

Clearinghouse Rule 15-073

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION REVISING PERMANENT RULES

The scope statement for this rule, SS 064-15, was published in Register No. 716A1, on August 3, 2015, and approved by Superintendent Evers, on August 17, 2015. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, No. 2013AP416, 2015 WL 686178 (Wis. Ct. App. Feb. 19, 2015).

The state superintendent of public instruction hereby proposes to amend PI 37.03 (1) (c) and (2) (c), relating to technical changes to PI 37 as a result of 2015 Wisconsin Act 55.

The rules are being adopted under s. 227.16 (2) (b), Stats., which provides that rulemaking does not need to be preceded by notice and public hearing if the proposed rule brings an existing rule into conformity with a statute that has been changed.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: 115.42, Stats.

Statutory authority: 115.42 (4), Stats.

Explanation of agency authority:

Under s. 115.42 (4), Stats., the State Superintendent is required to promulgate rules to implement and administer s. 115.42, Stats., the statute on grants for national teacher certification or master educator licensure.

Related statute or rule: None.

Plain language analysis:

The proposed rule change amends PI 37 as a result of the 2015-17 budget, 2015 Wisconsin Act 55. 2015 Wisconsin Act 55 amends s. 115.42 (2) (c), Stats., which modifies income eligibility criteria for a grant for national teacher certification or master licensure. PI 37 is modified to reflect this change in income eligibility criteria.

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

Comparison with rules in adjacent states: N/A

Summary of factual data and analytical methodologies:

This proposed technical change is needed to align PI 37 with the changes to income eligibility requirements under the national teacher certification or master educator licensure program in s. 115.42 (2) (c) as a result of 2015 Wisconsin Act 55.

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)

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

As provided in s. 227.16 (2) (b), there is no requirement that a public hearing be held for this rule because the proposed rule brings an existing rule into conformity with a statute that has been changed.

SECTION 1. PI 37.03 (1) (c) is amended to read:

(c) The amount of each grant under par. (b) shall be \$5,000 in any school year in which the recipient is employed as a teacher in a school in which at least 60 percent of the pupils enrolled ~~are eligible~~ satisfy the income eligibility criteria for a free or reduced-price lunch under 42 USC 1758 (b) (1).

SECTION 2. PI 37.03 (2) (c) is amended to read:

(c) Verification that the applicant is employed as a teacher in a school in which at least 60 percent of the pupils enrolled ~~are eligible~~ satisfy the income eligibility criteria for a free or reduced-price lunch under 42 USC 1758 (b) (1), if applicable.

SECTION 3. EFFECTIVE DATE:

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this ____ day of _____, 2015

Tony Evers, PhD
State Superintendent