

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 00-005**

### **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.]**

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

a. In s. PI 35.02 (8) and (11), the phrase “in the regular school year” is not part of the defined term and should be placed at the end of the definitions. [See also the use of the phrase “in summer school” in s. PI 35.043 (1) (b) and (c).] Also, the use of the phrase “regular school year” appears to be used in contrast to the notion of summer school. However, this makes the definition of the term “membership” somewhat unclear since it has the meaning defined in s. 121.004 (5), Stats., and that statute refers to summer average daily membership.

b. It is not clear whether the certificate of occupancy is to be filed annually or only prior to the first school year of participation in the choice program or summer school program. This should be clarified in the final rule.

c. In s. PI 35.043 (1) (b), a pupil is considered “enrolled” if he or she is in attendance at a summer school program or “absent for legitimate reasons” but still enrolled in the program. The agency might want to consider using “excused absences” instead of absences for “legitimate reasons” for purposes of clarity and ease of administration. An option would be to define or describe further the intended scope of “legitimate reasons.”

d. In s. PI 35.043 (5) (intro.), the word “may” should be deleted. In sub. (6) (intro.), the word “may” should be replaced by the word “do.”

e. The agency may wish to include an initial applicability section in the rule to clarify when the provisions will first apply.