

Clearinghouse Rule 13-088

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION REVISING PERMANENT RULES

The scope statement for this rule, SS 053-13, was published in Register No. 689, on May 31, 2013, and approved by State Superintendent Evers, on June 10, 2013. Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope or this rule.

The State Superintendent of Public Instruction hereby proposes to amend PI 34.35(1)(c), relating to the definition of immoral conduct.

The rules are being adopted under s. 227.16(2)(b), Stats., which provides that rulemaking does not need to be preceded by notice and public hearing if the proposed rule brings an existing rule into conformity with a statute that has been changed.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.31(1)(c), Stats.

Statutory authority: s. 115.31(8), Stats.

Explanation of agency authority:

The Department of Public Instruction has authority to promulgate rules to implement and administer s. 115.31, Stats., relating to license or permit revocation, reports, and investigation.

Related statute or rule: N/A.

Plain language analysis:

This proposed rule change is a technical change that would modify the PI 34 definition of "immoral conduct" to reflect the statutory definition.

Summary of, and comparison with, existing or proposed federal regulations: N/A.

Comparison with rules in adjacent states: N/A.

Summary of factual data and analytical methodologies: N/A.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A.

Anticipated costs incurred by private sector: N/A.

Effect on small business:

The proposed rules will have no economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

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Place where comments are to be submitted and deadline for submission:

As provided in s. 227.16(2)(b), 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

SECTION 1. PI 34.35(1)(c) is amended to read:

PI 34.35(1)(c) “Immoral conduct” ~~means conduct or behavior which is contrary to commonly accepted moral or ethical standards and endangers the health, welfare, safety or education of any pupil~~ has the meaning defined in s. 115.31(1)(c), Stats.

SECTION 2. EFFECTIVE DATE:

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 _____ day of _____, 2013

Tony Evers, PhD
State Superintendent