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FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

**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 00-185**

AN ORDER to amend PI 18.03 (1) (a) 2. and 18.05 (1) (d), relating to social studies high school graduation requirements.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

12-26-00 RECEIVED BY LEGISLATIVE COUNCIL.  
01-08-01 REPORT SENT TO AGENCY.

RS:JLK:flu;rv

**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 00-185

### 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.]**

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

a. In the analysis, it appears that the reference to s. 118.33 (2) (a), Stats., in the list of statutes interpreted contains a typographical error. The correct reference is s. 118.33 (2) (c), Stats.

b. The last paragraph of the analysis indicates that the rule adds a reference to s. 118.33 (1) (b), Stats., to align the rule with statutory language. This does not constitute a plain language analysis as required by s. 1.02 (2), Manual. A phrase such as "relating to open campus policy" could be added at the end of that paragraph.

c. The last full paragraph in the proposed order is an effective date provision that conflicts with the effective date provision in SECTION 4. Therefore, the last full paragraph should be deleted.

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

a. In the analysis and in s. PI 18.03 (1) (a) 2., "focus" should be changed to "focuses."

b. In the last sentence of the first paragraph of the analysis, it would be more accurate to change the phrase "tribal sovereignty" to "history, culture and tribal sovereignty." [See s. 121.02 (1) (L) 4., Stats.]

c. In the initial applicability provision, the comma following the reference to "s. PI 18.03 (1) (a) 2." should be deleted.

d. The requirement for a one-semester democracy course becomes effective August 1, 2002 and first applies to pupils graduating from high school after August 30, 2004. This means that the first cohort of graduates to which this requirement applies would have to have taken the course in school years 2002-03, 2003-04, or 2004-05, that is, in grades 10, 11, or 12. That effectively eliminates the possibility of a school board's offering the course to them in grade 9, although grade 9 is included in the years to which the requirement under s. PI 18.03 (1) (a) (intro.) applies. Was this result intended?

REPORT TO  
LEGISLATIVE COUNCIL RULES CLEARINGHOUSE  
SOCIAL STUDIES HIGH SCHOOL GRADUATION REQUIREMENTS  
PI 18, Wisconsin Administrative Code

Wisconsin Statutory Authority - ss. 118.33 (2) (c) and (4) (a), 121.02 (5) and 227.11 (2) (a), Stats.

Federal Statutory Authority - None

Court Decisions Directly Relevant - None

Analysis of the Rule - Rule Effect - Reason for the Rule

Chapter PI 18 requires, in part, that students receive 4 credits of English, 3 credits of social studies, 2 credits of math, 2 credits of science and 1.5 credits of physical education in order to graduate from high school. Currently, each subject area requires certain instruction to be offered. Specifically, social studies requirements include instruction in local and state government. The proposed rules will require, as part of the 3 credits offered in social studies, that a school district offer a one semester course of instruction in local, state, *tribal* and *federal* government that focus on democracy as recommended by the State Superintendent's Civics Action Task Force. Adding instruction in tribal and federal government to the social studies high school graduation requirement aligns the rule with Wisconsin's Model Academic Standards for social studies established by Governor Thompson in 1998. Also, s. 121.02 (1) (L) 4., Stats., requires that school boards, as part of a social studies curriculum, provide instruction in the tribal sovereignty of the federally recognized American Indian tribes and bands located in this state.

The proposed rules will also add a reference to s. 118.33 (1) (b), Stats., to align the rule with statutory language.

Agency Procedure for Promulgation

Notice to Legislative Council pursuant to s. 227.15, Stats., and proceeding under the ten day notice/hearing process pursuant to ss. 227.16 to 227.18, Stats.

Description of any Forms (attach copies if available)

None.

Name and Telephone Number of Agency Liaison(s)

Les Wakefield, Consultant, Democracy Education, 266-3560

Lori L. Slauson, Administrative Rules Coordinator, Policy and Budget, 267-9127

**PROPOSED ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
CREATING RULES**

The state superintendent of public instruction hereby proposes to amend PI 18.03 (1) (a) 2., and 18.05 (1) (d), relating to social studies high school graduation requirements.

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**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

Statutory authority: ss. 118.33 (2) (c) and (4) (a), 121.02 (5) and 227.11 (2) (a), Stats.  
Statute interpreted: ss. 118.33 (1) (a) and (b) and (2) (a) and 121.02 (1) (L), Stats.

Chapter PI 18 requires, in part, that students receive 4 credits of English, 3 credits of social studies, 2 credits of math, 2 credits of science and 1.5 credits of physical education in order to graduate from high school. Currently, each subject area requires certain instruction to be offered. Specifically, social studies requirements include instruction in local and state government. The proposed rules will require, as part of the 3 credits offered in social studies, that a school district offer a one semester course of instruction in local, state, *tribal* and *federal* government that focus on democracy as recommended by the State Superintendent's Civics Action Task Force. Adding instruction in tribal and federal government to the social studies high school graduation requirement aligns the rule with Wisconsin's Model Academic Standards for social studies established by Governor Thompson in 1998. Also, s. 121.02 (1) (L) 4., Stats., requires that school boards, as part of a social studies curriculum, provide instruction in the tribal sovereignty of the federally recognized American Indian tribes and bands located in this state.

The proposed rules will also add a reference to s. 118.33 (1) (b), Stats., to align the rule with statutory language.

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**SECTION 1.** PI 18.03 (1) (a) 2. is amended to read:

PI 18.03 (1) (a) 2. Three credits of social studies ~~which incorporate instruction, including a one-semester course in~~ local, state, tribal, and local federal government that focus on active and informed participation in democracy.

**SECTION 2.** PI 18.05 (1) (d) is amended to read:

PI 18.05 (1) (d) The activities approved by the board under s. 118.33 (1) (b), Stats. ~~Open~~ Except as specified under s. 118.33 (1) (b), Stats., open campus and work release may not be approved by a board under this section. A pupil's employment during school hours may be approved if the employment is part of or related to the pupil's instructional program; or if the employment is approved as an accommodation for a pupil with exceptional educational interests, needs, or requirements under s. PI 18.04.

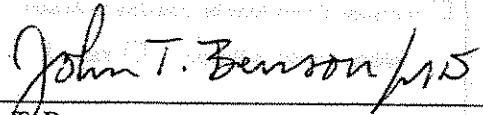
**SECTION 3. INITIAL APPLICABILITY:** The treatment of s. PI 18.03 (1) (a) 2., first applies to pupils graduating from high school after August 30, 2004.

**SECTION 4. EFFECTIVE DATE:** (1) Except as provided under sub. (2), 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.

(2) SECTION 1 amending s. PI 18.03 (1) (a) 2. is effective August 1, 2002.

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 26<sup>th</sup> day of December, 2000



John T. Benson  
State Superintendent

<b>FISCAL ESTIMATE</b>	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED)	LRB or Bill No./Adm. Rule No. Chapter PI 18
DOA-2048 (R10/92)	<input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	Amendment No. If Applicable

**Subject: Social Studies High School Graduation Requirements**

<b>Fiscal Effect</b> State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs-May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local: <input type="checkbox"/> No local government costs (See attached)	1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> VTAE Districts
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<b>Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>Affected Ch. 20 Appropriations</b>
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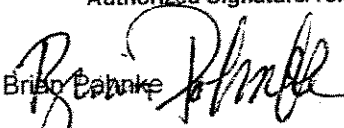
**Assumptions Used in Arriving at Fiscal Estimate**  
 The proposed rule will modify high school graduation requirements relating to social studies. In addition to the current requirement that instruction be provided in local and state government, the rules will require instruction in tribal and federal government that focuses on democracy. The instruction in local, state, tribal and federal government that focuses on democracy shall be provided as a one-semester course. The one-semester course will be part of the three required credits offered in social studies. The proposed rules should not have a fiscal effect on local school districts because:

- Current rules and statutes require instruction in local and state government [s.PI 18.03(1)(a)2., Wis. Admin. Code, and s.118.33(1)(a)1., Stats.]
- Wisconsin's Model Academic Standards for social studies already specify various performance standards in the areas of federal government and democracy education. Since most public school boards have adopted Wisconsin's Model Academic Standards, instruction relating to federal government and democracy education should already be in place.
- Wisconsin's Model Academic Standards and current statutes require instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state [s.121.02 (1)(L)4., Stats.]

Schools may have to modify their social studies curriculum to include the instruction specified in the rule in a one-semester course. However, the instruction in the specified areas should not increase costs because it is assumed that such instruction is already provided by school districts.

The rules will have no state fiscal effect.

**Long-Range Fiscal Implications**

<b>Agency/Prepared by: (Name &amp; Phone No.)</b> Department of Public Instruction Lori Slauson (608) 267-9127	<b>Authorized Signature/Telephone No.</b>  (608) 266-2804	<b>Date</b> 12/13/00
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