Report From Agency

FINAL REPORT
CLEARINGHOUSE RULE 21-010
CHAPTER PI 19 – Education for School Age Parents
CHAPTER PI 34 – Educator Licenses
CHAPTER PI 40 – Early College Credit Program

Analysis by the Department of Public Instruction

Statutory authority: s. 115.28 (7) (a), 115.92 (3), and 118.55 (9), Stats.

Statute interpreted: s. 115.28 (7) (a), 115.92, and 118.55, Stats.

The objective of the proposed rule is to make technical changes to existing DPI rules, which include correcting unnecessary rules and rules superseded by and in conflict with state statutes, resulting from the department's biennial review of administrative rules as required under s. 227.29, Stats. Other technical changes identified to clarify existing rules but don't necessarily meet the criteria required under the statute will also be included in the proposed rule. The rule changes are as follows:

PI 19 (Education for school age parents): The language referring to approved costs under s. PI 19.05 is proposed to be repealed because the requirement to submit annual program plans to the department, which includes costs for school age parent programs being submitted for reimbursement, is no longer needed. The annual requirement to submit program plans was repealed in the department's previous biennial review under Clearinghouse Rule 19-069. The references to approved costs under s. PI 19.05 was intended to be removed under Clearinghouse Rule 19-069 but was omitted in error. Because the annual requirement to submit program plans is no longer in rule, the reference to approved costs under s. PI 19.05 must also be repealed to help clarify the rule as it has been rendered unnecessary.

PI 34 (Educator licenses): 2019 Wisconsin Act 43, relating to a license to teach based on reciprocity and granting rule-making authority, created a tier II license based on reciprocity. This has rendered s. PI 34.038 in conflict with statute because the original license based on reciprocity under this section was a tier I license. The proposed technical changes under this rule will address s. PI 34.038 to bring the rule chapter in conformity with the statutes.

Further, s. PI 34.108 governs the rules relating to the Professional Standards Council. Section PI 34.108 (3) is in conflict with s. 15.377 (8) (c) 14., Stats., which requires that a member of the Tribal School shall be included as a member of the Council. This is already being done in alignment with the statute but a technical change is needed to amend s. PI 34.108 (3) to include a member of a Tribal School.

PI 40 (Early college credit program): The rule is missing definitions for "state superintendent" and "department," which is not one of the criteria required in the biennial review of administrative rules under s. 227.29, Stats. However, a technical correction is required to create definitions for both terms in the rule per rule drafting guidelines prescribed in statute.

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

As provided in s. 227.16 (2) (b), Stats., 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. However, pursuant to s. 227.14 (2) (a) 8., Stats., written comments on the rule may be submitted until March 5, 2021, by completing the form on the Legislature's website.

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 made as a result of oral or written testimony:

No changes were made.

Changes to the analysis or the fiscal estimate:

No changes were made.

Responses to Clearinghouse Report:

1. Statutory Authority:

The changes are accepted.

2. Form, Style and Placement in Administrative Code:

The changes are accepted.

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

The changes are accepted.