



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-102

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 October 200

I. Statutory Authority

Section 115.29 (4) (b), Stats., authorizes the State Superintendent by rule to set fees and to provide exceptions from the fees charged for high school equivalency declarations and general educational development (GED) certificates based on financial need. The rule provides that the State Superintendent shall “...annually establish fees for issuing a certificate of general educational development or a high school equivalency diploma sufficient to fund program implementation and administrative costs to the department under this chapter.”

The rule does not actually set the fees, it sets out the basis for those fees. The department should review this approach in light of the statutory provision authorizing fees to be set by rules [s. 115.29 (4) (b), Stats.], the statutory definition of “rule” in s. 227.01 (13), Stats., and the requirement in s. 227.10 (1), Stats., to promulgate as a rule each statement of general policy and each interpretation of a statute. If, after reviewing these statutes, the current approach is retained, it would appear reasonable to make the annual fees available through a contact indicated in a note following the rule provision or to a Web site accessible to persons seeking the information.

Further, the rule permits the State Superintendent to provide fee exemptions based on financial need, which is the same provision as the statute. [s. 115.29 (4) (b), Stats.] The clarity of the provision would be enhanced if some indication were given in the rule as to the standards that would be used to determine financial need or how a person would apply for such an exemption.

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

The initial applicability section, as drafted, is unclear in its effect on persons who have already taken one or more GED subtests. Will they continue under the old scoring standards or will they be required to meet the higher standards?