# CLEARINGHOUSE RULE 09-066

## Comments

[<u>NOTE</u>: All citations to "Manual" in the comments below are to the <u>Administrative Rules Procedures Manual</u>, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

### *2. Form, Style and Placement in Administrative Code*

a.   The treatment clause to the rule should be rewritten to read as follows: "SECTION 1. TCS 10.03(e) and (f) are created to read:".

b.   In s. TCS 10.03 (3) (e) (intro.), "any" should be capitalized.

### *4. Adequacy of References to Related Statutes, Rules and Forms*

a.   In the analysis, citations to s. 38.22 (6), Stats., should indicate the specific statutory paragraph that is interpreted or cited as the source of agency authority.  In addition, references to s. 38.22 (6) (e) should contain the notation "as created by 2009 Wisconsin Act 28".

b.   In s. TCS 10.03 (3) (f) ", Stats." should be inserted at the end.

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

a.   The analysis states that the new residency provision applies to persons who are not residents of Wisconsin.  Section TCS 10.03 (3) (e) (intro.), however, in accordance with s. 38.22 (6) (e), Stats., applies to "any person who is a citizen of a country other than the United States."

b.   The analysis states that one condition of a person's eligibility for in-state tuition under the new provision is that they "have been continuously present in the state for the three years following their enrollment in a Wisconsin high school."  The analysis should clarify that

the three-year period during which presence in the state is required begins on the first day the person attends high school in the state.

 c. The rule would be more helpful if it specified what a district board may accept or require as "proof" under s. TCS 10.03 (e) 3.