

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES**

The state superintendent of public instruction hereby repeals PI 37.02 (1), PI 37.03 (1) (a) 3., PI 37.03 (1) (b) 3., and PI 37.03 (2) (c); renumbers PI 37.02 (2) to (4), PI 37.03 (1) (a) 4., and PI 37.03 (1) (b) 4.; amends PI 10.03 (intro.) and (3), PI 12.01 (1) (intro.) and (b), (3), (4), (6) and (7), PI 20.02 and 20.04 (title) and (1) (intro.), PI 37.04 (1) (a), and PI 37.04 (2), relating to technical modifications to chapters 10, 12, 20 and 37 pursuant to statutory changes made under 1999 Wisconsin Act 9 and 2001 Wisconsin Act 16.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 227.11 (2) (a), 227.16 (2) (b), 115.42 (4) and 115.435 (3), Stats.

Statute interpreted: ss. 115.435, Subch. III of Ch. 115, and 115.42, Stats.

The department proposes to make the following technical rule modifications:

- Chapter PI 10, relating to supplemental aid for school districts with a large area, has been modified to change school district eligibility criteria under the grant program. The chapter is amended to be consistent with the statutory changes made to s. 115.435, Stats., pursuant to 2001 Wisconsin Act 16.
- Chapter PI 12, relating to the Wisconsin School for the Deaf and the Wisconsin School for the Visually Handicapped, has been modified to replace the "Wisconsin School for the Visually Handicapped" with the "Wisconsin Center for the Blind and Visually Impaired." The school name has been replaced to be consistent with the statutory name changes made under Subch. III of Ch. 115 pursuant to 1999 Wisconsin Act 9.
- Chapter PI 20, relating to the handling of monies received and expended by the department in conjunction with student activities and gifts received for the benefit of students at the Wisconsin School for the Deaf, the Wisconsin Center for the Blind and Visually Impaired and statewide public school vocational youth organizations has been modified to be consistent with statutory language under Subch. III of Ch. 115 as follows:
 - Replace the "Wisconsin school for the deaf and hearing impaired" with the "Wisconsin school for the deaf."
 - Replace the "Wisconsin School for the Visually Handicapped" with the "Wisconsin center for the blind and visually impaired."
- Chapter PI 37, relating to national teacher certification grants, has been modified to eliminate the requirement that a person be a resident of this state in order to receive a grant. The chapter is amended to be consistent with the statutory changes made to s. 115.42, Stats., pursuant to 2001 Wisconsin Act 16.

These rule modifications bring an existing rule into conformity with a statute that has been changed or enacted and are considered technical. Therefore, pursuant to s. 227.16 (2) (b), Stats., the department did not hold public hearings regarding these rules.

At this time the department does not collect information, require data, or distribute funds that are affected by these rule chapters. Therefore, an initial applicability clause is not necessary.

SECTION 1. PI 10.03 (intro) is amended to read:

PI 10.03 (intro.) A school board that meets all of the following criteria may apply to the department by April 3, 2000, and by October 15 annually thereafter for a grant to supplement aid under s. 121.08, Stats.

SECTION 2. PI 10.03 (3) is amended to read:

PI 10.03 (3) At least ~~65%~~ 80% of the real property in the school district is exempt from taxation under s. 70.11, Stats., taxed as forest croplands under subch. I of ch. 77, Stats., owned by or held in trust for a federally recognized American Indian tribe or owned by the federal government. The requirement under this subsection shall be verified as specified under sub. (2).

SECTION 3. Chapter PI 12 (title) is amended to read:

CHAPTER PI 12

WISCONSIN SCHOOL FOR THE DEAF AND

WISCONSIN ~~SCHOOL~~ CENTER FOR THE BLIND AND VISUALLY HANDICAPPED IMPAIRED

SECTION 4. PI 12.01 (1) (intro.) and (b), (3), (4), (6) and (7) are amended to read:

PI 12.01 (1) (intro.) The department of public instruction, as managing authority of the Wisconsin school for the deaf and the Wisconsin ~~school~~ center for the blind and visually handicapped impaired buildings and facilities, may permit the same to be used by any governmental body or official, or any non-profit, fraternal, religious, or veterans' organization for the purpose of governmental business, public meetings for the free discussion of public questions, or for activities of a broad public purpose, if such use:

(b) Does not unduly burden the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually handicapped impaired.

(3) The applicant for such use shall be liable to the state for any injury done to its property, and for any expense arising out of such use, and for such sum as the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually handicapped impaired may charge for such use as provided in s. 16.845, Stats.

(4) The applicant may charge an admission fee only if approved by the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually handicapped impaired, pursuant to any conditions as imposed by the department.

(6) The utilization of department of public instruction buildings and facilities at the Wisconsin school for the deaf and the Wisconsin ~~school~~ center for the blind and visually handicapped impaired by an organization shall not imply endorsement, approval, or approbation by the state of Wisconsin or the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually handicapped impaired, nor the extension of special privilege. Likewise, the refusal by the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually handicapped impaired to permit use of a building or facility shall not be interpreted as disapproval or censure of any organization, but shall be for reasons as set forth in sub. (1) (a) through (e).

(7) The granting of permission to use a building or facility by the department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually handicapped impaired does not obligate said

department or school to furnish the applicant any service or utilities, or render any support with personnel, equipment, or supplies. The department of public instruction, the Wisconsin school for the deaf, or the Wisconsin ~~school~~ center for the blind and visually handicapped impaired may furnish such assistance, and may charge for any expense arising out of use of a building or facility. The department of public instruction, the Wisconsin school for the deaf, and the Wisconsin ~~school~~ center for the blind and visually handicapped impaired reserve the right to inspect any equipment or apparatus brought in for a public meeting, event, or activity; and to limit or prohibit the use of such items which might affect the safety or the normal operation of the building or facility.

SECTION 5. PI 20.02 is amended to read:

PI 20.02 Applicability and purpose. This chapter establishes procedures as authorized under s. 20.907 (5), Stats., for the handling of monies received and expended by the department in conjunction with student activities and gifts received for the benefit of students at the Wisconsin school for the deaf and hearing impaired, the Wisconsin ~~school~~ center for the blind and visually handicapped impaired, and statewide public school vocational youth organizations including, but not limited to, DECA, FBLA, FFA, FHA-HERO and VICA.

SECTION 6. PI 20.04 (title) and (1) (intro.) are amended to read:

PI 20.04 (title) Wisconsin school for the deaf ~~and hearing impaired~~; Wisconsin ~~school~~ center for the blind and visually handicapped impaired. (1) (intro.) The superintendents of the Wisconsin school for the deaf ~~and hearing impaired~~ and the Wisconsin ~~school~~ center for the blind and visually handicapped impaired may receive and expend funds incident to the following activities:

SECTION 7. PI 37.02 (1) is repealed.

SECTION 8. PI 37.02 (2) to (4) are renumbered PI 37.02 (1) to (3).

SECTION 9. PI 37.03 (1) (a) 3. is repealed.

SECTION 10. PI 37.03 (1) (a) 4. is renumbered PI 37.03 (1) (a) 3.

SECTION 11. PI 37.03 (1) (b) 3. is repealed.

SECTION 12. PI 37.03 (1) (b) 4. is renumbered PI 37.03 (1) (b) 3.

SECTION 13. PI 37.03 (2) (c) is repealed.

SECTION 14. PI 37.04 (1) (a) is amended to read:

PI 37.04 (1) (a) A person holding national board certification as of July 1, 2000 shall be granted a master educator license under s. PI 34.19 and shall be exempt from meeting the continuing professional education credit requirements under ss. PI 3.03 (2) (b) and PI 34.19 (5) as long as the national board certification is effective.

SECTION 15. PI 37.04 (2) is amended to read:

PI 37.04 (2) A person who applies for and completes the process for national board certification shall renew his or her state license upon its expiration but he or she is exempt from meeting the continuing professional education credit requirements under ss. PI 3.03 (2) (b) and PI 34.18 (2) regardless if he or she receives the national certification.

The 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 March, 2002

Elizabeth Burmaster
State Superintendent