



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[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 02-107

AN ORDER to amend PI 25.06 (2) and 25.07 (1) (a), relating to the children at risk program.

Submitted by **DEPARTMENT OF PUBLIC INSTRUCTION**

07-19-2002 RECEIVED BY LEGISLATIVE COUNCIL.

08-06-2002 REPORT SENT TO AGENCY.

RS:JLK

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

REPORT TO
LEGISLATIVE COUNCIL RULES CLEARINGHOUSE
CHILDREN AT RISK OF NOT GRADUATING FROM HIGH SCHOOL
PI 25, Wisconsin Administrative Code

Wisconsin Statutory Authority - ss. 118.153 (7) 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

The department recently promulgated Clearinghouse Rule 01-119, relating to children at risk under ch. PI 25. Although the following changes were listed in the analysis of the rule, the corresponding modifications to ch. PI 25 were inadvertently left out:

- Eliminating the requirement that school districts meeting certain criteria (50 or more dropouts and a dropout rate exceeding 5%) must apply for children at risk aid.
- Allowing school districts with 30 or more dropouts or a dropout rate exceeding 5% of their total enrollment to apply for children at risk aid.

The proposed rule states: "If, in the previous school year, a school district has 30 or more dropouts or a dropout rate exceeding 5% of its total high school enrollment, the board may apply to the state superintendent for aid under this section."

The rule currently states, in part: "... 50 or more dropouts AND a dropout rate exceeding 5% of its total high school enrollment, the board SHALL apply to the state superintendent for aid under this section." (Emphasis added).

This modification will bring the rule into compliance with statutory language under s. 118.153 (2) (b), Stats.

- Modifying the allowable size of the Milwaukee programs to require at least 30 pupils (rather than 40) and no more than 250 pupils (rather than 200).

The proposed rule states: "That there are at least 30 pupils and not more than 250 pupils in each program and that a separate administrator or teacher is in charge of each program."

The rule currently states, in part: "... 40 pupils and not more than 200 pupils ..."

This modification will bring the rule into compliance with statutory language under s. 118.153 (3) (b), Stats.

Agency Procedure for Promulgation

Notice is given to Legislative Council pursuant to s. 227.15, Stats. The proposed rules are modified to conform to current statutory language. Therefore, pursuant to s. 227.16 (2) (b), Stats., the department will not hold public hearings regarding these rules.

Description of any Forms (attach copies if available) - None

Name and Telephone Number of Agency Liaison(s)

Beth Lewis, Children at Risk Consultant, 267-1062

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

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

The state superintendent of public instruction hereby amends PI 25.06 (2) and PI 25.07 (1) (a), relating to the children at risk program.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 118.153 (7) and 227.11 (2) (a), Stats.

Statute interpreted: s. 118.153, Stats.

The department recently promulgated Clearinghouse Rule 01-119, relating to children at risk under ch. PI 25. Although the following changes were listed in the analysis of the rule, the corresponding modifications to ch. PI 25 were inadvertently left out:

- Eliminating the requirement that school districts meeting certain criteria (50 or more dropouts and a dropout rate exceeding 5%) must apply for children at risk aid.
- Allowing school districts with 30 or more dropouts or a dropout rate exceeding 5% of their total enrollment to apply for children at risk aid.

The proposed rule states: "If, in the previous school year, a school district has 30 or more dropouts or a dropout rate exceeding 5% of its total high school enrollment, the board may apply to the state superintendent for aid under this section."

The rule currently states, in part: "... 50 or more dropouts AND a dropout rate exceeding 5% of its total high school enrollment, the board SHALL apply to the state superintendent for aid under this section." (Emphasis added).

This modification will bring the rule into compliance with statutory language under s. 118.153 (2) (b), Stats.

- Modifying the allowable size of the Milwaukee programs to require at least 30 pupils (rather than 40) and no more than 250 pupils (rather than 200).

The proposed rule states: "That there are at least 30 pupils and not more than 250 pupils in each program and that a separate administrator or teacher is in charge of each program."

The rule currently states, in part: "... 40 pupils and not more than 200 pupils ..."

This modification will bring the rule into compliance with statutory language under s. 118.153 (3) (b), Stats.

The proposed rules are modified to conform to current statutory language. Therefore, pursuant to s. 227.16 (2) (b), Stats., the department will not hold public hearings regarding these rules.

SECTION 1. PI 25.06 (2) is amended to read:

PI 25.06 (2) That there are at least ~~40~~ 30 pupils and no more than ~~200~~ 250 pupils in each program and that a separate administrator or teacher is in charge of each program.

SECTION 2. PI 25.07 (1) (a) is amended to read:

PI 25.07 (1) (a) If, in the previous school year, a school district had ~~50~~ 30 or more dropouts ~~and or~~ a dropout rate exceeding 5% of its total high school enrollment, the board ~~shall~~ may apply to the state superintendent for aid under this section.

DRAFT

7/12/02

Page 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.

Dated this 19th day of July, 2002

A handwritten signature in cursive script, appearing to read "E. Burmaster (sic)", is written above a horizontal line.

Elizabeth Burmaster
State Superintendent