

Report From Agency

FINAL REPORT CLEARINGHOUSE RULE 13-083 CHAPTER PI 21 Driver Education Programs

Analysis by the Department of Public Instruction

Statutory authority: ss. 115.28(11) and 227.11(2)(a)(intro), Stats.

Statute interpreted: s. 115.28(11), Stats.

The basis and purpose of the proposed rule, including how the proposed rule advances relevant statutory goals or purpose:

Under s. 115.28(11), Stats., the DPI is required to approve driver education course plans that meet certain guidelines.

PI 21.05 requires the Department of Public Instruction (DPI) to issue certificates. This will soon be unnecessary since the Department of Transportation (DOT) is going to issue on-line certificates which will apply to students in school driver education programs. This rule change will not take effect until DOT begins issuing these on-line certificates.

Additionally, PI 21.04 requires DPI to approve driver education course plans. However, to be more efficient, DPI is modifying the way it reviews driver education course plans. The DPI proposes modifying PI 21.04 to state that a public or private high school, county children with disabilities education board, or a CESA submitting on behalf of a district that it has contracted with to provide driver education instructional services, must submit an assurance that it is complying with the program requirements in PI 21.04 in order to receive DPI approval. This assurance will substitute for DPI actively approving the specific program components. The DPI will continue to review each program's instructors to verify that their departmental driver education certification is current and valid.

A list of the persons who appeared or registered for or against the proposed rule at a public hearing:

Under s. 227.16(2)(e), Stats., public hearings were not required because a petition was not received by the agency within 30 days after publication of the notice in the Administrative Register.

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

No public hearing was held and no comments were received.

Changes to the plain language analysis or the fiscal estimate:

The plain language analysis was changed to include s. 115.28(11), Stats, as a source of statutory authority as well as a statute interpreted by the proposed rule.

Responses to Clearinghouse Report:

In response to the comments in the Clearinghouse Report, the Department made the following changes:

- Changed the reference in PI 21.04(4) to “section” to clarify that a public or private school, CCDEB, or CESA submitting an assurance is agreeing to the all the requirements under PI 21.04.
- Changed the statutory authority and statutes interpreted as noted above.
- Removed the underscoring of citations.
- Rewrote the sentences under PI 21.04(1)-(4) to form complete sentences when read together with the introduction.
- Changed the title of PI 21.04 to reflect the appropriate statutory citation.
- Repealed all of PI 21.05 because it is no longer needed with DOT issuing certificates.