



WISCONSIN LEGISLATIVE COUNCIL

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CLEARINGHOUSE RULE 01-130

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.]

1. Statutory Authority

a. Section 118.045 (2), Stats., specifies three activities that a school board is not prohibited from doing despite the general statutory prohibition against commencing the school term prior to September 1. These are: (a) holding athletic contests or practices before September 1; (b) scheduling in-service or work days before September 1; and (c) holding school year-round. Section PI 27.03 (2) lists these three activities but also includes a fourth activity; namely, s. PI 27.03 (2) (c) specifies that a school board is not prohibited from offering specialized programming for pupils before September 1.

There does not appear to be statutory authority for this fourth provision. Moreover, it is not clear what “specialized programming” means.

b. Section PI 27.02 (3) defines “school board.” However, it omits reference to a board of school directors, which applies with respect to the Milwaukee Public Schools. It appears that it would be more appropriate to use the definition in s. 115.001 (7), Stats., inasmuch as s. 119.04 (1), Stats., specifies that s. 118.045, Stats., applies to the Milwaukee Public Schools.

2. Form, Style and Placement in Administrative Code

Section PI 27.03 (4) (intro.) should include introductory language for the subsequent paragraphs to make clear the relationship of s. PI 27.03 (4) (intro.) and the interrelationship of

pars. (a) to (c). For example, s. PI 27.03 (4) (intro.) could be changed to read as follows: “The request under sub. (3) shall do all of the following:”.

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

a. Section PI 27.02 (2) indicates that “forces of nature” means an event that is outside the control of the parties and cannot be avoided by exercise of due care. The meaning of “parties” is not clear in this context. Should it refer to an event that is outside the control of the school board or of the school board and some other specified entity?

b. Section PI 27.03 (5) (c) lists as one of the extraordinary reasons for starting prior to September 1 “closure of school due to forces of nature, code violations, or environmental orders.” On the surface, these appear to be reasons that a school term may be expected to begin later, rather than earlier. Is the closure of school for these reasons intended to be something projected to occur later in the school term that would necessitate an earlier start date?

c. Section PI 27.03 (5) (d) refers to “transportation of private school pupils who attend private schools.” It appears that this provision could simply refer to “transportation of pupils who attend private schools.”