

**REPORT TO
LEGISLATIVE COUNCIL RULES CLEARINGHOUSE
MILWAUKEE PARENTAL CHOICE PROGRAM
TEMPORARY, NONRENEWABLE TEACHER LICENSE WAIVER
PI 35.07, WISCONSIN ADMINISTRATIVE CODE**

Statute interpreted: Section 119.23 (2) (a) 6. c., Stats., and SECTION 9139 (4r) of the Nonstatutory provisions of 2009 Wisconsin Act 28.

Statutory authority: Sections 119.23 (2) (a) 6. c. and 227.11 (2) (a), Stats., and SECTION 9139 (4r) of the nonstatutory provisions of 2009 Wisconsin Act 28.

Explanation of agency authority:

Section 119.23 (2) (a) 6. c., Stats., requires the department to, by rule, implement a process to issue a temporary, nonrenewable waiver to certain teachers that meet specific statutory requirements and who are employed by a private school participating in the Milwaukee Parental Choice Program (MPCP) program.

Section 119.23 (11), Stats., requires the department to promulgate rules to implement and administer the MPCP.

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.

SECTION 9139 (4r) of the nonstatutory provisions of 2009 Wisconsin Act 28, requires the department to, no later than the first day of the 4th month beginning after the effective date of the Act (October 1, 2009), submit proposed rules to the Legislative Council staff.

Court decisions directly relevant : None

Related statute or rule: N/A.

Plain language analysis:

2009 Wisconsin Act 28, the 2009-11 biennial budget bill, made several modifications to the Milwaukee Parental Choice Program under s. 119.23, Stats. Several of the modifications require that the department develop rules to implement the statutory provisions. One of those modifications requires the department to develop a rule setting forth the process to issue a temporary, nonrenewable waiver for eligible teachers who have been teaching in a participating private school for at least 5 consecutive years immediately preceding July 1, 2010, but do not have a bachelor's degree.

By statute, a teacher may apply for a temporary, nonrenewable waiver if he or she:

- was employed by the private school participating in the Milwaukee Parental Choice Program (MPCP) on July 1, 2010,
- has been teaching for at least the 5 consecutive years immediately preceding July 1, 2010, and
- does not have a bachelor's degree from an accredited institution of higher education on July 1, 2010.

The statutes further require the applicant to submit to the department a waiver application designed by the department and a plan for satisfying the requirements under s. 119.23 (2) (a) 6. a., Stats., including the name of the accredited institution of higher education at which the teacher is pursuing or will pursue the bachelor's degree and the anticipated date on which the teacher expects to complete the bachelor's degree.

The rules include the statutory requirements described above and establish the process for requesting the temporary, nonrenewable waiver. The rules require specific information to be submitted by July 31, 2010, when applying for the waiver, including:

- Information documenting that the institution of higher education is accredited.
- The name and contact information of the accredited institution of higher learning.
- A list of specific classes to be taken to complete the bachelor's degree.
- If applicable, an official transcript showing courses already completed that count toward the bachelor's degree.
- Information demonstrating a bachelor's degree from the accredited institution of higher education can be issued within five years under the plan proposed by the applicant.

Finally, no waiver granted under these rules is valid after July 31, 2015.

The Act requires the permanent rules to be submitted to the Legislative Council by October 1, 2009.

Summary of, and comparison with, existing or proposed federal regulations: None.

Comparison with rules in adjacent states:

Illinois, Iowa, Michigan, and Minnesota do not have rules relating to private school voucher programs.

Summary of factual data and analytical methodologies:

The waiver granted under these rules is only available to teachers that meet the requirements on July 1, 2010 and valid until July 31, 2015. The information required in the rule is typical of information requested from regular teachers in determining whether they are on-track to receiving proper certification.

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):

Robert Soldner, Director, School Management Services, (608) 266-7475, robert.soldner@dpi.wi.gov.

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.

Agency procedure for promulgation:

Notice to Legislative Council pursuant to s. 227.15, Stats., and proceeding under the ten day notice/hearing process pursuant to ss. 227.16 to 227.18, Stats.

Description of any forms (attach copies if available):

Milwaukee Parental Choice Program Teacher Waiver Application, Form PI-MPS-PCP-100