

PI 3.03 - ALTERNATIVE  
98-164 TEACHER PERMITS



# State of Wisconsin Department of Public Instruction

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**John T. Benson**  
State Superintendent

**Steven B. Dold**  
Deputy State Superintendent

November 3, 1998

The Honorable Robert Welch  
Co-Chair, JCRAR  
One East Main  
Room 201  
Madison, WI 53703

Dear Bob:

Attached, pursuant to s. 227.24(3), Stats., are a fiscal note and emergency rules relating to alternative teacher permits. These emergency rules were promulgated by the department effective November 1, 1998.

Section 115.28 (7), Stats., requires the state superintendent of public instruction to license all teachers for the public schools and to make rules establishing standards of attainment for licensure. The rules modify provisions relating to alternative teaching permits.

1997 Wisconsin Act 237, the budget adjustment bill, modified several provisions relating to professional teaching permits. Originally, the permit could be issued only in the subject areas of mathematics and science. Now, the initial 2-year permit may be issued to a person who holds a bachelor's degree in engineering, music, art, foreign language, computer science, mathematics or science from an accredited institution of higher education, has at least 5 years of experience as a professional in the subject area in which his or her degree was awarded and demonstrates, to the satisfaction of the state superintendent, competency in that subject area that is current and compatible with modern curricula. The applicant must also successfully complete 100 hours of formal instruction.

In addition to the statutory requirements above, before a person may attend the 100 hours of training, the rules require applicants to be subject to background investigations.

Successful completion of the 100 hours of training shall be demonstrated by receiving a passing score on a standardized examination that certifies the applicant's competency to teach in the subject area in which he or she will receive a permit.

After the applicant has successfully completed the 100 hours of training, an initial permit shall be issued for a 2-year period and may be renewed for 5 years if the permit holder successfully teaches during the 2-year permit period. Subsequent renewals will be based on rule requirements under s. PI 3.03 (1) (b).

Finally, an initial permit holder:

- Must be supervised by a teacher holding a regular license.
- May not be hired to remove a regularly licensed teacher.

The Honorable Robert Welch  
November 3, 1998  
Page 2

If you have any questions regarding these emergency rules, please contact Peter Burke, Director, Teacher Education and Licensing, (608) 266-1879 or Lori Slauson, Administrative Rules Coordinator, at (608) 267-9127.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven B. Dold". The signature is written in a cursive style with a large, sweeping initial "S".

Steven B. Dold  
Deputy State Superintendent

**ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
ADOPTING EMERGENCY RULES**

The state superintendent of public instruction hereby proposes to repeal and recreate PI 3.03 (6) (b) 3., relating to alternative teacher permits.

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**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

Statutory authority: ss. 115.28 (7) and 227.11 (2) (a), Stats.

Statute interpreted: s. 118.192, Stats.

Section 115.28 (7), Stats., requires the state superintendent of public instruction to license all teachers for the public schools and to make rules establishing standards of attainment for licensure. The rules modify provisions relating to alternative teaching permits.

1997 Wisconsin Act 237, the budget adjustment bill, modified several provisions relating to professional teaching permits. Originally, the permit could be issued only in the subject areas of mathematics and science. Now, the initial 2-year permit may be issued to a person who holds a bachelor's degree in engineering, music, art, foreign language, computer science, mathematics or science from an accredited institution of higher education, has at least 5 years of experience as a professional in the subject area in which his or her degree was awarded and demonstrates, to the satisfaction of the state superintendent, competency in that subject area that is current and compatible with modern curricula. The applicant must also successfully complete 100 hours of formal instruction.

In addition to the statutory requirements above, before a person may attend the 100 hours of training, the rules require applicants to be subject to background investigations.

Successful completion of the 100 hours of training shall be demonstrated by receiving a passing score on a standardized examination that certifies the applicant's competency to teach in the subject area in which he or she will receive a permit.

After the applicant has successfully completed the 100 hours of training, an initial permit shall be issued for a 2-year period and may be renewed for 5 years if the permit holder successfully teaches during the 2-year permit period. Subsequent renewals will be based on rule requirements under s. PI 3.03 (1) (b).

Finally, an initial permit holder:

- Must be supervised by a teacher holding a regular license.
  - May not be hired to remove a regularly licensed teacher.
- 

**SECTION 1.** PI 3.03 (6) (b) 3. is repealed and recreated to read:

PI 3.03 (6) (b) 3. 'Alternative teacher permits.' a. A permit, which authorizes the holder to teach mathematics, science, music, art, foreign language or computer science may be issued to a person who meets all of the qualifications under this subdivision. The initial permit shall be issued for a 2-year period and may be renewed for a 5-year period as specified under subpars. f. and g.

b. An applicant who holds a bachelor's degree in engineering, music, art, foreign language, computer science, mathematics or science and meets the requirements under s. 118.192 (2), Stats., may be issued a permit to teach in the subject area corresponding to the applicant's degree. Under this subdivision, a certificate issued by the American sign language teachers association shall be considered the equivalent of a bachelor's degree. A person holding a certificate issued by the American sign language teachers association may be issued a permit to teach the content in s. 118.017 (2), Stats. A person holding a bachelor's degree in engineering may be issued a permit to teach the subject areas of mathematics, science, or technology. An applicant for a permit under this subdivision is subject to a background investigation required under s. 118.19 (10), Stats. To receive a permit under this subdivision, an applicant shall satisfactorily complete an alternative teacher training program consisting of approximately 100 hours of formal instruction in the application of modern curricula in the subject area in which he or she holds a degree.

c. Successful completion of the 100 hour alternative teacher training program shall be measured by receiving a passing score on a standardized examination in the major that certifies the applicant's competency to teach in the subject area in which he or she will receive a permit.

d. Upon satisfactory completion of the alternative teacher training program under subpar. c., an initial 2-year permit shall be issued which authorizes the holder to teach the subject area in which he or she holds a permit. The initial 2-year permit holder shall be supervised by a teacher who holds a regular Wisconsin license. In this subparagraph, "supervised" means the licensed teacher is available to coordinate, direct, and inspect the practice of the person holding the initial permit. An initial permit holder may not be hired to remove a regularly licensed teacher from his or her position.

e. The state superintendent may contract with qualified providers for the 100-hour training program.

f. An initial permit issued under this subdivision may be renewed for 5 years upon successful completion of the 2-year permit period. Successful completion of the 2-year initial permit period under this subparagraph shall be measured by positive testimony from the supervising teacher and building administrator that the initial permit holder has achieved basic competence in the commonly accepted standards of teaching under s. PI 4.155 (1) to (10). Successful completion of the initial 2-year permit period may be interpreted as equivalent to the requirements under s. 118.19 (3) (a), Stats.

g. The requirements in s. PI 3.03 (1) (b) apply to subsequent renewals of the permit.

### FINDING OF EMERGENCY

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

1997 Wisconsin Act 237, the budget adjustment bill, modified several provisions relating to professional teaching permits. Specifically, an individual who holds a bachelor's degree in engineering, music, art, foreign language, computer science, mathematics or science from an accredited institution of higher education, has at least 5 years of experience as a professional in the subject area in which his or her degree was awarded and demonstrates, to the satisfaction of the state superintendent, competency in that subject area may apply to the state superintendent for enrollment in a 100 hour alternative teacher training program. The state superintendent shall grant a professional teaching permit to any person who satisfactorily completes the alternative teaching program.

Since the provisions under the Act became effective this summer, and alternative teaching programs will be offered in the near future, rules must be in place as soon as possible in order to notify potential applicants of the alternative teaching permit program requirements.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this 30<sup>th</sup> day of October, 1998

A handwritten signature in cursive script that reads "John T. Benson". The signature is written in dark ink and is positioned above a horizontal line.

John T. Benson  
State Superintendent

**FISCAL ESTIMATE**

ORIGINAL       UPDATED)

LRB or Bill No./Adm. Rule No.  
PI 3.03 (6) (b)

DOA-2048 (R10/92)

CORRECTED       SUPPLEMENTAL

Amendment No. If Applicable

**Subject: Alternative Teaching Permits**

**Fiscal Effect (See below)**

**State:**  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation       Increase Existing Revenues
- Decrease Existing Appropriation       Decrease Existing Revenues
- Create New Appropriation

- Increase Costs-May be possible to Absorb Within Agency's Budget       Yes       No
- Decrease Costs

**Local:**  No local government costs

(See below)

- 1.  Increase Costs
  - Permissive       Mandatory
- 2.  Decrease Costs
  - Permissive       Mandatory

- 3.  Increase Revenues
  - Permissive       Mandatory
- 4.  Decrease Revenues
  - Permissive       Mandatory

5. Types of Local Governmental Units Affected:

- Towns       Villages       Cities
- Counties       Others \_\_\_\_\_
- School Districts       VTAE Districts

**Fund Sources Affected**

- GPR       FED       PRO       PRS       SEG       SEG-S

**Affected Ch. 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

Due to changes made under 1997 Wisconsin Act 237, the rules relating to alternative teaching permits are being modified to expand the permit subject areas to include engineering, music, art, foreign language, and computer science. Originally, the permit could be issued only in the subject areas of mathematics and science. The department must provide for a 100 hour training program for applicants to complete before a permit may be issued. The department must also determine whether an applicant is competent in the subject area that is current and compatible with modern curricula.

When the training program was first required to be offered for mathematics and science in 1992, the department contracted with the Milwaukee Public Schools to provide the training. At that time, two people registered to participate in the program and one person completed the program. The cost of providing the 100 hours of training was \$2,500.

Before an applicant could take the 100 hours of training, he or she had to complete the National Teacher Exam (NTE). In 1992, the department had to validate the test in the areas of mathematics and science for a total cost of \$10,000. At that time the department absorbed most of the cost of validating the tests and offering the training program because of the prohibitive costs to applicants.

Now that the permit subject areas have been expanded to a total of seven subject areas, the NTE must again be validated at a minimum cost of \$3,000 per subject area for a total of \$21,000. Although the NTE is no longer required to be taken by statute, the department will still require that applicants take the test to determine whether an applicant is competent to teach in the subject area. The department will absorb the costs of validating these tests.

**Long-Range Fiscal Implications**

Agency/Prepared by: (Name & Phone No.)

Department of Public Instruction

Lori Slauson (608) 267-9127

Authorized Signature/Telephone No.

*Gina Frank-Reece*  
Gina Frank-Reece (608) 266-2804

Date

10/22/98

The department is in the process of soliciting bids from higher education institutions and professional associations to plan and provide an appropriate alternative training program. If an appropriate training program cannot be contracted, the department will have to develop the training.

If the department provides the training it could cost up to \$2,000 in order to develop an appropriate program. The department will charge applicants an appropriate fee to cover the costs of the training program as provided for under statute.

The cost of taking the training may be prohibitive to potential applicants if only one or two individuals apply for the training. After the applicant completes the training, he or she will have to take the NTE at a cost of \$60 per subject area.



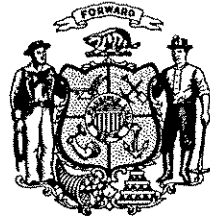
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-164**

AN ORDER to repeal and recreate PI 3.03 (6) (b) 3., relating to alternative teacher permits.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

10-29-98      RECEIVED BY LEGISLATIVE COUNCIL.  
11-25-98      REPORT SENT TO AGENCY.

RNS:RW:kjf;jt

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

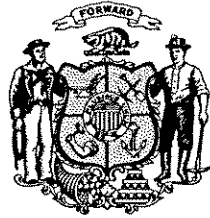
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-164

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

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

In s. PI 3.03 (6) (b) 3. (intro.), "subpars. f. and g." should be changed to "subd. 3. f. and g." In s. PI 3.03 (6) (b) 3. d., "subpar. c." should be changed to "subd. 3. c." and "this subparagraph" should be changed to "this subd. 3. d.". [See s. 1.07 (2), Manual.]

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. PI 3.03 (6) (b) 3. (intro.), a comma should be inserted after "computer science."

b. In s. PI 3.03 (6) (b) 3. b., reference is made to "a certificate issued by the American sign language teachers association." The reference should be clarified to indicate the nature of the certificate; as drafted, it could refer to any certificate issued by the association.

c. In s. PI 3.03 (6) (b) 3. b., reference is made to a training program consisting of "approximately 100 hours" of formal instruction, but in s. PI 3.03 (6) (c), reference is made to the "100 hour alternative teacher training program." The agency should clarify the required length of the program. Also, the rule should hyphenate "100-hour" consistently.

d. Under s. PI 3.03 (6) 3. c., is the only way to successfully complete the program passage of a standardized examination? If so, who selects the exam and who determines the passing score? This provision should be clarified in the final rule.

e. Is it anticipated that a fee will be charged for the 100-hour program? If so, is there any need to refer to the fee or specify in the rule how private contractors will handle the fees?

f. In s. PI 3.03 (6) (b) 3. f., "5-year periods" should replace "5 years" to clarify that the permit may be renewed again.

**PROPOSED ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
REPEALING AND RECREATING RULES**

The state superintendent of public instruction hereby proposes to repeal and recreate PI 3.03 (6) (b) 3., relating to alternative teacher permits.

---

**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

Statutory authority: ss. 115.28 (7) and 227.11 (2) (a), Stats.

Statute interpreted: s. 118.192, Stats.

Section 115.28 (7), Stats., requires the state superintendent of public instruction to license all teachers for the public schools and to make rules establishing standards of attainment for licensure. The rules modify provisions relating to alternative teaching permits.

1997 Wisconsin Act 237, the budget adjustment bill, modified several provisions relating to professional teaching permits. Originally, the permit could be issued only in the subject areas of mathematics and science. Now, the initial 2-year permit may be issued to a person who holds a bachelor's degree in engineering, music, art, foreign language, computer science, mathematics or science from an accredited institution of higher education, has at least 5 years of experience as a professional in the subject area in which his or her degree was awarded and demonstrates, to the satisfaction of the state superintendent, competency in that subject area that is current and compatible with modern curricula. The applicant must also successfully complete 100 hours of formal instruction.

In addition to the statutory requirements above, before a person may attend the 100 hours of training, the rules require applicants to be subject to background investigations.

Successful completion of the 100 hours of training shall be demonstrated by receiving a passing score on a standardized examination that certifies the applicant's competency to teach in the subject area in which he or she will receive a permit.

After the applicant has successfully completed the 100 hours of training, an initial permit shall be issued for a 2-year period and may be renewed for 5 years if the permit holder successfully teaches during the 2-year permit period. Subsequent renewals will be based on rule requirements under s. PI 3.03 (1) (b).

Finally, an initial permit holder:

- Must be supervised by a teacher holding a regular license.
- May not be hired to remove a regularly licensed teacher.

These rules were promulgated as emergency rules effective November 1, 1998.

---

**SECTION 1.** PI 3.03 (6) (b) 3. is repealed and recreated to read:

PI 3.03 (6) (b) 3. 'Alternative teacher permits.' a. A permit, which authorizes the holder to teach mathematics, science, music, art, foreign language or computer science, may be issued to a person who meets all of the qualifications under this subdivision. The initial permit shall be issued for a 2-year period and may be renewed for a 5-year period as specified under subpars. f. and g.

b. An applicant who holds a bachelor's degree in engineering, music, art, foreign language, computer science, mathematics or science and meets the requirements under s. 118.192 (2), Stats., may be issued a permit to teach in the subject area corresponding to the applicant's degree. Under this subdivision, a certificate issued by the American sign language teachers association shall be considered the equivalent of a bachelor's degree. A person holding a certificate issued by the American sign language teachers association may be issued a permit to teach the content in s. 118.017 (2), Stats. A person holding a bachelor's degree in engineering may be issued a permit to teach the subject areas of mathematics, science, or technology. An applicant for a permit under this subdivision is subject to a background investigation required under s. 118.19 (10), Stats. To receive a permit under this subdivision, an applicant shall satisfactorily complete an alternative teacher training program consisting of approximately 100 hours of formal instruction in the application of modern curricula in the subject area in which he or she holds a degree.

c. Successful completion of the 100 hour alternative teacher training program shall be measured by receiving a passing score on a standardized examination in the major that certifies the applicant's competency to teach in the subject area in which he or she will receive a permit.

d. Upon satisfactory completion of the alternative teacher training program under subpar. c., an initial 2-year permit shall be issued which authorizes the holder to teach the subject area in which he or she holds a permit. The initial 2-year permit holder shall be supervised by a teacher who holds a regular Wisconsin license. In this subparagraph, "supervised" means the licensed teacher is available to coordinate, direct, and inspect the practice of the person holding the initial permit. An initial permit holder may not be hired to remove a regularly licensed teacher from his or her position.

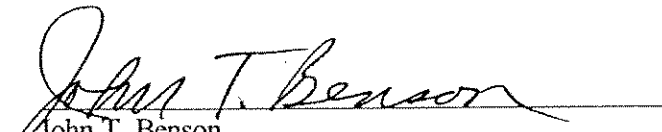
e. The state superintendent may contract with qualified providers for the 100-hour training program.

f. An initial permit issued under this subdivision may be renewed for 5 years upon successful completion of the 2-year permit period. Successful completion of the 2-year initial permit period under this subparagraph shall be measured by positive testimony from the supervising teacher and building administrator that the initial permit holder has achieved basic competence in the commonly accepted standards of teaching under s. PI 4.155 (1) to (10). Successful completion of the initial 2-year permit period may be interpreted as equivalent to the requirements under s. 118.19 (3) (a), Stats.

g. The requirements in s. PI 3.03 (1) (b) apply to subsequent renewals of the permit.

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 29<sup>th</sup> day of October, 1998

  
John T. Benson  
State Superintendent

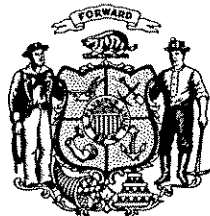
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

*RULES CLEARINGHOUSE*

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CLEARINGHOUSE REPORT TO AGENCY

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CLEARINGHOUSE RULE 98-166

AN ORDER to create chapter Comm 118, relating to the Wisconsin promise challenge grant program.

Submitted by DEPARTMENT OF COMMERCE

10-29-98 RECEIVED BY LEGISLATIVE COUNCIL.

11-25-98 REPORT SENT TO AGENCY.

RNS:DF:kjf;jt

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

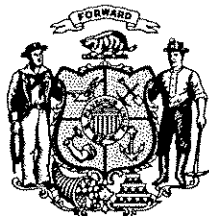


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## CLEARINGHOUSE RULE 98-166

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 1. Statutory Authority

The definition of "public agency" in s. Comm 118.02 (8) should be consistent with the definition in SECTION 9101 (1z) (a) 3. of 1997 Wisconsin Act 237. While the Act 237 provision includes state agencies, the rule does not.

#### 2. Form, Style and Placement in Administrative Code

a. In the treatment clause for SECTION 1, "Wisconsin Administrative Code" should be deleted.

b. In s. Comm 118.01, "amounts of" is redundant and should be deleted.

c. In s. Comm 118.02 (intro.), "Definitions in" should be replaced by "In." [See s. 1.01 (7), Manual.]

d. In s. Comm 118.02 (5), "nurture" should replace "nurturer."

e. In s. Comm 118.04 (1), "Comm" should be inserted after "Table" in both the text and the table.

f. In s. Comm 118.04 (3), the parenthetical material should either be worked into the text or deleted. [See s. 1.01 (6), Manual.]

g. In s. Comm 118.05 (intro.), “all of the following” should be inserted before the colon. Also, all of the subsections should end with a period.

h. In s. Comm 118.05, subs. (1), (2) and (3) can be consolidated as follows:

(1) The identity of each individual, public agency, nonprofit organization and other person who is a participant in the countywide consortium.

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

a. SECTION 9101 (1z) of 1997 Wisconsin Act 237 should not be cited as statutory authority for this rule-making order because there are no references to administrative rules or the department’s rule-making authority in that SECTION. In the absence of any express statutory authority for these rules, the department should cite its general rule-making authority pursuant to s. 227.11 (2) (a), Stats.

b. In the introductory clause and s. Comm 118.01, the appropriate reference to the relevant provisions of 1997 Wisconsin Act 237 should be to “SECTION 9101 (1z).”

c. In s. Comm 118.02 (7), “s. (a)” should be replaced by “s. 501 (a).”

d. In s. Comm 118.05 (intro.), (4) and (5), “s.” should be inserted before “Comm.”

e. In s. Comm 118.06 (5), “sub. (4)” should replace “par. (4).” [See s. 1.07 (2), Manual.]

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The definition of “cash” in s. Comm 118.02 (1) is somewhat vague. How will a reader know what is “acceptable to the department”?

b. In s. Comm 118.05 (intro.), the comma after “chapter” should be deleted.

This chapter includes the same definitions contained in the Statutes necessary to implement the law. In addition, the rules delineate the amount of grants available based on the number of underserved youth targeted and the amount of money the countywide consortium must have available in order to be eligible for a grant; setting forth the information required on the grant application; and reporting requirements.

**Contact Person**

Thomas Devine, Executive Director, Department of Commerce – 608/261-6716.

**ORDER**

Pursuant to the authority vested in the Department of Commerce by Section 9101 (1Z), 1997 Wisconsin Act 237, the Department of Commerce hereby creates Chapter Comm 118, Wisconsin Administrative Code, relating to the Wisconsin Promise Challenge Grant Program.

**SECTION 1.** Chapter Comm 118 Wisconsin Administrative Code is created to read:

**Chapter COMM 118**

**WISCONSIN PROMISE CHALLENGE GRANT PROGRAM**

**Comm 118.01 Purpose.** Pursuant to s. 9101 (1z), 1997 Wisconsin Act 237, the purpose of this chapter is to set forth the criteria for applying and awarding promise challenge grants to countywide consortiums to assist countywide consortiums in coordinating and documenting progress toward mentoring, nurturing, protecting, teaching and serving underserved youth; identifying the amounts of grant amounts that may be awarded as appropriated by the statutes; establishing information required on the grant application; specifying how the grant moneys and matching funds may be used; establishing the identification of a fiscal agent and reporting requirements.

**Comm 118.02 Definitions.** Definitions in this chapter:

(1) "Cash" means ready money or the equivalent, which is acceptable to the department.

(2) "Countywide consortium" means a combination of individuals, public agencies, nonprofit organizations and other persons who have agreed to participate in a joint effort to coordinate and document progress within the county in which those individuals, public agencies, nonprofit organizations and other persons operate toward providing 5 fundamental resources to underserved youth in that county.

(3) "Department" means the department of commerce.

(5) "Five fundamental resources" means resources intended to mentor, nurturer, protect, teach and serve.

(6) "In-kind" means donated facilities, labor or materials that can be assigned a reasonable value.

(7) "Nonprofit organization" means a nonprofit corporation that is organized under chapter 181, Stats., or an organization described in s. 501 (c) (3) of the Internal Revenue Code that is exempt from federal income tax under s. (a) of the Internal Revenue Code.

(8) "Public agency" means a county, city, village, town, school district or technical college district.

(9) "Underserved youth" means a person under 26 years of age who could benefit from, but who is not receiving, a majority of the 5 fundamental resources.

**Comm 118.03 Purpose of grants.** From the appropriation under s. 20.505 (4) (fm), Stats., the national and community service board shall award grants, in the amounts specified in s. Comm 118.04 to countywide consortiums to assist those countywide consortiums in coordinating and documenting progress within their counties toward reaching the goal of providing 5 fundamental resources to youth.

**Comm 118.04 Amount of grants.** (1) The national and community service board shall determine the amount of a grant awarded based on the number of underserved youth as established in Table 118.04 who are to receive the 5 fundamental resources as a result of the countywide consortium's efforts under s. Comm 118.06 and award those amounts.

**TABLE 118.04**

<b>Amount of Award</b>	<b>Number of Underserved Youth Targeted by Countywide Consortium</b>
\$3000	Is 100 or less
\$4000	Is greater than 100, but less than 251
\$5000	Is greater than 250, but less than 501
\$6000	Is greater than 500, but less than 1,001
\$8000	Is greater than 1000, but less than 2,001
\$10000	Is greater than 2,000, but less than 4,001
\$12000	Is greater than 4,000, but less than 8,001
\$15000	Is greater than 8,000

(2) The maximum amount of the award distributed to each county shall be determined based on the total number of children in school in the county divided by the total number of children in school in the state.

(3) The national and community consortium may award a grant only to a county consortium that agrees to match the grant, in cash (not in-kind), in an amount that is not less than 200% of the grant received.

**Comm 118.05 Grant application.** Each countywide consortium that applies for a grant under this chapter, shall include in its grant application the number of underserved youth who are to receive the 5 fundamental resources a result of the countywide consortium's efforts under Comm 118.06. In addition, a grant application shall also include:

- (1) The identity of each individual;
- (2) Public agency;
- (3) Nonprofit organization and other person who is a participant in the countywide consortium;
- (4) A plan to accomplish the all of the tasks specified in Comm 118.06;
- (5) The identity of the fiscal agent specified under Comm 118.07; and
- (6) Proof of the ability of the countywide consortium to comply with the matching fund requirements.

**Comm 118.06 Use of grant money and matching funds.** A countywide consortium that is awarded a grant under this chapter shall use the grant moneys awarded and the matching funds committed to accomplish all of the following:

(1) Identify, to the best of the countywide consortium's ability, all individuals, public agencies, nonprofit organizations and other persons who are providing at least one of the 5 fundamental resources in the county of the countywide consortium on the date on which the grant money is received.

(2) Identify, to the best of the countywide consortium's ability, all individuals, public agencies, nonprofit organizations and other persons who are providing at least one of the 5 fundamental resources in the county of the countywide consortium between the date on which the grant money is received and January 1, 2000.

(3) Decide upon a coordinated plan to provide, by January 1, 2000, the 5 fundamental resources to not less than the number of underserved youth targeted by the countywide consortium in its grant application.

(4) Identify, to the best of the countywide consortium's ability, all individuals, public agencies, nonprofit organizations and other persons in the county of the countywide consortium who want to receive training or technical assistance in any of the following areas:

(a) Involving underserved youth in meaningful ways in the countywide consortium's efforts to provide the 5 fundamental resources to those underserved youth.

(b) Recruiting and coordinating volunteers.

(c) Developing ideas on how to provide the 5 fundamental resources to underserved youth.

(5) Coordinating the training and technical assistance specified in par. (4) and to ensure that the training and technical assistance is provided by competent volunteers or professionals.

(6) Document the number of underserved youth who receive any of the 5 fundamental resources as a result of the countywide consortium's efforts, which of the 5 fundamental resources are being provided to those underserved youth as a result of those efforts and, to the best of the countywide consortium's ability, the positive outcomes for those underserved youth that are the result of those efforts.

**Comm 118.07 Fiscal agent; reporting.** Each countywide consortium that applies for a grant under this chapter shall identify a fiscal agent who shall receive, manage and account for the grants awarded and the matching funds committed and who shall provide to the national and community service board the following reports detailing the progress of the countywide consortium in accomplishing the tasks specified in s. Comm 118.06:

(1) A semiannual report that is due by the first day of the 6th month beginning after the date on which the grant money is received.

(2) An annual report that is due by the first day after the 12<sup>th</sup> month beginning after the date on which the grant money is received.

(3) A final report that is due by January 1, 2000.

**Comm 118.08 Capacity building.** The national and community service board may expend any moneys in the appropriation account under s. 20.505, (4) (fm), Stats., that are not awarded as grants under s. Comm 118.04 to build the capacity of individuals, public agencies, nonprofit organizations and other persons to provide the 5 fundamental resources to underserved youth by contracting for the provision of the training and technical assistance specified in s. Comm 118.06 (4).

(END)

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Pursuant to section 227.22 (2), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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