

**FINAL REPORT
CLEARINGHOUSE RULE 09-106
CHAPTER PI 39
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 needed to be in place as soon as possible to award grants in time for the upcoming school year. Therefore, emergency rules were promulgated effective December 15, 2009.

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 April 30, 2010 and March 1 annually thereafter 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 published a hearing notice in the *Administrative Register* which included this information.

Public hearings to consider the proposed rule were conducted by the department on January 15, 2010, in Madison. Persons were asked to register in favor, generally in favor (except for . . .), against, generally against (except for . . .), or for information only.

Madison Hearing, January 15, 2010

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Forrest Funmaker	Ho-Chunk Nation	X		
Richard Mann	Hocak Nation Language			X
Keller Paap	Waadookodaading and Wisconsin Anishinaabeg	X		

The following persons submitted written testimony: None.

Summary of public comments relative to the rule, the agency's response to those comments, and changes made as a result of those comments:

Comments – One person suggested the rule should more clearly define the preferences given to awarding grants.

Discussion – Because this is a new grant program, the department does not want to be too restrictive in specifying award criteria.

Changes – None.

Changes made as a result of oral or written testimony: None.

Changes to the analysis or the fiscal estimate:

The analysis of the rule has been amended to:

- Add the emergency rule effective date of December 15, 2009.
- Change the deadline from March 1 to April 30, 2010 for applications for the 2010-11 school year.

Responses to Clearinghouse Report:

2. Form, Style and Placement in Administrative Code:

a. Recommendation accepted, changes made.

b. The assurances listed in the application are standard information required of all grant programs and do not need to be specified in the rule. However, items 16 and 17 have been removed and the remaining assurances have been renumbered.

4. Adequacy of References to Rrelated Statutes, Rules and Forms:

Recommendation accepted, a note regarding the application has been added to the rule.

5. Clarity, Grammar, Punctuation and Plainness:

a. The phrase, “in conjunction with a tribal education authority” is the language used under s. 115.745, Stats., and is repeated in the rule. The application will require evidence that the applicant is working in conjunction with the tribal education authority but will not require anything specific. Finally, “tribal education authority” has the meaning defined in s. 115.71 (5), Stats., and has been added to the rule’s definitions under s. PI 39.02 (5).

January 29, 2009 has been replaced with January 29, 2010.

b. The term “co-curricular offering” is terminology that is well understood by the education community and does not need to be defined in the rule at this time.

c. The “needs assessment” must contain rationale for the activities to be funded. A needs assessment is required in most DPI applications.

d. For clarification, s. PI 39.03 (3) (c) has been rewritten to replace “leadership team” with “team members that are responsible for the project.”

e. Section PI 39.03 (3) (j) has been rewritten to replace “A copy of the consortium agreement . . .” with “Evidence that the applicant is working in conjunction with a tribal education authority.”

FINAL REGULATORY FLEXIBILITY ANALYSES

Summary of Final Regulatory Flexibility Analysis:

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

Summary of Comments:

No comments were reported.