharmacist by the board and during the period before which the board takes final action on the person's application. This class of intern is not included within the definition of "internship" because this intern does not need to satisfy an internship requirement for licensure under s. 450.05, Wis. Stats. However, a definition as an "intern" is still necessary to place such persons and their supervising pharmacists on notice of the requirements and distinctions between interns and technicians created by Wis. Admin. Code ch. Phar 7.

An internship in the practice of pharmacy is defined to mean the completion of 1500 hours in aggregate in the practice of pharmacy in the delineated categories. Not all of the required 1500 hours need to be completed in any one category, yet a minimum of 1500 hours must be earned and certified. There are five types of categories of internship experience.

The first category is the practice of pharmacy in a practical experience program consisting of the practice of pharmacy sponsored by a professional Bachelor's of Science degree in pharmacy or Doctor of Pharmacy degree granting institution located in this or another state.

The second category is the practice of pharmacy by a qualified student under the direct supervision of a pharmacist. The hours earned in this category may not count as a part of a practical experience program if previously credited therein. Hours earned in this second category are therefore considered in addition to the hours earned in the practical experience program.

The third category allows foreign graduate applicants applying for original licensure to earn internship credits to qualify for original licensure. This internship is limited to a maximum of 2000 hours of credit earned at which time the internship is deemed ended. The applicant may not then further engage in the practice of pharmacy until such time a license is granted by the board.

The fourth category allows applicants for original licensure awaiting board action on their application to practice pharmacy under the direct supervision of a pharmacist during the pendency of their application. This internship is limited to a maximum of 1500 hours of credit earned at which time the internship is deemed ended. The applicant may not then further engage in the practice of pharmacy until such time a license is granted by the board.

The fifth category is created by statute at s. 450.04 (3) (b), Wis. Stats. The statute allows the board to grant credit for practical experience acquired in another state which is comparable to

include in an internship and which is approved and verified by the board or by the agency which is the equivalent of the board in the state in which the practical experience was acquired. In determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Wis. Stats.

SECTION 3 creates the definition of a "supervising pharmacist" who supervises an intern in the practice of pharmacy.

SECTION 4 amends the requirement for original licensure removing the statutory reference to Wis. Stats. s. 450.045, which was repealed.

SECTIONS 5 and 6 amend the required proofs necessary to evidence the successful completion of an internship in the practice of pharmacy and the payment of fees under that section.

TEXT OF RULE

SECTION 1. Phar 1.02 (3c) and (4c) are created to read:

Phar 1.02 (3c) "Direct supervision" means immediate on premises availability to continually coordinate, direct and inspect at first hand the practice of another.

(4c) "Intern" means a person engaged in the practice of pharmacy pursuant to s. Phar 1.02 (4e) (a), (b), (c), (d) or s. 450.03 (1) (g), Stats.

SECTION 2. Phar 1.02 (4e) is created to read:

Phar 1.02 (4e) "Internship in the practice of pharmacy" means completion of a minimum of 1500 hours in aggregate of any one or more of the following:

(a) A practical experience program consisting of the practice of pharmacy sponsored by a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state.

(b) The practice of pharmacy by a person who has successfully completed his or her second year in and is enrolled at a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state whose practice of pharmacy is limited to performing duties under the direct supervision of a supervising pharmacist, which is not acquired in a practical experience program described in par. (a). The supervising pharmacist shall keep a written record of the hours and location worked by an intern under his or her direct supervision.

(c) For a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has supplied to the board evidence of having obtained certification by the foreign pharmacy graduate examination committee, the practice of pharmacy which is limited to performing duties under the supervision of a supervising pharmacist. Prior to performing duties as an intern or to receiving credit for hours in an internship in the practice of

pharmacy under this section, the supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed to the board prior to further performing duties constituting the practice of pharmacy as an intern. Upon completing a maximum of 2000 hours of the practice of pharmacy under this paragraph the internship is terminated and a person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

(d) For a person who has first filed an application with the board for original licensure under s. Phar 2.02 and has supplied to the board evidence of having been graduated from a professional bachelor's of science degree in pharmacy or doctor of pharmacy degree granting institution located in this or another state, the practice of pharmacy which is limited to performing duties under the supervision of a supervising pharmacist. Prior to performing duties as an intern or to receiving credit for hours in an internship in the practice of pharmacy under this section, the supervising pharmacist shall be disclosed in the initial application and any change of a supervising pharmacist shall be disclosed to the board prior to further performing duties constituting the practice of pharmacy as an intern. Upon completing a maximum of up to 2000 hours of the practice of pharmacy under this paragraph, the internship is terminated and a person shall not further engage in the practice of pharmacy until obtaining licensure from the board.

(e) Practical experience acquired in another state which is comparable to that described in par. (a). In determining comparable practical experience the board shall consider the duties performed constituting the practice of pharmacy as described in s. 450.01 (16), Wis. Stats.

SECTION 3. Phar 1.02 (14m) is created to read:

Phar 1.02 (14m) "Supervising pharmacist" means a pharmacist who has responsibility for supervising an intern in the practice of pharmacy.

SECTION 4. Phar 2.01 (2) is amended to read:

Phar 2.01 (2) Has completed an internship ~~program approved by the pharmacy internship under s. 450.045, Stats~~ in the practice of pharmacy.

SECTION 5. Phar 2.02 (1) (d) is renumbered Phar 2.02 (1) (e).

SECTION 6. Phar 2.02 (1) (d) is created to read:

Phar 2.02 (1) (d) Evidence of having completed an internship in the practice of pharmacy which shall consist of one or more of the following:

1. A statement from the dean of the school of pharmacy or the academic records office of the respective educational institution certifying the number of hours

that the applicant has successfully completed in a practical experience program described in s. Phar 1.02 (4e) (a).

2. A statement from a supervising pharmacist certifying the number of hours that the applicant was supervised by that supervising pharmacist in an internship in the practice of pharmacy described in s. Phar 1.02 (4e) (b), (c) and (d).

3. Verification of practical experience acquired by the applicant in another state as described in s. Phar 1.02 (4e) (e), which is approved and verified by the board or by the agency which is the equivalent of the board in the state in which the practical experience was acquired.

FINDING OF EMERGENCY

2001 Wisconsin Act 16 creates and amends rules relating to a pharmacy internship program.

Section 3608L of Wisconsin Act 16, Wis. Stats. §. 450.045, which had previously authorized a Pharmacy Internship Board to implement and oversee the practice of pharmacy in this state by pharmacy interns prior to receiving licensure from the Pharmacy Examining Board.

Section 2154 of Wisconsin Act 16 mandates that effective December 31, 2001, the repeal of Wis. Stats. §. 450.045 becomes effective. As of December 31, 2001, there will currently be pharmacy interns still serving internships in this state and additional pharmacy students beginning January 1, 2001, who will seek to begin an internship program. However, no standards or oversight will be in place by administrative rule of the Pharmacy Examining Board which is now charged with authority for the pharmacy internship process.

The administrative rule-making process will not allow rules to be in place as of January 1, 2002, without the use of the emergency rule procedure. The emergency rule is needed therefore to effect a transfer of oversight from the extinguished Pharmacy Internship Board to the Pharmacy Examining Board as of January 1, 2001.

Pursuant to s. 227.24 (1) (c), Wis. Stats., the emergency rules adopted in this order shall take effect on January 1, 2001.

Dated: 12/11/01 Agency John Bohlman, R.Ph., Chairperson
Pharmacy Examining Board

SENATOR JUDITH B. ROBSON
CO-CHAIR
PO Box 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
PO Box 8952
MADISON, WI 53708-8952
(608) 264-8486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Date: May 16, 2002

Location: 201 Southeast

Moved by GG Grothman, Seconded by Robson

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective date of Emergency Rule Phar 1.02 by 60 days, at the request of the Pharmacy Examining Board.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH	✓ *		
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓ *		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

* voted by
polling

Motion Carried

Motion Failed

SENATOR JUDITH B. ROBSON
CO-CHAIR

P.O. BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

P.O. BOX 8952
MADISON, WI 53708-8952
(608) 264-6486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

May 16, 2002

BY INTER-D

Secretary Oscar Herrera
Department of Regulation and Licensing
1400 East Washington Avenue
Madison, Wisconsin

Re: Emergency Rule Phar 1.02

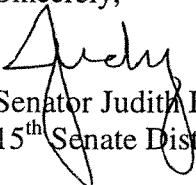
Dear Secretary Herrera:


We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session today. At that meeting, the JCRAR received public testimony regarding Emergency Rule Phar 1.02, relating to a pharmacy internship program.

Based on that testimony, the committee adopted a motion extending the effective period of Emergency Rule Phar 1.02 for 60 days. The committee approved the motion on a 10 to 0 vote.

Pursuant to § 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,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

SENATOR JUDITH B. ROBSON
CO-CHAIR
P.O. BOX 7882
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CO-CHAIR
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

May 16, 2002

By Inter-D

Senator Fred Risser
Senate President
Room 220 South

Representative Scott Jensen
Speaker of the Assembly
Room 211 West

Re: Emergency Rule Comm 110
Emergency Rule Phar 1.02
Emergency Rule PI 35
Emergency Rule Trans 102.15
Emergency Rule DWD 290

Dear Senator Risser and Representative Jensen:

This letter is sent pursuant to § 227.24(2)(c), *Stats*. In accordance with the requirements of that statute, we respectfully request that you notify the appropriate standing committees of each house of the legislature of the following actions by the Joint Committee for the Review of Administrative Rules (JCRAR).

JCRAR held a public hearing and executive session today. At that meeting, the JCRAR received public testimony regarding the following emergency rules:

- Emergency Rule Comm 110, relating to brownfields redevelopment grants;
- Emergency Rule Phar 1.02, relating to a pharmacy internship program;
- Emergency Rule PI 35, relating to the Milwaukee Parental Choice Program;
- Emergency Rule Trans 102.15, relating to the issuance of driver's licenses and identification cards; and
- Emergency Rule DWD 290, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Based on the public testimony at the hearing, the committee adopted a motion extending the effective period of Emergency Rule Comm 110 for 60 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule Phar 1.02 for 60 days. The committee approved the motion on a 10 to 0 vote.

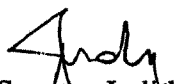
Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule PI 35 for 60 days. The committee approved the motion on a 10 to 0 vote.


Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule Trans 102.15 for 12 days. The committee approved the motion on a 10 to 0 vote.

Based on the public testimony at the hearing, the committee adopted a motion extending effective period of Emergency Rule DWD 290 for 30 days. The committee approved the motion on a 10 to 0 vote.

Thank you for your attention to these matters.

Sincerely,


Senator Judith B. Robson
15th Senate District


Representative Glenn Grothman
59th Assembly District

JBR:GG:da

SENATOR JUDITH B. ROBSON
Co-CHAIR
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MADISON, WI 53707-7882
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Co-CHAIR
PO Box 8952
MADISON, WI 53708-8952
(608) 264-8486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Attendance Form

Date: May 16, 2002

Location: 201 Southeast

Accounting for:

Public Hearing

Executive Session

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH			✓
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI			✓
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals	8		2

David A. Austin
Committee Clerk

SENATOR JUDITH B. ROBSON
Co-CHAIR
PO Box 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
Co-CHAIR
PO Box 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Attendance Form

Date: May 16, 2002

Location: 201 Southeast

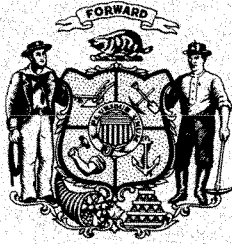
Accounting for:

Public Hearing

Executive Session

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH			✓
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI			✓
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

David A. Austin
Committee Clerk



State Senator
Robert T. Welch

August 21, 2001

Senator Judy Robson
Room 15 South
State Capitol
P.O. Box 7882
Madison 53707-7882

Dear Senator Robson:

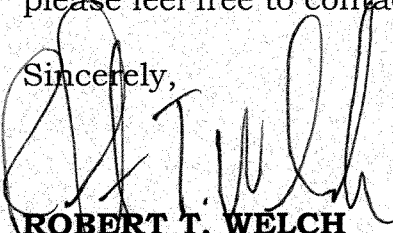
I have been following with great interest the developing debate of using the Public Service Commission's (PSC) Universal Service Fund (USF) for providing voicemail services to the homeless.

I formally request The Joint Committee for Review of Administrative Rules (JCRAR) to hold a public hearing on suspending this rule. I feel continuance of the current interpretation is an embarrassment to the taxpayers of Wisconsin.

According to the statutorily granted powers of JCRAR, CH 227.26(2)(d) provides the authority to suspend administrative rules. I request a hearing to discuss what I feel is the PSC's misinterpretation of the very nature of the Universal Service Fund's existence.

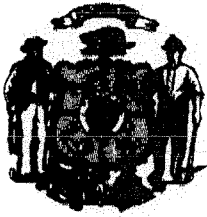
If you have any further questions or comments in regards to my request, please feel free to contact me.

Sincerely,



ROBERT T. WELCH
State Senator
14th Senate District

RTW/cn

**SCOTT McCALLUM****Governor
State of Wisconsin**

August 21, 2001

Richard Schlimm
Public Policy Director, WISCAP
1310 Mendota Street, Suite 107
Madison, WI 53714-1039

Dear Mr. Schlimm:

As you know, on Friday, August 17th, I issued Executive Order No. 21 directing the Public Service Commission (PSC) to redirect funds intended to provide voice mail services for the homeless. Executive Order No. 21 Directs the PSC to not expend any funds this biennium from the Universal Service Fund (USF) for the funding of voice mail for the homeless.

The legislature passed 1993 Wisconsin Act 496 in 1994, which established the Universal Service Fund. Wis. Stat. §§ 196.218(3)(a)1, states that all telecommunication providers in this state shall be required to contribute to the fund. Rules addressing the voicemail for the homeless program were effective May 1, 1996. The original funding request was \$20,000. This level of funding has continued as a specific item in USF budget to this day.

At this time, I strongly encourage council members to vote to not allocate any funds for this program. There are much greater priorities for the homeless than free voicemail.

Sincerely,

Scott McCallum
Governor

SM/sk

Post-It Fax Note		7671	Date	8/29/01	# of pages	1
To	Kelby Huey		From	Dick Schlimm		
Co./Dept.			Co.			
Phone #			Phone #			
Fax #			Fax #			