




GENERAL INFORMATION		
Rule No. PI 19, 34, 40	Relating to Biennial cleanup of DPI administrative rules	Rule Type Permanent

SIGNATURE		
State Superintendent Review <input type="checkbox"/> Approved. <i>Begin Drafting Rule</i> <input type="checkbox"/> Disapproved. <i>Reason for Disapproval</i>	State Superintendent Signature 	Date Signed Mo./Day/Yr.

NARRATIVE

1. Finding/nature of the emergency (Emergency Rule only).

N/A

2. A description of the objective of the proposed rule.

The objective of the proposed rule is to make technical changes to existing DPI rules, which include correcting unnecessary rules and rules superseded by and in conflict with state statutes, resulting from the department’s biennial review of administrative rules as required under s. 227.29, Stats. Other technical changes identified to clarify existing rules but don’t necessarily meet the criteria required under the statute will also be included in the proposed rule. The rule changes are as follows:

PI 19 (Education for school age parents): The language referring to approved costs under s. PI 19.05 is proposed to be repealed because the requirement to submit annual program plans to the department, which includes costs for school age parent programs being submitted for reimbursement, is no longer needed. The annual requirement to submit program plans was repealed in the department’s previous biennial review under Clearinghouse Rule 19-069. The references to approved costs under s. PI 19.05 was intended to be removed under Clearinghouse Rule 19-069 but was omitted in error. Because the annual requirement to submit program plans is no longer in rule, the reference to approved costs under s. PI 19.05 must also be repealed to help clarify the rule as it has been rendered unnecessary.

PI 34 (Educator licenses): 2019 Wisconsin Act 43, relating to a license to teach based on reciprocity and granting rule-making authority, created a tier II license based on reciprocity. This has rendered s. PI 34.038 in conflict with statute because the original license based on reciprocity under this section was a tier I license. The proposed technical changes under this rule will address s. PI 34.038 to bring the rule chapter in conformity with the statutes.

Further, s. PI 34.108 governs the rules relating to the Professional Standards Council. Section PI 34.108 (3) is in conflict with s. 15.377 (8) (c) 14., Stats., which requires that a member of the Tribal School shall be included as a member of the Council. This is already being done in alignment with the statute but a technical change is needed to amend s. PI 34.108 (3) to include a member of a Tribal School.

PI 40 (Early college credit program): The rule is missing definitions for "state superintendent" and "department," which is not one of the criteria required in the biennial review of administrative rules under s. 227.29, Stats. However, a technical correction is required to create definitions for both terms in the rule per rule drafting guidelines prescribed in statute.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

Under s. 227.29, Stats., each state agency that has promulgated rules in the Wisconsin Administrative Code is required to submit a biennial report to the Joint Committee for Review of Administrative Rules. The report must list the rules for which the following circumstances apply: 1) the rule is deemed unauthorized; 2) the authority to promulgate has been restricted; 3) the rule is deemed obsolete or has been rendered unnecessary; 4) the rule is duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a court ruling; and 5) the rule is deemed to be economically burdensome. Under s. 227.29 (2), Stats., the report must also describe the agency’s actions, if any, to address each of the rules listed and must include an explanation for any listed rule for which the agency has not taken any action. The proposed rules listed in this statement of scope are

NARRATIVE (cont'd)

technical changes to rules with provisions that meet the criteria listed in the report (note: there were no rules that were deemed unauthorized, duplicative, economically burdensome, or rules whose authority to promulgate had been restricted).

The proposed rule changes are technical in nature and do not contain any substantive changes in policy. The rule changes are designed to update DPI rules by deleting rule provisions deemed unnecessary and conforming DPI rules with recent statutory changes and agency practice. The additional technical revisions made under this scope statement are designed to conform current rule with rule drafting guidelines prescribed in statute and also do not contain any substantive changes in policy. Without these rule changes, the department will continue to administer the rules as they currently exist.

4. The statutory authority for the proposed rule.

PI 19 (Education for school age parents): Pursuant to s. 115.92 (3), Stats., the state superintendent shall establish criteria by rule for the approval of programs for school age parents for the purpose of determining programs eligible for aid under s. 115.93, Stats.

PI 34 (Educator licenses): Pursuant to s. 115.28 (7) (a), Stats., the state superintendent shall make rules establishing standards of attainment and procedures for the examination and licensing of teachers of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191, 118.192, 118.193, 118.194, and 118.195; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year; file in the state superintendent's office all papers relating to state teachers' licenses; and register each such license.

PI 40 (Early college credit program): Pursuant to s. 118.55 (9), Stats., the state superintendent shall promulgate rules to implement and administer the early college credit program, including rules establishing criteria for determining reimbursement amounts under s. 118.55 (7g).

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

The amount of time needed for rule development by department staff and the amount of other resources necessary are indeterminate but is expected to be minimal.

6. A description of all of the entities that will be affected by the proposed rule.

No entities should be affected by this rule change since the change will only be done to align the DPI administrative code with current statutes, eliminate obsolete language, and conform current language to rule drafting guidelines.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.

N/A
