



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-019

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause of the proposed rule, the enumeration of sections treated by the rule should be reviewed for consistency with the treatments indicated in the rule text.

b. In SECTION 7, the amended language omits a paragraph reference. The proposed language reads: “If an application is denied by a nonresident or resident school board, or a parent is notified that a pupil is required to return to the resident school district under s. 118.51 (11) ~~or (12) or (b) 2,~~ Stats, the notice of denial shall include the following:”. This language should likely read: “...under s. 118.51 (11) or (12) ~~(a) or (b) 2,~~ Stats...”. The reference to s. 118.51 (12) should be retained because a pupil may still be required to return to the resident school district under that statutory subsection.

c. The Note following s. PI 36.06 (4) (c) 4. should be repealed. The Note references a notice of denial due to undue financial burden, which is no longer a basis for denial.

d. Section PI 36.08 (3) (a) 1. should be amended to remove reference to the “basic open enrollment payment.” This definition is repealed in SECTION 1.

e. In SECTION 16, the underscore and strikethrough should be reversed. The provision reads: “If the pupil attended the nonresident school district for less than a full school year under the full-time open enrollment program, the amount under s. 118.51 (16) ~~or 17-(b)~~, Stats. shall be...”. The provision should read: “...the amount under s. 118.51 (16) ~~(b)~~ or 17, Stats...”. When

material is deleted and other material is inserted in the same location, the new underscored material should immediately follow stricken material. [s. 1.06 (1) (a), Manual.]

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

a. In SECTION 17, the newly created s. PI 36.08 (3) (c) provides that: “If, during the school term, a pupil is found to no longer be receiving special education services in the nonresident school district, the open enrollment payment for the pupil shall be calculated as the sum of the following:”. The rule language does not clarify who or what is “finding” that the pupil is no longer receiving special education services. Is this a determination by the nonresident district the student is attending? Should the nonresident district be required to inform the department that the student is no longer receiving special education services, for purposes of calculating open enrollment payment?

b. In SECTION 17, s. PI 36.8 (3) (c) 1. is missing an “s” at the end of the word “day.” The provision should read: “...multiplied by the number of days the pupil was receiving...”.