

Publication Date: December 15, 2009
Effective Dates: December 15, 2009 through May 13, 2010

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

The state superintendent of public instruction hereby creates Chapter PI 39, relating to grants for tribal language revitalization.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: Section 115.745, Stats.

Statutory authority: Sections 115.745 (3) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 115.745 (3), Stats., requires the department to promulgate rules to implement and administer this program. Section 227.11 (2) (a), Stats., gives an agency rule-making authority to interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule: N/A

Plain language analysis:

2009 Wisconsin Act 28, the biennial budget bill, created a new competitive grant program under s. 115.745, Stats., appropriating \$247,500 annually for a school board or cooperative educational service agency (CESA), in conjunction with a tribal education authority to apply to the department for a grant for the purpose of supporting innovative, effective instruction in one or more American Indian languages.

The proposed rule establishes criteria and procedures for awarding grants to eligible applicants. Rules must be in place as soon as possible to award grants in time for the upcoming school year.

Summary of, and comparison with, existing or proposed federal regulations: N/A

Comparison with rules in adjacent states:

Illinois, Iowa, Michigan, and Minnesota do not have rules relating to grants for tribal language revitalization.

Summary of factual data and analytical methodologies:

Because 2009 Wisconsin Act 28 creating this grant program became effective June 30, 2009, the rule established an application deadline of January 29, 2010 to expedite the awarding of funds in 2009-10. In subsequent years, applications will be due March 1 to coincide with application timelines established for other grants awarded by the department.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A

Anticipated costs incurred by private sector: N/A

Effect on small business:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

JP Leary, American Indian Studies Program Consultant, (608) 267-2283, jp.leary@dpi.state.wi.us.

Place where comments are to be submitted and deadline for submission:

The department will publish a hearing notice in the *Administrative Register* which will include this information.

SECTION 1. Chapter PI 39 is created to read:

CHAPTER PI 39
GRANTS FOR TRIBAL LANGUAGE REVITALIZATION

PI 39.01 Purpose. This chapter sets forth criteria and procedures for awarding grants to eligible school districts and cooperative educational service agencies to apply to the department for a grant under s. 115.745, Stats., for the purpose of supporting innovative, effective instruction in one or more American Indian languages. Funds are awarded from the appropriation under s. 20.255 (2) (km), Stats.

PI 39.02 Definitions. In this chapter:

- (1) "CESA" means a cooperative educational service agency created in ch. 116, Stats.
- (2) "Department" means the Wisconsin department of public instruction.
- (3) "School board" has the meaning defined in s. 115.001 (7), Stats., and may include a consortium of school boards.
- (4) "School district" has the meaning defined in s. 115.01 (3), Stats.

PI 39.03 Eligible applicants and application requirements.

(1) Annually by January 29, 2009, for the 2009-10 school year; by March 1, 2010, for the 2010-11 school year; and by March 1 annually thereafter, a school board or CESA, in conjunction with a tribal education authority, may apply to the department for a grant for the purpose of supporting innovative, effective instruction in one or more American Indian languages.

(2) A grant program under this chapter shall include one or more activities related to providing instruction in a tribal language as either a curricular or co-curricular offering. Funds may be used for activities including, but not limited to, curriculum design, creation of appropriate assessment instruments, professional development activities, language-focused parent and community engagement activities, instructional delivery, and program evaluation.

(3) An application under this section shall include all of the following:

- (a) A needs assessment.
- (b) A listing of the American Indian language or languages being supported.
- (c) A listing of the project's program development and leadership team members.
- (d) A description of the process used for identifying and selecting participating pupils.
- (e) A description of the innovative instruction to be used in supporting the languages under par. (b).
- (f) A list of measurable goals and objectives of the grant proposal.
- (g) A description of the activities and timeline for the grant proposal, including a plan for continuation and growth of the program.
- (h) A description of how the school district will measure the effectiveness of the instruction.
- (i) A description of the cost of the program.
- (j) A copy of the consortium agreement between the participating tribal government and the applicant.

PI 39.04 Review of applications and awarding of grants. (1) The department shall establish funding limits annually based on the appropriation under s. 20.255 (2) (km), Stats., and inform school districts of these limits.

(2) The department shall review the applications submitted under this chapter and shall determine which of the applications eligible for funding will receive grants based on the following criteria:

- (a) The extent to which the program design and activities address the identified needs under s. PI 39.03 (3) (a).
- (b) The extent to which the program design and activities are both innovative and appropriate to the purpose of the program grant and likely to make a measurable impact.
- (c) The extent to which the measurable program goals, objectives and activities support the instruction in one or more American Indian languages.
- (d) The extent to which the applicant met the requirements under s. PI 39.03

FINDING OF EMERGENCY

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

The tribal language revitalization grant program under s. 115.745, Stats., was created under 2009 Wisconsin Act 28. The Act became effective June 30, 2009, and appropriated \$247,500 annually beginning in the 2009-10 school year. In order for school districts to develop applications and for the department to review the applications and grant awards in

time for the program to operate in the second semester of the school year, rules must be in place as soon as possible to establish application criteria and procedures.

The rules contained in this order shall take effect upon publication as an emergency rule pursuant to the authority granted by s. 227.24, Stats.

Dated this 15th day of December, 2009

FISCAL ESTIMATE ORIGINAL

LRB or Bill No./Adm. Rule No.

DOA-2048 (R10/92) CORRECTED

Amendment No. If Applicable

Subject: Tribal Language Revitalization Grant

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing

Increase Costs-May be possible to Absorb
 Within Agency's Budget Yes No

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

2. Decrease Costs
 Permissive Man-

3. Increase Revenues
 Permissive Mandatory

4. Decrease Revenues
 Permissive

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts VTAE

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Under s. 20.255 (2) (km), Stats., 2009 Wisconsin Act 28, the biennial budget bill, appropriated \$247,500 annually to create a new competitive grant program under s. 115.745, Stats. The grant program allows a school board or CESA in conjunction with a tribal education authority to apply to the department for a grant for the purpose of supporting innovative, effective instruction in one or more American Indian languages.

The rule establishes criteria and procedures for awarding these program grants. The rule, itself, will not increase local revenue. It is the school district's choice as to whether it will apply for a grant and implement an American Indian language program.

The costs associated with administering this grant program will be absorbed by the department.

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Long-Range Fiscal Implications

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

Department of Public Instruction

**Authorized Signature/Telephone
No.**

Date