



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-002

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

For s. PI 34.34 (19) (c) and (d), the department should explain the statutory authority to the extent that the provisions limit the validity of the initial and professional teaching license to a single employing school district. [s. 1.02 (2m), Manual.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause for the proposed rule and in the treatment clauses for SECTIONS 1 and 2 of the proposed rule, the designation “(intro.)” should be shown in the references to both ss. PI 34.02 and 34.03. [s. 1.03 (3), Manual.]

b. In both ss. PI 34.02 (intro.) and 34.03 (intro.), the strike-through of the word “To” should be shown before the underscoring of the entire phrase “Except as otherwise provided in this chapter, to”. [s. 1.06 (1) (a), Manual.]

c. Numbering should be used instead of lettering for the subdivisions in s. PI 34.34 (20) (b) and (d). [s. 1.03 (1), Manual.]

d. A specific date should be given for the deadline to submit comments on the proposed rule. [s. 1.02 (2) (a) 13., Manual.]

3. Conflict With or Duplication of Existing Rules

The department should clarify the timing of promotion from an initial license to a professional educator license under the Montessori provision, s. PI 34.244 (c). This section allows

a holder of an initial license to receive a professional educator license “after the expiration of a [5 year] license” to teach at a Montessori school or program, if the applicant meets requirements under s. PI 34.17 (4). However, s. PI 34.17 (4) (d) (intro.) provides that “[s]uccessful completion of the initial educator stage shall be measured at the initiation of the initial educator no sooner than 3 years but no later than 5 years after the license is granted”.

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

a. The references to the statutory provisions that create the new license types should be corrected in the “summary of factual data and analytical methodologies” and “statutes interpreted” sections of the rule summary. Rather than s. 115.28 (7) (a), Stats., the new license types are created under ss. 118.191, 118.193, and 118.194, Stats.

b. In s. PI 34.34 (19) (a) 1., the reference to the “Wisconsin Student Standards for Technology and Engineering” may be inadequate to provide clarity in the definition of a “technology education subject” and should be revised. The document on the department’s website labeled as the “Wisconsin Student Standards for Technology and Engineering” does not appear to provide a definition or list of technology education subjects. The website document also references the Common Core State Standards, which are no longer Wisconsin’s academic standards, per s. 115.293, Stats.

c. Section PI 34.34 (20) (e) mistakenly refers to s. 118.193 (2) (a) and (3) (a) as s. 118.19 (2) (a) and (3) (a) and should be corrected.

d. Section PI 34.34 (20) (g) mistakenly refers to s. 118.193 (2) (c) as s. 118.19 (2) (c) and should be corrected.

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

Section PI 34.34 (19) (b) and (d) use the term “technical education subject”, but the defined term in s. PI 34.34 (19) (a) 1. is “technology education subject”. The use of these terms should be made consistent. Also, the definition for a “technology-related occupation” in s. PI 34.34 (19) (a) 2. should be removed, as that term is not used in the subsection.

6. Potential Conflicts With, and Comparability to, Related Federal Regulations

Federal regulations require highly qualified teachers in certain subjects that are not at issue in the proposed rule, and the department may wish to consider explaining in the rule summary’s section on the “summary of, and comparison with, existing or proposed federal statutes and regulations” that the federal regulations do not control the subjects affected by the proposed rule.